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Enactment, Applicability, and Enforcement

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Section 9101.01 – Purpose and Applicability of the Development Code

Subsections:

- 9101.01.010 Title
- 9101.01.020 Purpose and Authority
- 9101.01.030 Relationship to Prior Ordinances
- 9101.01.040 Prior Rights and Violations
- 9101.01.050 Relationship to General Plan
- 9101.01.060 Relationship to CEQA
- 9101.01.070 Relationship to Design Guidelines
- 9101.01.080 Exemptions for City Projects
- 9101.01.090 Severability

9101.01.010 Title

This Chapter 1 of Article IX (Division and Use of Land) of the City of Arcadia Municipal Code shall be known as the "City of Arcadia Development Code" and referred to as the "Development Code."

9101.01.020 Purpose and Authority

This Development Code is intended to regulate the use and development of land within the City consistent with the City of Arcadia General Plan. It is also the intent of this Development Code to promote orderly development; protect the public health, safety, and general welfare; protect the character, social diversity, and economic vitality of neighborhoods and business districts; and ensure that new uses and development benefit the City.

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

9101.01.030 Relationship to Prior Ordinances

The provisions of this Development Code, as it existed prior to the effective date of Ordinance No. 2341, are repealed and superseded as provided in the ordinance enacting this Chapter 1. No provision of this Development Code shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Development Code as it existed prior to repeal by the ordinance enacting this Development Code, except as addressed by nonconformities created by this Development Code.

9101.01.040 Prior Rights and Violations

The enactment of this Development Code shall not terminate nor otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of this Development Code.

9101.01.050 Relationship to General Plan

This Development Code is the primary tool used by the City to carry out the goals, objectives, and policies of the General Plan. It is intended that all provisions of this Development Code be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with the General Plan.

9101.01.060 Relationship to CEQA

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

9101.01.070 Relationship to Design Guidelines

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

9101.01.080 Exemptions for City Projects

Activities of the City of Arcadia shall be exempt from the requirements of this Development Code.

9101.01.090 Severability

If any portion of this Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity, constitutionality, or enforceability of the remaining portions of this title. The Council hereby declares that this Chapter and each division, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Chapter may be declared invalid, unconstitutional, or unenforceable.

Section 9101.02 – Interpretation of the Development Code Provisions

Subsections:

9101.02.010 Purpose and Intent
9101.02.020 Rules of Interpretation
9101.02.030 Procedures for Interpretation
9101.02.040 Uses Not Classified
9101.02.050 Illustrations

9101.02.010 Purpose and Intent

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

9101.02.020 Rules of Interpretation

Amended by Ord. No. 2375

- A. Authority.** The Director has the authority to interpret provisions of this Development Code according to Subsection 9101.02.030 (Procedures for Interpretation). Whenever the Director determines that the meaning or applicability of a Development Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Commission for a determination. The Director may defer authority or interpretation, reviews, and approval to a designee. This shall be applied throughout the Development Code.
- B. Terminology.** When used in this Chapter, the following rules apply to all provisions of this Development Code:
1. **Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
 2. **Tense.** The present tense includes the past and future tense, and the future tense includes the present.
 3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
 4. **Calculations**
 - a. **Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number. An Administrative Modification pursuant to Section 9107.05 (Administrative Modifications) may be approved to round up a fraction of a unit equal to or greater than 0.5. For projects eligible for a density bonus pursuant to Government Code Section 65915 or any successor statute and Section 9103.15 (Density Bonus for Affordable and Senior Housing), any fractional number of permitted density bonus units shall be rounded up to the next whole number.
 - b. **Other Calculations.** For calculations other than residential density, the fractional/decimal results of calculations of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
 5. **Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."

- 6. **Local Reference.** “City” as used in this Development Code means the City of Arcadia, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.
- 7. **Definitions.** As defined in Division 9 (Definitions) and/or as determined/interpreted by the Director.
- C. **Number of Days.** Whenever the number of days is specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided in this Development Code, the number of days shall be construed as calendar days, unless otherwise specified. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.
- D. **Minimum Requirements.** When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

9101.02.030 Procedures for Interpretation

- A. **Authority of Director to Interpret; Referral to Commission.** Whenever the Director or designee determines that the meaning or applicability of any of the requirements of this Development Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Commission for determination.
- B. **Request for Interpretation.** Any party may file a request for an interpretation or determination of this Development Code with the Director and shall include with such request the specific provisions in question and any other information necessary to assist the Director in the review.
- C. **Record of Interpretation/Determinations.** All interpretations and determinations by the Director and Commission shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.
- D. **Appeals.** Any interpretation of this Development Code by the Director or Commission may be appealed in compliance with Section 9108.07 (Appeals).

9101.02.040 Uses Not Classified **Amended by Ord. No. 2375**

- A. **Use Not Listed Is Not Allowed.** If a use of land is not specifically listed in Division 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided below.
- B. **Director’s Determination.** Based on the authority granted in Subsection 9101.02.030 (Procedures for Interpretation), the Director may determine that a land use that is not listed in Division 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all of the following findings:
 - 1. The characteristics of, and activities associated with, the use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed in the zone;
 - 2. The use will meet the purpose/intent of the zone that is applied to the location of the use; and
 - 3. The use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable Specific Plan or Planned Development Permit.
- C. **Applicable Standards and Permit Requirements.** When the Director determines that an unlisted land use is equivalent to a listed use, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

- D. Uses Not Permitted in Arcadia.** Notwithstanding the above, Bail Bonds, Boarding Houses, short-term rental, home sharing, Check Cashing Establishments, personal recreational use, possession, purchase, transport, or dissemination of marijuana, and any other uses determined by the Director to have equivalent characteristics and activities to these prohibited uses shall not be treated as permitted or conditionally permitted uses in any zone of the City of Arcadia.

E. Marijuana Cultivation, Use and Violations

- 1. Outdoor Cultivation of Marijuana.** A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
- 2. Indoor Cultivation of Marijuana**
 - a.** A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
 - b.** To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, unless the person is issued an indoor cultivation permit by the Planning Division. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.
 - c.** The Planning Division will issue application and processing guidelines for the indoor cultivation permit. No indoor cultivation permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing requirements.
- 3. Medical Use of Marijuana**
 - a.** Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Subsection 9101.020.040.D.3 (Indoor Cultivation of Marijuana).
 - b.** The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.
- 4. Commercial Use of Marijuana.** The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:
 - a.** The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;
 - b.** The cultivation of marijuana;
 - c.** The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or
 - d.** Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

5. **Marijuana Violations.** No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Section 1200 of this Municipal Code and/or under state law.

9101.02.050 Illustrations

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

9101.02.060 State Law Requirements

Where this Development Code refers to provisions of State law (for example, the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.

Section 9101.03 – Zones Established

Subsections:

9101.03.010 Purpose and Intent
9101.03.020 Establishment of Zones

9101.03.010 Purpose and Intent

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

9101.03.020 Establishment of Zones Amended by Ord. No. 2400

- A. General.** The City is divided into zones to allow for orderly, planned development and to implement the General Plan. Table 1-1 (Zones Implementing the General Plan) identifies all zones. All zones shall be listed and appropriately designated on the official Zoning Map.
- B. Base Zone.** Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use.
- C. Overlay Zone.** An overlay zone supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply.

Table 1-1 Zones Implementing the General Plan		
Zoning Map Symbol	Zone Description	Corresponding General Plan Land Use Designation
Residential Zones		
R-M	Residential Mountainous	Residential Estate
R-0 30,000	Low Density Residential	Residential Estate, Very Low Density Residential, Low Density Residential
R-0 22,000		
R-0 15,000		
R-0 12,500		
R-1 15,000	Low Density Residential	Very Low Density Residential, Low Density Residential
R-1 12,500		
R-1 10,000		Very Low Density Residential, Low Density Residential, Horse Racing, Commercial
R-1 7,500		
R-2	Medium Density Residential	Medium Density Residential
R-3-R	Restricted High Density Residential	High Density Residential
R-3	High Density Residential	High Density Residential
Commercial Zones		
C-O	Professional Office	Commercial

**Table 1-1
Zones Implementing the General Plan**

Zoning Map Symbol	Zone Description	Corresponding General Plan Land Use Designation
C-G	General Commercial	Commercial
C-M	Commercial Manufacturing	Commercial/Light Industrial
CBD	Commercial Business District	Commercial
C-R	Regional Commercial	Regional Commercial
Mixed Use Zones		
DMU	Downtown Mixed Use	Downtown Mixed Use
MU	Mixed Use	Mixed Use
Industrial Zones		
M-1	Industrial	Industrial
Specific Plans		
SP-SA1	Specific Plan – Santa Anita 1 (Hale Medical Center)	Commercial
SP-SP	Specific Plan – Seabiscuit Pacifica	Commercial
SP-ALC	Specific Plan – Arcadia Logistics Center	Commercial/Light Industrial
Special Zones		
S-1	Special Use (Santa Anita Racetrack)	Horse Racing, Commercial
PF	Public Facilities	Public/Institutional
OS-OR	Open Space – Outdoor Recreation	Open Space – Outdoor Recreation
OS-RP	Open Space – Resources Protection	Open Space – Resources Protection
RR	Rail Right-of-Way	Rail Right-of-Way
Overlay Zones		
P	Automobile Parking Overlay	
D	Architectural Design Overlay	
DO	Downtown Overlay	Downtown Overlay
DTP	Downtown Parking Overlay	
H	Special Height Overlay	
RTE	Race Track Event Overlay	
R-F	Residential Flex Overlay	
DMU	Downtown Mixed Use Overlay	

Section 9101.04 – Zoning Map

Subsections:

- 9101.04.010 Zoning Map Adopted by Reference
- 9101.04.020 Rights-of-way and Vacated Boundary Lines
- 9101.04.030 Uncertainty of Boundaries
- 9101.04.040 Classification of Annexed Lands

9101.04.010 Zoning Map Adopted by Reference

This Development Code, together with the zoning map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance. The boundaries, designations, and locations of the zones established by this Development Code shall be shown upon the map(s) entitled "Zoning Map for the City of Arcadia" and referred to in this Development Code as the Zoning Map. Any additional maps (e.g., setback map, height map) adopted shall also be a part of this Development Code by reference.

9101.04.020 Rights-of-way and Vacated Boundary Lines

Where a public street or alley is officially vacated, the property areas associated with the vacated street or alley shall be included within the zone or zones of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the abutting properties. In the event such street, alley, or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line that is created by the vacation.

9101.04.030 Uncertainty of Boundaries

If there is uncertainty about the location of a zone boundary shown on the official Zoning Map, the Director shall determine the location of the boundary in the following manner, except as provided in Subsection 9101.04.020 (Rights-of-way and Vacated Boundary Lines), above:

- A. Where a zone or area boundary approximately follows a parcel line, street line, or alley line, the parcel line, street centerline, or alley centerline shall be construed as the zone boundary.
- B. Where a zone or area boundary divides a parcel and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map.

9101.04.040 Classification of Annexed Lands

- A. Any land annexed to the City of Arcadia shall be deemed to be zoned under such classification under this Development Code as is most nearly the equivalent zoning classification or General Plan land use designation of the City of Arcadia.
- B. Whenever it is deemed that the zoning of annexed lands is inconsistent with adopted General Plan land use policy or other City policies, the Commission may recommend and the Council may adopt the zone classifications which shall apply to the annexed lands in the manner prescribed in Division 7 (Permit Processing Procedures) for amending this Development Code.

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Division 2:

Zones, Allowable Uses, and Development Standards

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Section 9102.01 – Residential Zones

Subsections:

- 9102.01.010 Purpose and Intent
- 9102.01.020 Land Use Regulations and Allowable Uses
- 9102.01.030 Development Standards in Single-Family Residential Zones (R-M, R-0, R-1)
- 9102.01.040 Additional Residential Development Standards in Single-Family Residential Zones
- 9102.01.050 Permitted Projections in Single-Family Residential Zones
- 9102.01.060 Accessory Structures in Single-Family Residential Zones
- 9102.01.070 Swimming Pools, Spas, Water Features, and Ornamental Features
- 9102.01.080 Accessory Dwelling Units
- 9102.01.090 Development Standards in Multifamily Residential Zones (R-2, R-3, R-3-R)
- 9102.01.100 Additional Residential Development Standards in Multifamily Zones
- 9102.01.110 Permitted Projections in Multifamily Zones
- 9102.01.120 Site Design and Architectural Standards
- 9102.01.130 Exterior Lighting Standards for Residential Properties and Zones
- 9102.01.140 Other Applicable Regulations
- 9102.01.150 Urban Lot splits
- 9102.01.160 Two Unit Projects
- 9102.01.170 Multifamily Objective Development Standards
- 9102.01.180 Mixed-Use Objective Development Standards

9102.01.010 Purpose and Intent

The purpose of the residential zones is to:

1. Provide for a full range of housing types and densities consistent with the General Plan;
2. Preserve, protect, and enhance the character of Arcadia's residential neighborhoods and the quality of life of City residents;
3. Ensure adequate light, air, privacy, and open space for each dwelling; and
4. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

- A. R-M Residential Mountainous Zone.** The R-M zone is intended to provide areas for detached single-family dwelling units on estate-type lots in the hillside and valley areas of the City and accessory uses compatible with the residential use of the zone. This zone implements the General Plan Residential Estates designation.
- B. R-0 Very Low Density Residential Zone.** The R-0 zone is intended to provide areas for detached single-family dwelling units on large lots and accessory uses compatible with the residential use of the zone. This zone implements the General Plan Residential Estates, Very Low Density Residential, and Low Density Residential designations.
- C. R-1 Low Density Residential Zone.** The R-1 zone is intended to provide areas for detached single-family dwelling units and accessory uses compatible with the residential use of the zone. This zone implements the General Plan Very Low Density Residential and Low Density Residential designations.
- D. R-2 Medium Density Residential Zone.** The R-2 zone is intended to provide areas for a variety of dwelling types and accessory uses compatible with the residential use of the zone. Types of dwelling units include attached or detached single-unit and multi-unit homes and duplexes at a density of six to 12 dwelling units per acre. This zone implements is the General Plan Medium Density Residential designation.
- E. R-3 High Density Residential Zone.** The R-3 zone is intended to provide areas for a variety of medium- to high-density residential development and accessory uses compatible with the residential use of the zone. Types of dwelling units include single-unit attached, townhomes, condominiums, and apartment structures at a density of 20 to 40 units per acre. This zone implements the General Plan High Density Residential designation.

- F. R-3-R Restricted High Density Residential Zone.** The R-3-R zone is intended to provide areas for medium to high-density residential development at a density of 12 to 30 units per acre but restricted to one story in height. Accessory uses compatible with the residential use of the zone are also permitted. This zone implements the General Plan High Density Residential designation.

9102.01.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2348

Amended by Ord. No. 2363

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2397

Amended by Ord. No. 2400

Amended by Ord. No. 2401

- A. Allowed Uses.** Table 2-1 (Allowed Uses and Permit Requirements for Residential Zones) indicates the uses allowed within each residential zone and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

“M” designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permit and Minor Use Permit) of this Development Code.

“C” designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 (Conditional Use Permit and Minor Use Permit) of this Development Code.

“--” designates uses that are not permitted.

- B. Director Determination.** Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.

- C. Specific Use Regulations.** Where the last column in Table 2-1 (Allowed Uses and Permit Requirements for Residential Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

- D. Housing Element Candidate Sites.** Pursuant to Government Code Section 65583. 2(c), residential uses shall be allowed by right for housing development in which at least 20% of the units are affordable to lower- income households for sites that:

1. Are non-vacant and identified in the 5th Cycle Housing Element planning period; and
2. Vacant sites included in two or more consecutive Housing Element planning cycle;
3. Eligible sites can be found in the City's 2021- 2029 Housing Element (6th Cycle). Development shall meet all of the requirements of the respective zone in which such sites are located in unless otherwise permitted by this Division, and shall comply the provisions of applicable environmental documents for such site, if any.

- E. Multi-Family Uses Permitted By-Right.** Multifamily residential uses are permitted by-right in the following zones when 20% or more affordable units are provided per Gov't Code Section 65583. 2 (i): R-2, R-3, R-3-R, MU, DMU, and RF and DMU overlays.

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CHAPTER 1: DEVELOPMENT CODE

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones		P Permitted A Permitted as an Accessory Use M Minor Use Permit Required C Conditional Use Permit Required -- Not Allowed					
Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations
Residential Uses							
Boarding House	--	--	--	--	--	--	
Dwellings							
Single-Family Dwelling	P	P	P	P	P	--	See required minimum density (Section 9102.01.090, Table 2-6 and) Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)
Multifamily Dwelling	--	--	--	P	P	P	See Land Use Regulations and Allowable Uses (Section 9102.01.020)
Two-Family Dwelling	--	--	--	P	P	P	
Accessory Dwelling Unit	A	A	A	A	A	A	
Short-Term Rental	--	--	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement of a Short-Term Rental in any zone allowing residential uses. See Section 9104.02.300
Home Sharing	--	--	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement for Home Sharing in any zone allowing residential uses. See Section 9104.02.300
Manufactured Housing Unit	P	P	P	P	P	--	See required minimum density (Section 9102.01.090, Table 2-6 and) Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones	P A M C --	Permitted Permitted as an Accessory Use Minor Use Permit Required Conditional Use Permit Required Not Allowed					
Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations
Agricultural Uses							
Urban Agriculture	A	A	A	A	A	A	See Subsection 9104.02.030 (Agricultural Uses –Urban Agriculture, Small Animal and Fowl, and Horses). See Subsection 9104.02.145 (Employee Housing)
Horse Keeping	A	A	A	--	--	--	
Small Animal and Fowl Keeping	A	A	A	--	--	--	
Education							
Schools, Private	C	C	C	C	C	C	May only be permitted as a Conditional Use, accessory to a Place of Religious Assembly.
Medical-Related and Care Uses							
Day Care, General	--	--	--	--	--	--	See Subsection 9104.02.080 (Day Care, General)
Day Care, Limited - Small Family	A	A	A	A	A	A	See Subsection 9104.02.100 (Day Care, Limited – Small Family)

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones		P Permitted A Permitted as an Accessory Use M Minor Use Permit Required C Conditional Use Permit Required -- Not Allowed					
Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations
Day Care, Limited - Large Family	A	A	A	A	A	A	See Subsection 9104.02.090 (Day Care, Limited – Large Family)
Employee Housing – Six or Fewer Persons	P	P	P	P	P	P	See subsection 9104.02.145 (Employee Housing)
Residential Care Facility – Six or fewer persons	P	P	P	P	P	P	See Subsection 9104.02.260 (Residential Care Facilities)
Residential Care Facility – Seven or more persons	P	P	P	P	P	P	See Subsection 9104.02.260 (Residential Care Facilities)
Supportive Housing – Housing Type	P	P	P	P	P	P	
Supportive Housing – Residential Care Facility Small Type	P	P	P	P	P	P	
Transitional Housing – Housing Type	--	--	--	P	P	P	
Transitional Housing – Residential Care Facility Small Type	P	P	P	P	P	P	
Other Uses							
Antennas and Wireless Communication Facilities - Co-location or Panel	--	--	--	--	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities - Standalone Facility	--	--	--	--	--	--	
Places of Religious Assembly	--	C	C	C	C	--	Tutoring and Educational Centers may be permitted as an Accessory Use under a Conditional Use Permit
Sports Courts (Private)	P	P	P	P	P	P	Must comply with Subsection 9104.02.330 (Sports Courts in Residential Zones)
Recharging Stations	A	A	A	A	A	A	
Utility Structures and Service Facilities	C	C	C	C	C	C	

9102.01.030 Development Standards in Single-Family Residential Zones (R-M, R-0, R-1)

Amended by Ord. No. 2347

Amended by Ord. No. 2363

Amended by Ord. No. 2401

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-1 (Allowed Uses and Permit Requirements for Residential Zones), 2-2 (Development Standards for Single-family Residential Zones), and 2-3 (Additional Development Standards for Homeowners Association Areas), and the development standards in Division 3 (Regulations Applicable to All Zones-Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-2 and Table 2-3. Exceptions and additional regulations are included in Subsection 9102.01.040 (Additional Residential Development Standards in Single-Family Residential Zones). Standards for accessory structures and accessory dwelling units are outlined in Subsection 9102.01.060 (Accessory Structures in Single-family Residential Zones) and Subsection 9102.01.080 (Accessory Dwelling Units). Development standards for garages and other parking areas are located in Section 9103.07 (Off-Street Parking and Loading). Development standards for fences, walls, and gates are outlined in Section 9103.05 (Fences, Walls, and Gates). Development standards for landscaping requirements are located in Section 9103.09.040.B (Landscape Requirements for Residential Zones).

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Table 2-2
General Development Standards for
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	R-M	R-0	R-1	Additional Requirements
Lot Standards				
Minimum Lot Area (sq ft)	15,000	R-0-30,000: 30,000 R-0-22,000: 22,000 R-0-15,000: 15,000 R-0-12,500: 12,500	R-1-15,000: 15,000 R-1-10,000: 10,000 R-1-7,500: 7,500 R-1-12,500: 12,500	
Minimum Lot Width				
At Front Property Line	100 ft; 44 ft for cul-de-sac lots	100 ft; 57 ft for cul-de-sac lots	75 ft; 44 ft for cul-de-sac lots	
At Front Setback Line	75 ft	100 ft 85 ft on reverse corner lot	75 ft	
Minimum Lot Depth	100 ft	100 ft	100 ft	
Structure Form and Location Standards				
Maximum Floor Area				
Areas North of Huntington Drive (Outside of Homeowners Associations Identified by City Council Resolution)				For measurement standards and general exceptions, see also Subsection 9103.01.030 (Measuring Floor Area and Floor Area Ratio).
Lot Size: Up to 7,500 sf	45% of lot area			
7,501 – 10,000	3,375 sq ft plus 40% of lot area over 7,500 sq ft			
10,001 – 15,000	4,375 sq ft plus 35% of lot area over 10,000 sq ft			
15,001 – 20,000	6,125 sq ft plus 25% of lot area over 15,000 sq ft			
20,001 – 30,000	7,375 sq ft plus 20% of lot area over 20,000 sq ft			
30,001 +	9,375 sq ft plus 15% of lot area over 30,000 sq ft			
Areas South of Huntington Drive (Outside of Homeowners Associations Identified by City Council Resolution)				
Lot Size: Up to 10,000 sf	45% of lot area			
10,001 – 15,000	4,500 sq ft plus 40% of lot area over 10,000 sq ft			
15,001 – 20,000	6,500 sq ft plus 30% of lot area over 15,000 sq ft			
20,001 – 40,000	8,000 sq ft plus 25% of lot area over 20,000 sq ft			
40,001 +	13,000 sq ft plus 32% of lot area over 40,000 sq ft			

Table 2-2
General Development Standards for
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	R-M	R-0	R-1	Additional Requirements
Incentive for One-Story Houses	3% of lot area in additional floor area			
Maximum Density	1 unit per lot	1 unit per lot	1 unit per lot	Except as allowed by Subsection 9102.01.080 (Accessory Dwelling Units)
Minimum Setbacks				
Front	25 ft	35 ft	25 ft	See Subsection 9102.01.040 (Additional Residential Development Standards), Subsection 9103.01.060 (Setback Measurements and Exceptions), and Subsection 9102.01.050 (Permitted Projections in Single-family Residential Zones)
Side – first or single story				
Interior	10 ft or 10% of lot width, whichever is greater, but not to exceed 15 ft as a required setback	10 ft or 10% of the lot width, whichever is greater	5 ft or 10% of the lot width, whichever is greater	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Corner (street side)	20 ft	20 ft	20 ft	
Reverse Corner (street side)	20 ft	25 ft	25 ft	
Side - second story				
Interior	15 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	10 ft or 20% of the lot width, whichever is greater	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Corner (street side)	20 ft	20 ft	20 ft	
Reverse Corner (street side)	20 ft	25 ft	25 ft	
Rear - first or single story	25 ft	35 ft	25 ft	Additional rear setback of one foot required on each story for every 10 feet above 150 feet of lot depth. See Subsection 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Rear - second story	35 ft	35 ft	35 ft	

**Table 2-2
General Development Standards for
Single-family Residential Zones (R-M, R-0, R-1)**

Development Feature	R-M	R-0	R-1	Additional Requirements
Maximum Lot Coverage				
1-story dwellings	45%	45%	45%	
2-story dwellings	35%	35%	35%	
Maximum Height	25 ft for lots less than 71-foot lot width; an additional 1 ft in height for every additional 1 ft in lot width up to 75 ft lot (30 ft height). 80-85 ft lot width: 31 ft 85'-1"-90 ft lot width: 32 ft 90'-1"-95 ft lot width: 33 ft 95'-1"-100 ft lot width: 34 ft 100'-1"+ ft lot width: 35 ft	25 ft for lots with less than 75-foot lot width 30 ft for lots with 75-foot width or greater	Citywide: 25 ft for lots with less than 75-foot lot width; 30 ft for lots with 75-foot width or greater	See Subsection 9103.01.030 (Measuring Floor Area and Floor Area Ratio)
Maximum Number of Stories	2 stories	2 stories	2 stories	Exposed basements shall be considered a story.
Maximum Street-Facing Porch Height	14 ft	14 ft	14 ft	See Subsection 9102.01.040.1 (Porch Height).
Encroachment Plane				
Front Property Line	40 degrees	30 degrees	30 degrees	No portion of any structure shall encroach through a plane projected from the identified angle as measured at the ground level along the front property line. That point shall be located at the intersection of a horizontal projection of the adjacent grade elevation and its intersection with the property line. See Figure 2-1 (Encroachment Plane).
Interior Rear and/or Interior Side	N/A	N/A	N/A	
Corner Street Side Property Line	N/A	40 degrees	40 degrees	

Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)

Maximum Floor Area in Specific Homeowners Association Areas

For measurement standards and general exceptions, see also Subsection 9103.01.030 (Measuring Floor Area and Floor Area Ratio).

HOA and Lot Size	Floor Area Ratio
Santa Anita Village and Highlands HOAs	
Less than 10,000 sf	35% of lot area
10,001 – 15,000	3,500 sq ft plus 25% of lot area over 10,000 sq ft
15,001 – 20,000	4,750 sq ft plus 10% of lot area over 15,000 sq ft
20,001 – 30,000	5,250 sq ft plus 10% of lot area over 20,000 sq ft
30,001 +	6,250 sq ft plus 10% of lot area over 30,000 sq ft
Lower Rancho and Santa Anita Oaks HOAs	
Less than 10,000 sf	37% of lot area
10,001 – 15,000	3,700 sq ft plus 37% of lot area over 10,000 sq ft
15,001 – 20,000	5,550 sq ft plus 20% of lot area over 15,000 sq ft
20,001 – 30,000	6,550 sq ft plus 20% of lot area over 20,000 sq ft
30,001 +	8,550 sq ft plus 15% of lot area over 30,000 sq ft
Upper Rancho HOA	
Less than 10,000 sf	45% of lot area
10,001 – 15,000	4,500 sq ft plus 40% of lot area over 10,000 sq ft
15,001 – 20,000	6,500 sq ft plus 30% of lot area over 15,000 sq ft
20,001 – 40,000	8,000 sq ft plus 25% of lot area over 20,000 sq ft
40,001+	13,000 sq ft plus 32% of lot area over 40,000 sq ft
Incentive for One-Story Homes in all HOA Areas	
3% of the lot area in additional floor area	

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Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
Minimum Setbacks						
Front	25 ft	25 ft	35 ft	65 ft Exceptions: Tract 13544 shall be a minimum of 60 ft Tracts 13345 and 11013 shall be a minimum of 55 ft and Tract 14656 shall be a minimum of 50 ft	50 ft	See Subsection 9102.01.040 (Additional Residential Development Standards), Subsection 9103.01.060 (Setback Measurements and Exceptions), and Subsection 9102.01.050 (Permitted Projections in Single-family Residential Zones)
Side – first or single story						
Interior	5 ft or 10% of the lot width, whichever is greater	R-M: 10 ft or 10% of lot width, whichever is greater, but not to exceed 15 ft as a required setback R-1: 6 ft or 10% of the lot width, whichever is greater	10 ft or 10% of the lot width, whichever is greater	10 ft or 10% of the lot width, whichever is greater	15 ft	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Corner (street side)	20 ft	20 ft	20 ft	20 ft	20 ft	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Reverse Corner (street side)	25 ft	R-M: 20 ft R-1: 25 ft	25 ft	25 ft	25 ft	
Side - second story						

Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
<i>Interior</i>	10 ft or 20% of the lot width, whichever is greater	R-M: 15 ft or 20% of the lot width, whichever is greater R-1: 10 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single- family Residential Zones).
<i>Corner (street side)</i>	20 ft	20 ft	20 ft	20 ft	20 ft	
<i>Reverse Corner (street side)</i>	25 ft	R-M: 20 ft R-1: 25 ft	35 ft	35 ft	35 ft	
Rear						
First or single story	25 ft	25 ft	35 ft	35 ft	40 ft	Additional rear setback of one foot required on each story for every 10 feet above 150 feet of lot depth. See Subsection 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Second story	35 ft	35 ft	35 ft	35 ft	35 ft	
Maximum Lot Coverage						
1-story dwellings	45%	45%	45%	45%	45%	
2-story dwellings	35%	35%	35%	35%	35%	
Maximum Number of Stories	2 stories	2 stories	2 stories	2 stories	2 stories	Exposed basements shall be considered a story.
Maximum Street-Facing Porch Height	14 ft	14 ft	14 ft	14 ft	14 ft	See Subsection 9102.01.040.I (Porch Height).

Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
Encroachment Plane						
Front Property Line	30 degrees	R-M: 40 degrees R-1: 30 degrees	30 degrees	30 degrees	30 degrees	No portion of any structure shall encroach through a plane projected from the identified angle as measured at the ground level along the front property line. That point shall be located at the intersection of a horizontal projection of the adjacent grade elevation and its intersection with the property line. See Figure 2-1 (Encroachment Plane).
Interior Rear and/or Interior Side	N/A	N/A	N/A	N/A	N/A	
Corner Street Side Property Line	40 degrees	40 degrees	40 degrees	40 degrees	40 degrees	

Table 2-3 ^{(1) (3)} Additional Development Standards for Homeowners Association Areas Single-family Residential Zones (R-M, R-0, R-1)					
Development Feature	Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Oaks (R-0)	Upper Rancho (R-0)
Maximum Height ⁽²⁾	25 ft	R-M: 25 ft for lots less than 71-foot lot width; an additional 1 ft in height for every additional 1 ft in lot width up to 75 ft lot (30 ft height). 80-85 ft lot width: 31 ft 85'-1"-90 ft lot width: 32 ft 90'-1"-95 ft lot width: 33 ft 95'-1"-100 ft lot width: 34 ft 100'-1"+ ft lot width: 35 ft R-1: Less than 75 ft lot width: 25 ft 75'-94 ft lot width: 27 ft 94'-1"-114 ft lot width: 29 ft 114'-1" ft lot or larger width: 30 ft	25 ft for lots with less than 75- foot lot width 30 ft for lots with 75-foot width or greater	25 ft for lots with less than 75- foot lot width 30 ft for lots with 75-foot width or greater	25 ft for lots with less than 75- foot lot width 30 ft for lots with 75-foot width or greater

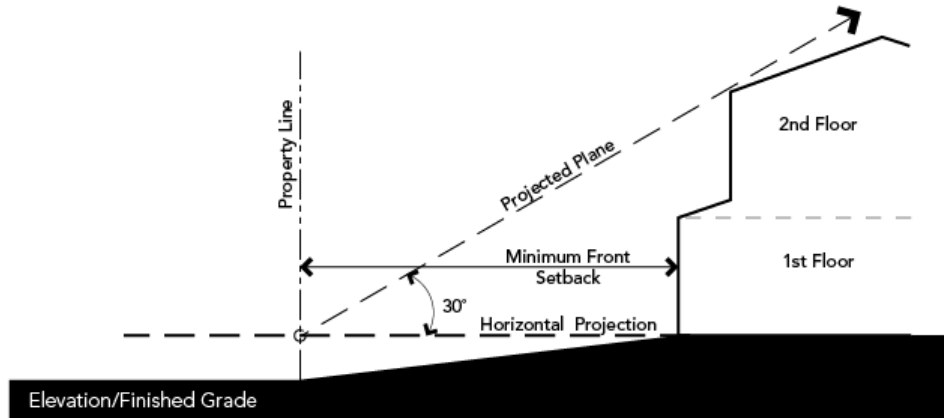
Notes:

(1) In cases where the underlying zoning's Development Standard is greater than the requirements stated in Table 2-3, Additional Development Standards for Homeowners Association Areas Single-family Residential Zones (R-M, R-0, R-1), the underlying zoning shall be used unless an exception is specifically identified.

(2) See Subsection 9103.01.030 (Measuring Floor Area and Floor Area Ratio)

(3) See Subsection 9102.01.040(J) for additional regulations regarding garages and carports.

Figure 2-1
Encroachment Plane – R-0 and R-1 Zones



9102.01.040 Additional Residential Development Standards in Single-Family Residential Zones
Amended by Ord. No. 2347
Amended by Ord. No. 2363

A. Front Setbacks – Additional Standards in R-M, R-0, and R-1 Zones

1. Front Setback Exceptions

- a. **Front Setback Exception: R-M Zone.** The front setback shall be the average of the two nearest developed lots that front on the same street, unless a greater setback is specified in Subsection 9103.01.060 (Setback Measurements and Exceptions).
 - b. **Front Setback Exception: R-0 Zone.** The front setback shall be the greater of (a) 35 feet; and (b) the average of the two nearest developed lots, unless a greater setback is specified in Subsection 9103.01.060 (Setback Measurements and Exceptions).
 - c. **Front Setback Exception: R-1 Zone.** The front setback shall be the greater of (a) 25 feet; and (b) the average of the two nearest developed lots, unless a greater setback is specified in Subsection 9103.01.060 (Setback Measurements and Exceptions).
- B. No Parking within Front and/or Street Side Setbacks.** No parking shall be allowed within required front or street side setbacks, or within any landscaped area not designated as a driveway or parking space.
- C. Exceptions to Rear Setbacks on Corner and Reverse Corner Lots in R-0 and R-1 Zones – Attached Single-Story Garage.** On corner and reverse corner lots in the R-0 and R-1 zones, an attached garage portion of a main dwelling that does not exceed one story and 16 feet in height may be located within 15 feet of the rear property line.
- D. Height Exception for Chimneys and Roof-Mounted Vents.** Chimneys and roof-mounted vents shall be allowed to exceed height limits to the minimum extent required by Article VIII (Building Regulations).
- E. Temporary/Portable Structures.** One temporary or portable structure, with the exception of tents and canopies, not exceeding 120 square feet in area and eight feet six inches in height is permitted. The structure shall comply with all setback requirements and, if applicable, be approved by the City's established Homeowners' Association.
- F. Roof Decks.** Roof decks are not permitted in the R-M, R-0, and R-1 zones.

G. Basements

1. **Extent.** Basements shall not extend beyond the external walls of the first story of the structure above the basement.
2. **Minimum Setback.** On any lot, the minimum setback to the basement wall is 10 feet from any property line.
3. **Light Wells.** Light wells for basements and exterior stairways to basements are permitted to the extent necessary to comply with Building and Fire Codes. Light wells for basements and exterior stairways shall be set back a minimum of five feet from any property lines.

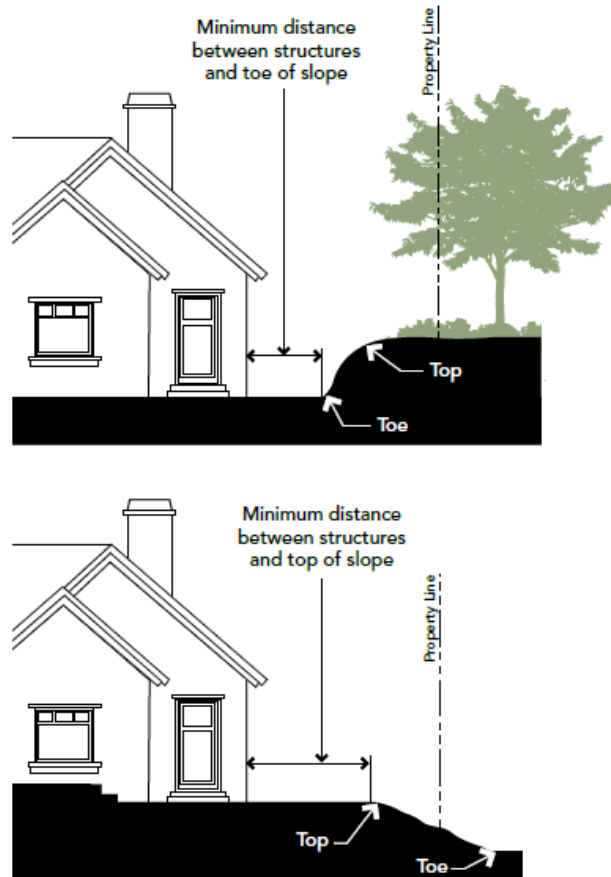
H. Porch Height

1. There shall be no vertical or architectural elements located above the building primary entrance entry that emphasizes the scale and massing of the structure.
2. For projecting porches, the maximum allowable height as required in Table 2-2 shall be measured to the uppermost point of the projecting feature, including roof ridges, railings, cornices, and other decorative features. For recessed porches, the height shall be measured to the uppermost point of the opening.

I. Hillside Development Standards. Hillside development standards outlined in this Subsection shall apply to development of all new structures, additions to existing structures, and other property improvements in the R-M zone and any lot with an average slope of 20 percent or greater. For the purposes of this Subsection, swimming pools, spas, and fish ponds constructed on a lot shall all be considered structures.

1. **Minimum Distance between Structures and Slopes.** In addition to the setback requirements that apply to the underlying zone, the minimum distance between a structure and the top or toe of slope where the slope is between the structure and front, side, and/or rear property line(s) shall be 5 feet. See Figure 2-2 (Minimum Distance Between Structures and Slopes).

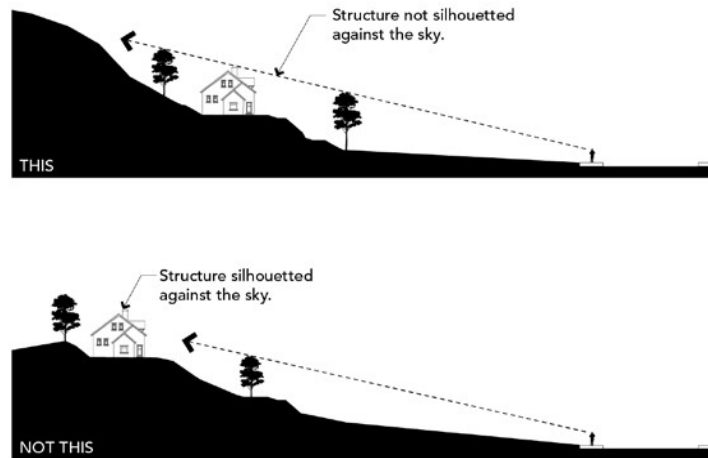
Figure 2-2
Minimum Distance Between Structures and Slopes



2. Ridgeline Protection

- a. Structures shall be located so that a vertical separation of at least 30 feet is provided between the top of the structure and the top of the ridge or knoll to maintain the natural appearance of the ridge. Grading should also be avoided within 30 vertical feet of the top of a ridge or knoll. Placement of structures should also take advantage of existing vegetation for screening, and should include the installation of additional native plant materials to augment existing vegetation, where appropriate.
- b. Structures shall not be placed so that they appear silhouetted against the sky when viewed from a public street, except where the Review Authority determines that the only feasible building site cannot comply with this standard. See Figure 2-3 (Ridgeline Protection – Residential Hilltop Line of Sight).

Figure 2-3
Ridgeline Protection – Residential Hilltop Line of Sight



J. Garages and Carports in Homeowners Association Areas. Carports shall not be permitted in the Homeowners Association Areas. The following regulations shall apply to garages in Homeowners Association Areas:

1. **Santa Anita Village:** Garages shall not dominate the front elevation and shall be setback from the front façade or located in the backyard.
2. **Lower Rancho:** Garages shall not dominate the front elevation and shall be setback from the front façade or located in the backyard.
3. **Santa Anita Oaks:** No garage shall be closer to the front property line than the main dwelling. Front facing garage are strongly discouraged. A detached garage shall not be located less than 150 feet from the front property line.

Exceptions: Tract 11013 which shall be a minimum of 140 ft. Tracts 13345, 14656, & 13544 shall be a minimum of 125 ft

4. **Upper Rancho:** No garage door shall be allowed to face the public right-of-way within the front 150 ft of the property. No garage door shall be closer to the street than the dwelling. Corner lots shall be evaluated on a case-by-case basis.

Exception: Lots 1 through 20 of Tract No. 13184

K. Landscaping Requirements. All cut or fill slopes exceeding six feet six inches in vertical height between two or more contiguous lots shall be planted with adequate plant material to protect the slope against erosion. Said planting shall cover the bank within two years from the time of planting. The permittee, owner or developer shall water the planted slopes at sufficient time intervals to promote growth.

- I. **Maintenance and Grading Permit Required.** The owner of any property, or any other person or agent in control of such property, on which is located any retaining walls, cribbing, drainage structures, planted slopes and other protective devices, required pursuant to a permit granted under this Division or required pursuant to the issuance of a grading permit, shall maintain said retaining walls, cribbing, drainage structures, planted slopes and other protective devices in good condition and repair at all times.

9102.01.050 Permitted Projections in Single-Family Residential Zones

Amended by Ord. No. 2347

Amended by Ord. No. 2401

- A. **Permitted Architectural Projections in Single-Family Residential Zones.** In R-M, R-0, and R-1 zones, architectural and similar features may extend into required setback areas as identified in Table 2-4 (Permitted Projections and Encroachment into Required Setback in Single-Family Zones).

Table 2-4 Permitted Projections and Encroachment into Required Setback in Single-Family Zones	Maximum Permitted Encroachment Distance Into Required Setback Area			
	R-M, R-0, and R-1 Zones			
	Architectural Feature	Front ⁽¹⁾	Side ⁽²⁾	
1 st Story			2 nd Story	
Awnings	18 inches	--	--	18 inches
Balconies	--	--	--	--
Bay windows, garden windows ⁽⁴⁾	18 inches	18 inches	18 inches	18 inches
Chimneys	18 inches	18 inches	18 inches	18 inches
Cornices, belt courses, buttresses, pilasters, pillars, sills	12 inches	--	--	--
Eaves ⁽⁵⁾	30 inches	30 inches	30 inches	30 inches
Fire escapes, elevator shafts and open stairways	--	--	--	--
Trellis structures and patio covers	--	--	--	--

Notes:

(1) Front Setback Exception (R-M Zone only) – Architectural features shall not project into the front setback in the R-M zone.

(2) Side Setback Exception (R-M Zone only) – A portion of a gable roof and walls thereunder which do not exceed a maximum height of 20 feet and which enclose a portion of the first story living area and/or interior stairwells which have no window(s) facing the side yard, may encroach into the required setback but in no event shall such encroachment be less than the required first story setback except as may be approved pursuant to an Administrative Modification (Section 9107.05).

(3) Rear Setback Exception (R-M Zone only) – Architectural features shall not project into the rear setback in the R-M zone.

(4) In all zones, bay windows, garden windows, and other similar architectural projections shall have a vertical distance of 30 inches or greater between the lowest surface of the projection and the finished floor.

(5) Eaves Exception (R-M Zone only) – Eaves may extend or project a maximum of two feet beyond the required setback on both the first and second stories.

- B. Mechanical Equipment Projections in Single-Family Residential Zones.** Mechanical equipment shall comply with the required setbacks set forth for the structure the mechanical equipment will serve. Exceptions: (1) Tankless water heaters and solar batteries may encroach into the required side and rear setbacks by 30 inches. (2) Mechanical equipment serving swimming pools, spas, and water features shall not be set back less than three feet from the rear property line.

9102.01.060 Accessory Structures in Single-Family Residential Zones

Amended by Ord. No. 2347

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2401

Accessory structures, as defined in Division 9 (Definitions) of this Development Code, but excluding required garages, are allowed in residential zones and are subject to the development standards set forth in Table 2-5 (Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones). Accessory dwelling unit regulations are set forth in Subsection 9102.01.080 (Accessory Dwelling Units). Any allowable accessory structure that does not require a building permit shall meet the requirements of this Development Code for use, placement on the lot, height, and size. The construction and/or relocation of an accessory structure shall require review and approval per the Site Plan and Design Review, as set forth in Section 9107.19 (Site Plan and Design Review).

A. Restrictions on Number and Use

- 1. Primary Building Required.** An accessory structure(s) is allowed onsite only when there is a primary dwelling on site.
- 2. Number Allowed.** A maximum of two detached accessory structures are allowed on any one lot. This maximum number is reduced by the number of legal accessory dwelling units on the lot.
- 3. Kitchen.** No kitchen is allowed within the accessory structure

4. **Bathroom.** The accessory structure may contain a sink, a toilet and/or a shower.
5. **Rooms.** No more than one room is allowed within the accessory structure, aside from a bathroom containing a sink, toilet and/or a shower.
6. **Covenant Required.** A covenant approved as to form by the City shall be recorded prior to the issuance of any building permit for any accessory structure stating that the accessory structure will not be used for overnight stay, rented, or used as a dwelling unit.

B. Development Standards

1. **General Standards.** Accessory structures shall comply with the development standards set forth in Table 2-5 (Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones).
2. **Consistent Exterior Appearance.** All accessory structures on a permanent foundation shall be consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, and architectural styles.

Table 2-5 Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones ⁽¹⁾				
Development Feature	R-M	R-0	R-1	Additional Requirements
Maximum Floor Area	50% of the ground floor area of the main building	50% of the ground floor area of the main building	50% of the ground floor area of the main building	Shall be counted toward total allowable floor area for the zone, pursuant to Subsections 9102.01.030 (Development Standards in Single-Family Residential Zones) and 9102.01.040 (Additional Residential Development Standards in Single-Family Residential Zones).
Minimum Setbacks				
Front (public or private street)	Same as dwelling requirement	Same as dwelling requirement	Same as dwelling requirement	For exceptions refer to Subsection 9102.01.040.B (Front Setbacks-Additional Standards in R-M and R-0 Zones).
Side	10 ft	Same as dwelling requirement	Same as dwelling requirement	
Reverse Corner (street side)	20 ft	Same as dwelling requirement	Same as dwelling requirement	For exceptions refer to Subsection 9102.01.040.C (Exceptions to Rear Setbacks on Corner and Reverse Corner Lots in R-0 and R-1 Zones-Attached Single-Story Garage)
Rear	10 ft	10 ft	10 ft	

Table 2-5 Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones ⁽¹⁾				
Development Feature	R-M	R-0	R-1	Additional Requirements
Maximum Number of Stories	One story	One story	One story	
Minimum Distance Between Structures	6 ft	6 ft	6 ft	
Maximum Height	16 ft and cannot exceed the maximum height of dwelling	16 ft and cannot exceed the maximum height of dwelling	16 feet and cannot exceed the maximum height of dwelling	See Subsection 9103.01.050 (Height Measurements and Exceptions) and 9102.01.040.E (Height Exception for Chimneys and Roof-Mounted Vents).
Minimum Encroachment Plane				
Front Property Line	40 degrees	30 degrees	30 degrees	
Interior Rear and/or Interior Side	N/A	N/A	N/A	
Street Side (Reverse Corner) Property Lines	N/A	40 degrees	40 degrees	

Notes:

(1) Accessory dwelling units are subject to the development standards in Subsection 9102.01.080.

9102.01.070 Swimming Pools, Spas, Water Features, and Ornamental Features
Amended by Ord. No. 2347

- A. Purpose and Applicability.** The provisions of this Subsection supplement those pertaining to swimming pool enclosures set forth in Article VIII (Building Regulations), Chapter 5 (Swimming Pool Enclosures and Safety Devices) of the Municipal Code.
- B. Pools and Spas Setbacks in the R-M, R-0, and R-1 Zones.** Private swimming pools and spas may not be constructed and maintained in any required front yard, nor within five feet of any side or rear lot line, nor within 10 feet of the property line on the street side of a corner lot. Pools in the street side yard shall be fully screened from the public right of way. The open portions of such pools or spas shall be deemed as open and unobstructed areas for the purposes of computing landscaping area requirements.
- C. Water Features.** The following limitations shall apply for the installation of any water feature (including fountains and ponds, but not including swimming pools and spas) and its mechanical equipment:
- 1. Maximum Height.** The maximum height of a water feature shall not exceed four feet six inches, as measured from the adjacent existing grade.
 - 2. Minimum Front Setback.** All water features and related mechanical equipment shall be at least 15 feet from the front property line.
 - 3. Minimum Side and Rear Setbacks.** All water features that require external mechanical equipment shall comply with applicable side and rear setback requirements of the accessory structure.
 - 4. Maximum Depth.** The maximum water depth of a water feature shall not exceed 18 inches measured from the highest possible water level, or as required by California Building Code Chapter 31 (Special construction), Section 3119.B.5 (Pools), as it may be amended from time to time.

- D. Ornamental Features.** The following limitations shall apply for the installation of any ornamental feature (including statues and other ornamental art, but not including pools, spas, fountains, or ponds):
1. **Maximum Height.** The maximum height of an ornamental feature shall not exceed four feet six inches, as measured from the adjacent existing grade.
 2. **Minimum Front Setback.** All ornamental features shall be at least 15 feet from the front property line.
 3. **Maximum Number.** The maximum number of ornamental features located within the front yard shall not exceed two.

9102.01.080 Accessory Dwelling Units

Amended by Ord. No. 2347

Amended by Ord. 2369 & 2370

Amended by Ord. No. 2375

Amended by Ord. No. 2396

Amended by Ord. No. 2401

- A. Accessory Dwelling Units. Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.
- B. Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the City's General Plan and zoning designation for the lot on which the ADU or JADU is located.
 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition, as defined below under Definitions. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- C. Definitions.** As used in this section, terms are defined as follows:
1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
 2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 3. "Complete independent living facilities" means 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.
 4. "Efficiency kitchen" means a kitchen that includes all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
 5. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
 - a. It is no more than 500 square feet in size.
 - b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - e. It includes an efficiency kitchen, as defined in above.
 6. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
 7. "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.

8. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
9. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
10. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
11. “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.
12. “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.

D. Approvals. The following approvals apply to ADUs and JADUs under this section:

1. Building-permit Only. If an ADU or JADU complies with each of the general requirements in subsection (E) below, it is allowed with only a building permit in the following scenarios:

A. Converted on Single-family Lot: One ADU as described in this subsection and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

1. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
2. Has exterior access that is independent of that for the single-family dwelling; and
3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
4. The JADU complies with the requirements of Government Code sections 66333 through 66339.

B. Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot), if the detached ADU satisfies each of the following limitations:

1. The side and rear yard setbacks are at least four (4) feet.
2. The total floor area is 800 square feet or smaller.
3. The height does not exceed the applicable height limit in subsection below under “Height.”

C. Converted on Multifamily Lot: One or more ADUs within 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 converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

D. Limited Detached on Multifamily Lot: No more than two (2) detached ADUs on a lot with a proposed multifamily dwelling, or up to eight (8) detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:

1. The side and rear yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
2. The height does not exceed the applicable height limit provided in subsection below under “Height.”
3. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

2. ADU Permit.

- A. Except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (E) and (F) below.
- B. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the director of community development and approved by the city council by resolution.

3. Process and Timing.

- A. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- B. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - 1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - 2. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- C. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period.
- D. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

- E. General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. Zoning

- A. An ADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential or mixed-use zone.
- B. An ADU subject to an ADU permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- C. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

2. Height

- A. Except as otherwise provided by subsections (E)(2)(B) and (E)(2)(C) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
- B. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

- C. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- D. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (E)(2)(D) may not exceed two stories.
- E. For purposes of this subsection (E)(2), height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

3. Fire Sprinklers

- A. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- B. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

4. Rental Term. No ADU or JADU may be rented for a term that is shorter than 28 days. This prohibition applies regardless of when the ADU or JADU was created.

5. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

6. Owner Occupancy.

- A. ADUs created under this section on or after January 1, 2020 are not subject to an owner-occupancy requirement.
- B. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection (E)(7)(B) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

7. Deed Restriction. Prior to issuance of a certificate of occupancy for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

- A. The JADU may not be sold separately from the primary dwelling.
- B. The JADU is restricted to the approved size and to other attributes allowed by this section.
- C. The deed restriction runs with the land and may be enforced against future property owners.
- D. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

- E. The deed restriction is enforceable by the Director, or designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

8. Building & Safety.

- A. Must comply with Building Code. Subject to subsection below, all ADUs and JADUs must comply with all local building code requirements.
- B. No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official or Code Enforcement Division makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection prevents the city from changing the occupancy code of a space that was uninhabitable or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

- F. Specific ADU Requirements.** The following requirements apply only to ADUs that require an ADU permit under subsection (d)(2) above.

1. Maximum Size.

- A. The maximum size of a detached or attached ADU subject to this subsection (F) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- B. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- C. Application of other development standards in this subsection (F), such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (F)(1)(B) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.

- 2. Floor Area Ratio (FAR).** No ADU subject to this subsection (F) may cause the total FAR of the lot to exceed 45 percent, subject to subsection (F)(1)(C) above.

3. Setbacks.

- A. ADUs that are subject to this subsection (F) must conform to four (4) foot side and rear setbacks. ADUs that are subject to this subsection (F) must conform to required front setbacks, subject to subsection (F)(1)(C) above.
- B. No setback is required for an ADU that is subject to this subsection (F) if the ADU is constructed in the same location and to the same dimensions as an existing structure.

- 4. Lot Coverage.** No ADU subject to this subsection (F) may cause the total lot coverage of the lot to exceed 45 percent if the primary dwelling is one-story or 35-percent if the primary dwelling is two-story, subject to subsection (F)(1)(C) above.

- 5. Minimum Open Space.** No ADU subject to this subsection (F) may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection (F)(1)(C) above.

6. Passageway. No passageway, as defined by subsection (C)(9) above, is required for an ADU.

7. Parking.

- A. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (C)(12) above.
- B. Exceptions. No parking under subsection (F)(7)(A) is required in the following situations:
 - 1. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (C)(11) above.
 - 2. The ADU is located within an architecturally and historically significant historic district.
 - 3. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (D)(1)(A) above.
 - 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 - 5. When there is an established car share vehicle stop located within one block of the ADU.
 - 6. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (F)(7)(B)(1) through (5) above.
- C. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. Architectural Requirements.

- A. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
 - B. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. An attached ADU entrance must not be visible from the public right-of-way.
 - C. The ADU may have an attached porch or covered entry way not exceeding 60 square feet in area and with a maximum depth of six (6) feet.
 - D. All windows that are located nine (9) feet in height above the finished floor must be clerestory windows (no dormers) and must be frosted or obscure glass.
 - E. The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the City's Fire Department.
 - F. The ADU must have clear addresses visible from the street. Addresses must be at least 4 inches high and shall be shown on the curb next to the primary address number.
 - G. No mezzanine or partial floor, including a loft, is allowed in an ADU.
- 9. Historical Protections.** An ADU on a property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

- 10. Allowed Stories.** No ADU subject to this subsection (F) may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph (E)(2)(D) of this section.

G. Fees. The following requirements apply to all ADUs that are approved under subsections (D)(1) or (D)(2) above.

1. Impact Fees.

- A. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (G)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.
- B. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling).

2. Utility Fees.

- A. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- B. Except as described in subsection (G)(2)(A), converted ADUs on a single-family lot that are created under subsection (D)(1)(A) above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- C. Except as described in subsection (G)(2)(A), all ADUs that are not covered by subsection (G)(2)(B) require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
1. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 2. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

H. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- 1. Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

2. Unpermitted ADUs and JADUs constructed before 2020

- A. Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

1. The ADU or JADU violates applicable building standards, or
2. The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance Section 9102.01.080.

B. Exceptions:

1. Notwithstanding subsection (H)(2)(A) above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
2. Subsection (H)(2)(A) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

9102.01.090 Development Standards in Multifamily Residential Zones (R-2, R-3, R-3-R)

Amended by Ord. No. 2347

Amended by Ord. No. 2400

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-1 (Allowed Uses and Permit Requirements for Residential Zones) and 2-6 (Development Standards for Multifamily Residential Zones), and the development standards in Division 3 (Regulations Applicable to All Zones-Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-6. Development standards for accessory dwelling units are located in Section 9102.01.080 (Accessory Dwelling Units), garages and other parking areas are located in Section 9103.07 (Off-Street Parking and Loading).

Table 2-6 Development Standards for Multifamily Residential Zones (R-2, R-3-R, R-3)				
Development Feature	R-2	R-3-R	R-3	Additional Requirements
Lot Standards				
Minimum Lot Area (sq ft)	7,500	10,000	10,000	
Minimum Lot Width				
At Front Property Line	75 ft; 44 ft for cul-de-sac lots; 85 ft if reversed corner lot	100 ft	100 ft; 57 ft for cul-de-sac lots; 85 ft if reversed corner lot	
At Front Setback Line	75 ft; 85 ft if reversed corner lot	100 ft; 85 ft if reversed corner lot	100 ft; 85 ft if reversed corner lot	
Minimum Lot Depth	100 ft	100 ft	100 ft	

Structure Form and Location Standards				
Maximum Density	1 unit per 3,750 sf of lot area	1 unit per 1,450 sf of lot area	1 unit per 1,089 sf of lot area (40	
Minimum Density	2 units per lot	none	1 unit per 2,200 sf of lot area (20 units/acre)	See Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)
Minimum Setbacks				
Front	25 ft	25 ft	25 ft	For other setback regulations refer to Subsections 9103.01.060 (Setback Measurements and Exceptions), 9102.01.100 (Additional Residential Development Standards in Multifamily Zones), and Subsection 9103.01.070 (Vehicular Visibility Standards).
Side				
<i>Interior</i>	10 ft	10 ft	10 ft	
<i>Corner and Reverse Corner (street side)</i>	25 ft	25 ft	25 ft	
Rear	10 ft	10 ft	10 ft	
Maximum Lot Coverage	N/A	N/A	N/A	
Minimum Distance between Structures	6 ft	6 ft	6 ft	
Maximum Height	30 ft	18 ft	30 ft	
Maximum Street-Facing Porch Height	14 ft	14 ft	14 ft	
Minimum Open Space (sq ft per unit)	100	100	100	
Garages and Parking Areas	See Section 9103.07 (Off-Street Parking			

9102.01.100 Additional Residential Development Standards in Multifamily Zones

Amended by Ord. No. 2347

Amended by Ord. No. 2375

A. Exceptions to Minimum Density in R-2 and R-3

- 1. Lot Width Exception.** If a lot regulated by this Division has a width of 50 feet or less, it may be developed with less than the required minimum density but not less than two dwelling units on the lot. Development of this type shall be considered through the Modification process described in Section 9107.05 (Administrative Modifications).
- 2. Lot Size Exception.** If a lot regulated by this Division has a lot size of 6,000 square feet or less, it may be developed with less than the minimum density, including one single-family dwelling unit. Development of this type shall be considered through the Administrative Modification process described in Section 9107.05 (Administrative Modifications). A new or expansion to an existing single-family dwelling shall be reviewed in compliance with the regulations applicable to the zone in which the dwelling is located.

- B. No Parking within Front and/or Street Side Setbacks.** No parking shall be allowed within required front and/or street side setbacks, or within any landscaped area not designated as a driveway or vehicle parking area.

- C. Exception to Side Setback in R-2, R-3, and R-3-R.** On lots that are less than 65 feet in width, the enclosed single-story garage portion of a dwelling unit may encroach a maximum of five feet into the required interior side setback, provided that no living space is included in the encroachment.
- D. Exception to parking dimensions in R-2, R-3, R-3-R.** On Lots that are 50 feet or less, a minimum back-up space of 23 feet shall be allowed.
- E. Open Space Requirements for R-2, R-3, and R-3-R**
1. **Type.** Open space shall be in the form of private or common open space via balconies, courtyards, at-grade patios (rear and side of the units), rooftop decks, gardens, or terraces.
 2. **Minimum Dimension.** Balconies that are 30 inches or less in width or depth shall not be counted as open space.
 3. **Location.** Private open space shall be contiguous and directly accessible from the unit it serves, with a minimum dimension in all directions of 10 feet.
- F. Roof Decks.** Roof decks are permitted, subject to Site Plan and Design Review, in the R-2 and R-3 zones provided that roof decks meet the following development standards:
1. **Location.** Roof decks shall be set back five feet from all building lines of the structure. The building line shall be measured from the roof edge of the story directly below the deck.
 2. **Height Limits.** The guardrail and other objects, whether permanent or temporary, which rest upon the roof deck such as patio furniture, landscaping, swimming pool features, and storage, shall be allowed to exceed the maximum height limit specified in Subsection 9102.01.090 (Development Standards in Multifamily Residential Zones) by up to five feet. Exterior stairways and other access features such as stairwells or elevators for access to roof decks shall not exceed the residential zoning district's height limit by more than 10 feet and shall be architecturally integrated into the design of the structure.
 3. **Screening.** The roof deck area shall be appropriately designed so as not to be visible from all sides of the structure or from the grade below. Appropriate screening shall be architecturally compatible with and integrated into the existing structure as determined by the Director. The solid screening may include roofing, solid parapet walls, or other methods architecturally compatible with the design of the structure.
 4. **Architecturally Compatible.** The roof deck shall be architecturally compatible with the existing exterior materials and colors of the existing structure, and appear as an integral part of the roof system.
 5. **Furniture.** All furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.
- G. Laundry.** If a laundry area is not provided in every unit, a common laundry area shall be provided with a minimum of one washer and one dryer for each eight units. Such common laundry area shall be centrally located to the units to be served.
- H. Water Features in the R-2, R-3, and R-3-R Zones.** The following limitations shall apply for the installation of any water feature (including fountains and ponds, but excluding swimming pools and spas) and its mechanical equipment:
1. **Maximum Height.** The maximum height of a water feature shall not exceed four feet six inches, as measured from the adjacent existing grade.
 2. **Minimum Front Setback.** All water features shall be at least 15 feet from the front property line.
 3. **Minimum Side and Rear Setbacks.** All water features shall comply with applicable side and rear setback requirements of the primary structure.

4. Maximum Depth. The maximum water depth of a water feature shall not exceed 18 inches measured from the highest possible water level, or as required by California Building Code Chapter 31 (Special construction), Section 3119.B.5 (Pools), as it may be amended from time to time.

I. Exception to Height Limit in R-2 and R-3 Zones. In the R-2 and R-3 zones, the ridge of a pitched roof on a primary structure may extend up to three feet above the maximum height limit. No portion of a roof with only one sloping plane may extend beyond the maximum height limit (commonly known as "shed roof" design).

J. Setbacks when Abutting a Single family Zoned Property

1. When abutting a single family zoned property, any structure shall be setback a minimum distance of 20 feet.
2. Where a property line abuts a dedicated alley which separates the property from abutting a multi-family zoned property, the setback shall be measured from the centerline of the alley, and no portion of any structure shall encroach through a plane projected from an angle of 45 degrees, as measured at the ground level along the centerline of any alley.

**9102.01.110 Permitted Projections in Multifamily Zones
Amended by Ord. No. 2401**

A. Permitted Architectural Projections in R-2, R-3, and R-3-R Zones. In multifamily zones, architectural and similar features may extend into required setback areas as identified in Table 2-7 (Permitted Projections and Encroachment into Required Setback Areas in Multifamily Zones).

Table 2-7 Permitted Projections and Encroachment into Required Setback Areas in Multifamily Zones			
Architectural Feature	Maximum Permitted Encroachment Distance into Required Setback Area		
	R2, R-3, and R-3-R Zones		
	Front	Side	Rear
Awnings	18 inches	--	18 inches
Balconies	--	--	--
Bay windows, garden windows ⁽¹⁾	18 inches	18 inches	18 inches
Chimneys	18 inches	18 inches	18 inches
Cornices, belt courses, buttresses, pilasters, pillars, sills	12 inches	--	--
Eaves	24 inches	24 inches	24 inches
Trellis structures and patio covers	--	--	--

Notes:

(1) Bay windows, garden windows, and other similar architectural projections shall have a vertical distance of 30 inches or greater between the lowest surface of the projection and the finished floor.

B. Permitted Mechanical Equipment Projections in Multifamily Residential Zones. Mechanical equipment shall not be located within any required front or side yard setback, and shall not be set back less than three feet from the rear lot line. Exception: Tankless water heaters and solar batteries may encroach 24 inches into any required interior side or rear yard provided that a minimum setback of four feet is maintained.

9102.01.120 Site Design and Architectural Standards

Structures erected or modified to accommodate the land use activities listed in this Division 2 (Zones, Allowable Uses, and Development Standards) shall be subject to Section 9107.19 (Site Plan and Design Review) of this Development Code.

9102.01.130 Exterior Lighting Standards for Residential Properties and Zones

- A. Light Fixtures.** Exterior lighting shall be hooded and arranged to reflect away from adjoining properties and streets. Light standards shall comply with the provisions for accessory buildings. Exterior light fixtures may be mounted on any exterior wall or structure at a maximum of 15 feet above the adjacent finished floor level. However, a light fixture adjacent to a second story balcony, deck, or exterior doors may be mounted on the wall at a maximum height of eight feet above the finished floor level.
- B. Level of Illumination.** Exterior lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the property. Light sources, intensity of light, and color of light shall be designed and located to achieve security or decorative lighting goals without causing an adverse impact on neighboring properties. Light sources shall be designed and located to minimize spillover of light or glare onto neighboring properties.
- 1. Mounted Light Location.** Building-mounted lights shall be installed below the eave line. Pole or fence-mounted lights shall be located no more than eight feet above grade, except in residential parking lots.
 - 2. General Light Location.** Lighting shall only be installed adjacent to structures, walkways, driveways, or activity areas (decks, patios, spas and pools, and similar use areas) and focal landscape areas close to the residence or activity area.
 - 3. Lighting Intensity.** The lighting intensity within parking lots and adjacent areas shall be at least 1.0 foot-candle at all points, but shall not exceed an average of 3.0 foot-candles over the entire parking lot. Overall height of light standards shall be no more than 22 feet above finished grade.
- C. Lighting Plan.** Lighting plans may be required for common open space or recreation areas in multifamily developments to include a photo analysis demonstrating compliance with these lighting standards.

9102.01.140 Other Applicable Regulations

In addition to the requirements contained in this Section 9102.01 (Residential Zones), regulations contained in the following Sections may apply to development in residential zones.

Division 2 – Zones, Allowable Uses, and Development Standards (Section 9102.11 Overlay Zones)
Division 3 – Regulations Applicable to All Zones - Site Planning and General Development Standards
Division 4 – Regulations for Specific Land Uses and Activities

Section 9102.01.150 – Urban Lot Splits

Amended by Ord. No. 2401

Purpose. The purpose of this section is to implement the provisions of Government Code section 66411.7 for urban lot splits in single-family residentially zoned properties (R-M, R-0, and R-1).

Applicability. This section shall only apply to the extent that the City is required to ministerially approve urban lot splits under Government Code Section 66411.7. If Government Code section 66411.7 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern lots previously created through an urban lot split and no applicant for an urban lot split may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 66411.7, and this section shall not be construed to allow any greater rights to an urban lot split than the City is required to grant under state law.

Definitions.

1. “City” means the City of Arcadia, California.
2. “Director” means the Development Services Director for the City or designee.
3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
5. “Urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 and this section pursuant to a ministerial approval process.

A. Requirements and Approval Authority

1. Only individual property owners may apply for an urban lot split.
2. The Director shall ministerially approve all applications for urban lot splits that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. Notwithstanding Division 5 of this Code, the parcel map shall be approved by the Director, and these decisions shall be final. The Director shall not waive the requirement to submit a tentative parcel map for an urban lot split.
3. An application and tentative parcel map for an urban lot split must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:
 - a. Evidence that the applicant is an individual property owner of the lot to be split.
 - b. A signed affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant’s principal residence for a minimum of three years after the urban lot split is approved.
 - c. Proof that none of the circumstances set forth in Subsections (B)(3)(f) & (g) are present.

- d. Proof that the lot to be split was not established through a prior urban lot split under this section.
 - e. Proof of any inspections required under Subsection (B)(3)(d).
 - f. If the lot would result in the demolition or alteration of existing housing, proof that no housing on the lot has been occupied by a tenant within the past three years.
- 4. The tentative parcel map may not be recorded until the final parcel map has been approved ministerially by the Director. The owner must demonstrate that the required documents have been recorded, such as deed restriction and easements. The tentative parcel map expires six months after the approval. No extension shall be granted.
 - 5. The application fee for an urban lot split will be the same as the City's Lot Line Adjustment fee within the approved Fee Schedule. This fee may be changed from time to time by the City Council, in accordance with applicable law.

B. Requirements; Grounds for Denial

- 1. **Objective Development Standards for Urban Lot Split.** An urban lot split, and any development of a parcel created from an urban lot split, shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other City requirements that are not in conflict with Government Code Section 66411.7.
 - a. The new lot line must be at a straight line starting from the front property line to the rear property line, or side if it is a corner lot. There shall be no curve or angles when subdividing the lot.
- 2. **Subdivision Standards.**
 - a. Except as otherwise expressly provided in this section, an urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code section 66410 *et. seq.*) and Division 5 of Article IX (Subdivisions) of this Code.
 - b. No dedication of rights-of-way or construction of offsite improvements shall be required for an urban lot split, except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of-way or construction of offsite improvements are necessary to avoid a specific adverse impact, the application shall be subject to denial.
- 3. **Denial.** The Director shall deny an application for an urban lot split if any of the following are true:
 - a. **Development and Subdivision Standards.** The lot to be split does not satisfy the requirements of subsections (B)(1) or (B)(2) above or (C) below.
 - b. **Zone.** The lot to be split is not zoned for single family residential uses.
 - c. **Lot Location.** The lot to be split does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
 - d. **Inspection**
 - i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform building inspections.
 - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
 - e. **Historic**
 - i. The lot to be split is a historic property or within a historic district that is included on the State Historic Resources Inventory.

- ii. The lot to be split is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
- f. **Prior Urban Lot Split.**
 - i. The lot to be split was established through a prior urban lot split.
 - ii. The lot to be split is adjacent to a lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
- g. **Impact on Protected Housing.** The urban lot split requires or includes the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - iv. Housing that has been occupied by a tenant in the last three years.
- h. **Lot Size**
 - i. The lot to be split is smaller than 2,400 square feet.
 - ii. Either or both of the resulting lots are less than 1,200 square feet.
 - iii. Either of the resulting lots is more than 60% or less than 40% of the original lot area.
- i. **Easements.** The applicant does not convey all easements required for the provision of public services and facilities.
- j. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- k. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 66411.7, initiative or referendum, court decision or any circumstance in which Section 66411.7 does not obligate the ministerial approval of an urban lot split or if for any reason the Director is not required to ministerially approve an urban lot split. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

C. Standards Specific to Urban Lot Splits

The following development standards shall apply to urban lot splits approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of the Development Code, this subsection shall govern.

1. **Lot Access.** Each resulting lot must adjoin the public right-of-way with no more than 60% of the original frontage and no less than 40% of the original frontage of the lot.
2. **Unit Quantity.** No more than two units of any kind are permitted on any lot created by an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to an ADU, or a JADU.

3. **Unit Size.** Notwithstanding Section 9102.01 for Single-Family Residential Zones:

- a. The total floor area of each residential unit developed on a lot created by an urban lot split must be less than or equal to 800 square feet and at least 500 square feet.
- b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
- c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.
- d. The unit size shall comply with the setbacks, height, parking, and other applicable standards in Section 9102.01.160 for Two-Unit Units Projects approved under an urban lot split.

4. **Objective Development Standards and Other Regulations.** Units built following an Urban Lot Split shall comply with the setbacks, height, FAR and lot coverage, and parking requirements found in Section 9102.01.160(C), all objective development standards found in Section 9102.01.160(F), and the City's Tree Ordinance as provided in Division 10 of this Code.

5. **Utilities.**

- a. Each dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.

For each dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. This section shall not be

interpreted to allow an onsite wastewater treatment system where connection to a sewer system is available or required.

D. **Fire-Hazard Mitigation Measures.** A site in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

1. Emergency access and water supply requirements shall comply with the California Code of Regulations Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

E. **Separate Conveyance**

1. **Within a resulting lot:**

- a. Dwelling units on a single lot that is created by an urban lot split may not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
- c. All fee interest in a lot must be held equally and undivided by all individual property owners.

2. **Between resulting lots.** Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate conditions, covenants, restrictions, easements or other documentation that is necessary to allocate risk and responsibility between the owners of the two lots.

F. Restriction of Uses.

1. **Residential-only.** No non-residential use is permitted on any lot created by urban lot split.
2. **No Short-Term Rentals.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 28 days.
3. **Owner Occupancy Affidavit.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

G. Deed Restriction.

1. The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:
 - a. Gives notice that the parcel was created through an urban lot split.
 - b. Gives notice of any site limitations resulting from the urban lot split.
 - c. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
 - d. Expressly prohibits any rental of any dwelling on the property for a period of less than 28 days.
 - e. Expressly prohibits any non-residential use of the lots created by the urban lot split.
 - f. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
 - g. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
 - h. Provides a statement of intent to occupy a unit for a period of three years.

The Director shall not issue a building permit for development on any lot created through an urban lot split unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions above.

Section 9102.01.160 Two-Unit Projects

Purpose. The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code Section 65852.21.

Applicability. This section shall only apply to the extent that the City is required to ministerially approve urban two-unit projects under Government Code Section 65852.21. If Government Code Section 65852.21 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern then existing two-unit projects and no applicant for a two-unit project may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 65852.21 and this section shall not be construed to allow any greater rights to a two-unit project than the City is required to grant under state law.

Definitions.

1. "City" means the City of Arcadia, California.
2. "Director" means the Development Services Director for the City, or designee.
3. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code section 214.15).
4. "Specific adverse impact" has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
5. A "two-unit project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

A. Applicants; Approving Authority.

1. Only individual property owners may apply for a two-unit project.
2. The Director shall ministerially approve all applications for two-unit projects that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. The Director's decisions on applications shall be final.
3. An application for a two-unit project must be submitted on the City's approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City's application form shall, at a minimum, require the applicant to submit the following:
 - a. Evidence that the applicant is an individual property owner.
 - b. Proof that none of the circumstances set forth in Subsection (B)(2)(f) are present.
 - c. Proof of any inspections required under Subsection (B)(2)(e).
 - d. Proof that the requirements of Subsection (B)(2)(g) are satisfied.
 - e. In accordance with Subsection (D)(2), a signed acknowledgment stating the applicant understands that the City will not approve the application if all nonconforming zoning conditions are not corrected.
4. The application fee for a two-unit project shall be the same as the City's Preliminary Plan Review fee for Multi-Family Residential projects, as may be modified by the City Council from time to time, in accordance with

applicable law.

B. Requirements and Grounds for Denial

1. **Objective Development Standards.** A two-unit project shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other requirements that are not in conflict with Government Code Section 65852.21.
2. **Denial.** The Director shall deny an application for a two-unit project if any of the following are true:
 - a. **Development Standards.** The two-unit project does not satisfy the requirements of Subsection (B)(1) above or (C) and (F) below.
 - b. **Lawful Subdivision.** The lot was not legally subdivided.
 - c. **Zone.** The lot is not zoned for single-family residential uses.
 - d. **Lot Location.** The lot does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
 - e. **Inspection.**
 - i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform inspections.
 - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
 - f. **Historic.**
 - i. The lot is a historic property or within a historic district that is included on the State Historic Resources Inventory.
 - ii. The lot is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
 - g. **Impact on Protected Housing.** The two-unit project requires or includes the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - iv. Housing that has been occupied by a tenant in the last three years.
 - h. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 - i. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 65852.21, initiative or referendum, court decision or any circumstance in which Section 65852.21 does not obligate the ministerial approval of a two-unit project, or if for any reason the Director is not required to ministerially approve a two-unit project. To the extent that approval of an urban lot split is considered a

municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

C. Standards Specific to Two-Unit Projects.

The following development standards shall apply to two-unit projects approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of this Code (Development Code), this subsection shall govern.

1. Unit Quantity

- a. No more than two units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
- b. A lot that is not created by an urban lot split may have a two-unit project under this section.

2. Unit Size. Notwithstanding Section 9102.01 for Single-Family Zones:

- a. The total floor area of each residential unit developed must be less than or equal to 800 square feet and at least 500 square feet.
- b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
- c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.

3. Maximum Height

- a. The dwelling unit may not exceed one story or 16 feet in height, measured to the top of the roof ridge.
- b. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split or two-unit project.

4. Setbacks

- a. All setbacks must comply with the standards set forth in Section 9102.01 for Single-Family Residential Zones (R-M, R-0, and R-1), with the exception of those units that are subject to subsection c below.
- b. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
- c. A unit may encroach into the side or rear setback only if strict application of the setback standard would have the effect of physically precluding the construction of up to two units on the lot or that would result in a unit size of less than 800 square feet in floor area, in which case the encroachment into the setback shall be only as necessary to enable construction of the unit or units at a maximum size of 800 square feet in floor area. However, in no event may any unit be constructed without at least providing a four-foot setback from the side and rear lot lines.
- d. Front Setback Area. The front yard setback for the new dwellings shall comply with the underlying zoning regulations or Homeowners Associations regulations set forth in Section 9102.01.030.

5. FAR and Lot Coverage. The floor area ratio (FAR) and lot coverage of the underlying zoning designation is applicable to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

6. Parking. Subject to Government Code Section 65852.21(c)(1)(A)-(B), each new primary dwelling unit must provide at least one off-street parking space per unit. A driveway must lead to the parking space. An enclosed garage is allowed

but shall be limited to two parking spaces with a minimum dimension of 10 feet by 20 feet (interior clearance) for each space and the garage will not be counted toward the unit size. The garage must comply with the setback standards set forth in Section 9103.07.050

D. Other Applicable Regulations

1. **Demolition Cap.** The two-unit project may not involve the demolition of more than 50% of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.
2. **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected.
3. **Utilities.**
 - a. Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.
 - b. Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
4. **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
 - a. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
 - b. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.
5. **Separate Conveyance**
 - a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
 - b. Condominium airspace divisions and common interest developments are not permitted within the lot.
 - c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
6. **Restriction of Uses.**
 - a. **Residential-only.** No non-residential use is permitted on the lot.
 - b. **No Short-Term Rentals.** No dwelling unit on the lot may be rented for a period of less than 30 days.
 - c. **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

E. Deed Restriction

The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:

1. Gives notice that the two-unit project was created pursuant to this section.

2. Gives notice of any site limitations resulting from the two-unit project, including but not limited to restrictions on off-street parking, the size of units on the parcel and on the ability to obtain a standards modification for the parcel.
3. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
4. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
5. Expressly prohibits any non-residential use of the lot.
6. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
7. Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
8. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
9. The Director shall not issue a building permit for any two-unit project unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions in this Subsection.

F. Objective Development Standards

Architectural Standards and Site Layout

1. If there is no legal primary dwelling unit on the lot prior to the urban lot split, or if an existing unit is demolished to leave no units on the resulting lot, the dwelling units on the same lot must match in architectural style or design and this architectural style and design must be prevalent in the surrounding neighborhood. Examples of matching elements shall include materials of the exterior walls, roof, eaves, and windows and doors. Units must have the same roof pitch. Any second unit must be located behind the front unit.
2. If there are legal primary dwelling units on the lot that were approved prior to the urban lot split, any new dwelling unit must match the existing primary dwelling unit(s) in exterior materials, colors, and dominant roof pitch.
3. The roof slope shall not be less than 4 in 12. No flat roofs are permitted. No metal roofs are permitted, unless it is used as accent over a window.
4. The minimum distance between each detached dwelling unit shall be at least 6 feet.
5. No basements are allowed.
6. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
7. The units must have indentations and/or projections that are at least 8-inches in depth on at least two of the exterior walls to break-up flat wall planes. The interior wall height shall be at least seven feet.
8. All windows that are located 9-feet in height above the finished floor must be clerestory windows (no dormers), and must be frosted or obscure glass.
9. All windows shall be recessed at least two inches from the face of the wall.
10. One front entry covered porch may be allowed for each unit. Porches shall not exceed 12 feet, as measured from finished grade to the top of the porch ridge and the highest point of the porch must be at least 3 feet below the ridge of the unit. No flat roofs are permitted.
11. Each unit may have one covered patio or trellis and it shall not be visible from the public right-of-way. The covered patio shall not exceed 150 square feet in area. The covered patio shall maintain the same setbacks of the new dwelling

unit. If a new covered patio or trellis is added to an existing legal non-conforming house, then it shall not be located less than 6 feet from the side or rear property lines.

12. Chimney and roof-mounted vents shall be allowed to exceed height limits to the minimum extent required by Article VIII (Building Regulations). Chimneys shall not encroach more than 18-inches into the front yard setback and shall maintain a three foot setback from the side or rear property lines.
13. Garden and bay windows may only be allowed to encroach 6 inches into the side and rear yard setback area but in no case shall it be closer than four feet from the side or rear property lines.
14. A carport or detached garage must be located behind the dwelling unit or units. If an attached garage is proposed, it must be located behind the front elevation of the dwelling unit by at least two feet. Carports are not allowed in Homeowners Association Areas.

Landscape

15. Landscaping around the units must be drought-tolerant or low water-using plants that utilize a variety of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living, continuous planting area, and provide screening between the units and adjacent parcels. Desert landscape or rock garden designs are not allowed.
16. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall along the side and rear. Alternatively, at least one 24" box size plant shall be provided for every 10 linear feet of exterior wall.
17. All landscaping utilized must be taken from the City's approved planting materials listed in the City's Single-Family Design Guidelines.
18. The area between the street side property line and the fence, wall, or gate shall have an appropriate irrigation system and decorative landscaping (shrubs, ground cover, flowers, plants, etc.).

Fences, Walls and Gates

19. A new perimeter wall or fence is required along any new property lines. New walls shall be stuccoed with a decorative trim cap. The maximum size of a decorative cap is 30 inches by 30 inches.
20. New fences, walls and gates for all projects shall comply with the development standards and height provided in Section 9103.05.030 and Subsection 9103.01.070 (visibility standards).
21. No spears (apache, aristocrat with crushed spears, or any spear-like features) shall be allowed on a fence, wall, or gate.
22. Chain link, corrugated fiberglass, bamboo fencing, and wire type fencing shall not be allowed, except chain link fencing is allowed as a fencing material enclosing sports courts and temporary construction fencing.

Parking

23. Each parking space shall be at least 10 feet in width and 20 feet in length. When a parking space is adjacent to a solid wall or structure, the parking space shall be 11'-6" in width and 20 feet in length.
24. Each parking space that is provided in a garage shall be at least 20 feet wide and 20 feet long and have at least seven and a half feet vertical clearance.
25. The driveway must lead to the parking space and comply with regulations set forth in Section 9103.07.050.

Other Standards

26. On flag lots, the dwelling units must use the same driveway to access the street, unless otherwise required for fire-apparatus access.

27. Mechanical equipment shall not be visible from the City's public right-of-way.
28. Swimming Pools, Spas, Water Features, and Ornamental Features shall adhere to Section 9102.01.070.
29. Every unit must have clear addressing visible from the street. Addresses must be at least 4 inches high and shall be shown on the curb next to the primary address number.

9102.01.170 Multifamily Objective Development Standards

- A. **Purpose.** The purpose of these design standards is to provide the public, building and design professionals, and decision-makers with objective criteria for eligible residential development in the City. The intent is to provide clear design direction that enhances an area's unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment.
- B. **Background.** Since 2017, the Governor has signed into law multiple housing bills, including Senate Bill 35 and Senate Bill 330 which provide for streamlined, ministerial approval processes for eligible multifamily residential development (two or more residential units), subject to certain conditions which may include affordability requirements, and where consistent with objective zoning and design standards.
- C. **Applicability.** The provisions of this chapter apply to all newly constructed residential projects, in all zones, that qualify for streamlined, ministerial processing per the Housing Accountability Act (HAA), and which meet the definition of "housing development projects" under California Government Code §69988.5(h)(2). These include multifamily housing with two or more units, and mixed-use projects with up to two-thirds of the project. Eligible residential projects shall comply with all objective development standards, City policies, thresholds of significance, zoning regulations, and design standards as established in the General Plan and the Arcadia Development Code.
 1. **Modification.** Residential projects seeking a modification(s) to any development standards set forth in the Arcadia Development Code shall not be eligible for streamlined, ministerial processing per SB 35.
 2. **Waiver on Objective Development Standards** Up to three (3) objective development standards from all of the individual sub-items under each category may be waived for any eligible mixed-use residential project without the requirement for an additional application. The applicant must provide an explanation as to why the development standard is not applicable or cannot be achieved. The waiver is subject to review and approval by the Director or designee. These decisions are not appealable.
 3. **Conflicting Standards.** Projects must meet objective development standards in this Division, in addition to all pertinent sections of the Arcadia Development Code and the California Building Code (CBC). If there is any conflict between these objective standards and existing City and/or State requirements, the more restrictive objective standard applicable to the project shall apply.
 4. **Severability.** In the event that a development standard is found to be unenforceable, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Division, and all other development standards will remain enforceable.
- D. **Objective Development Standards Site and Building Design.**
 1. **Site Design.** Site planning refers to the arrangement of - and relationships between - buildings, parking areas, common and private open space, landscaping, and pedestrian connections. The site planning topics in this chapter include site layout and building placement, vehicular surface parking and access, pedestrian circulation and access, landscaping, and common and private open space.
 - a. Existing mature trees should be preserved and incorporated into development proposals.
 - b. Decks and balconies should be recessed and/or incorporated into the massing of the home, rather than protruding out of the home, to enhance privacy.
 2. **Building Form, Massing, and Articulation.** Building form, massing and façade articulation facilitates the distinction of individual units, or groups of units, through varied heights, projections, setbacks, and recesses. Materials and colors emphasize changes and hierarchy in building form.
 - a. **Massing** Where applicable, the third floor of the building must be set back a minimum of three feet from the first or first and second floor footprint.

- b. **Wall Plane Variation.** All exterior walls must have a minimum two-foot variation in depth at least every 40 feet of wall length to provide relief along the wall plane. In addition, all walls shall include at least two of the following features: windows, trellises, arcades, balconies, different exterior material, or awnings.
 - c. **Cantilevers.** The upper floors shall not overhang or cantilever more than four feet over any of the lower floors.
 - d. **Four-sided Architecture.** Buildings shall be designed and articulated with details, articulation, different materials and/or colors, and different elements on all sides. The street-facing façade(s) shall feature additional elements or materials. Entirely blank walls are not allowed along any façade.
- 3. **Roofs.**
 - a. Roofs shall consist of a single style and slope throughout the project. On a building with a pitched roof, no portion of the main roof shall be flat.
- 4. **Parapets.**
 - a. Parapets shall be capped with precast treatment, continuous banding, or projecting cornices, dentils, or similar edge treatment.
 - b. Parapet material should match the building façade.
- 5. **Building and Unit Entries.**
 - a. **Street-Facing Entry.** Buildings located adjacent to the street shall have a ground-level primary building entry facing the primary street. The development shall also have front facing units that faces the site's primary public street.
 - b. **Non-Street-Facing Entry.** Buildings not located adjacent to a street shall have unit front entryways oriented to face internal common open space areas such as landscaped courtyards, plazas, or paseos.
 - c. **Corner Buildings.** An entry to a residential unit must be located within 25 feet of the corner of the building.
 - d. Every building shall contain at least one pedestrian entry that does not require access through a parking garage.
 - e. Corinthian columns are not permitted.
 - f. **Definition of Entries.** Both primary building and individual unit entries shall incorporate the following to clearly define the entrance:
 - i. Entry shall match the first floor plate height. Entry designs greater than one-story are not allowed.
 - ii. Entries should provide a sheltered area in front of the primary door. Flat roof porches are not allowed.
- 6. **Windows.** Window materials, color, and style shall be the same on all elevations.
 - a. Windows shall be recessed at least two inches from the face of the exterior wall.
 - b. When utilized, functional and decorative shutters shall be at least one-half the width of the window (for paired shutters), or a matching width (for a single shutter).
 - c. Architectural window detailing, such as sills, trim, and/or awnings should be provided.
- 7. **Materials and Colors.**
 - a. **Colors and Materials.** No more than three exterior paint colors and three façade materials shall be used. Glossy and/or reflective colors and materials are prohibited.
 - b. **Restriction on Materials Where Visible from Public Right-of-Way.** Bare concrete masonry unit blocks and slumpstone are prohibited on any area of the development visible from a public right-of-way.
 - c. **Material Transitions.** Changes or transitions in façade treatment, such as veneers or textured materials, shall wrap around the corners of the building and extend at least 6 feet beyond the corners, or terminate at the nearest window or door.
 - d. **Architectural Consistency.** Affordable units and market rate units within the same development shall be constructed of the same materials and details such that the units are not distinguishable from one another.

- E. **Vehicular Parking and Access.** Vehicular parking and access shall comply with the provisions of Section 9103.07, Off-Street Parking and Loading, of the Arcadia Development Code.
1. **Enhanced Paving for Entry Driveways.** The first 15 feet of the primary vehicular driveway, starting from the property line, shall use colored, stamped, or textured concrete, pavers, or permeable paving treatments such as grass-crete. The enhanced paving shall be applied throughout the driveway to break up the appearance of the concrete.
 2. **Projects with Controlled Entrances.** Projects with controlled entrances, including vehicular access gates to parking areas, shall accommodate at minimum the length of one vehicle (20 feet) entering the site without queuing into the street or public sidewalk.
- F. **Pedestrian Circulation and Access.**
1. **Pedestrian Walkways.** Pedestrian walkways shall be provided according to the following standards:
 - a. **Walkway Width.** Pedestrian walkways shall be provided with a minimum width of four feet.
 - b. **Materials.** Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials such as poured-in-place concrete (including stamped and textured concrete), concrete pavers, or permeable pavers.
 2. **Walkways Adjacent to Driveways.** Clear, safe pedestrian access should be provided from parking areas to building entrances within pedestrian walkways. When all unit entries face a driveway, pedestrian walkways shall be located parallel to the driveway to minimize the need for pedestrians to cross drive aisles.
- G. **Common Public and Private Open Space.** Common and private open spaces shall be provided as required by the underlying zone in Division 2, Zones, Allowable Uses, and Development Standards, of the Arcadia Development Code.
1. **Common Open Space.** Projects providing common open space shall satisfy the requirements below with passive or active recreation amenities as defined below. An applicant may provide common open space through an amenity not on this list if it is readily accessible by all residents for recreation and social purposes.
 - a. **Passive Recreation Amenities.** Picnic/barbeque area, open courtyard, dog park/dog run, rooftop deck, fire pit area, or other outdoor gathering spaces.
 - b. **Active Recreation Amenities.** Athletic gyms or courts (e.g. basketball, tennis, bocce ball), swimming pool or spa, playground.
 - c. **Common Open Space Requirements.** Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways on the interior of the site.
 2. **Private Open Space.** When roof decks are proposed, landscape planters such as planter boxes, potted plants, and/or boxed trees, shall be located along the edges of the roof deck to provide a screening buffer.
- H. **Landscaping.** Landscaping shall be utilized for all outdoor areas that are not specifically used for parking, driveways, walkways, patios, or open space. Landscape planters must be provided throughout the development.
1. **Plant Selection.** Projects shall utilize native California and drought-tolerant plants selected from the City's Residential Landscaping Guide.
- I. **Parking Area Design.**
1. Semi-subterranean parking structures are not allowed. A parking structure shall be considered to be semi-subterranean if the structure is partially underground.
 2. **Materials and Colors.** Where applicable, a parking structure shall utilize the same colors and materials as the primary residential buildings.
 3. **Orientation.** Parking areas shall be located behind or within the building or buildings so that it is not visible from the primary street frontage.
 4. **Garage Doors.** Garage doors shall be oriented to face away from the primary street.
 5. **Access.** Where applicable, alleys should be utilized to provide access to parking and service areas.
- J. **Fences and Walls.** Site walls shall be constructed to match the primary building colors and materials. Fences and walls shall be constructed of materials such as wood, vinyl, wrought iron, brick, and stone. Chain link is prohibited. Refer to the Arcadia Development Code for additional regulations associated with fences and walls.

1. Both sides of all perimeter walls and fences should be architecturally treated. Walls shall be finished with a trim

cap.

2. Where fences and walls of different materials or finishes intersect, a natural transition or break (such as a column or pilaster) shall be provided.
- K. **Lighting.** Outdoor light fixtures, including pole lights, wall-mounted lights and bollards shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
- L. **Vents and Exhaust.** All wall-mounted utility elements shall be located to ensure they are concealed from public view. All flashing, sheet metal vents, exhaust fans/ventilators, and meter boxes shall be painted to match the building wall material and/or color.
- M. **Rooftop Equipment.** Rooftop equipment that is not able to be concealed within the architecture of the building shall be screened from view behind a parapet wall or through the use of screens. Screens must have the same façade treatment as the structure.

9102.01.180 Mixed-Use Objective Development Standards

- A. **Purpose.** The purpose of these design standards is to provide the public, building and design professionals, and decision-makers with objective development standards for mixed-use development in the City. The intent is to provide clear design direction that enhances an area's unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment.
- B. **Background.** In 2017, the Governor signed into law multiple housing bills, including Senate Bill 35 and SB 330 which provide for streamlined, ministerial approval processes for eligible multifamily and mixed-use residential development, subject to certain conditions which may include affordability requirements, and consistent with objective zoning and design standards.
- C. **Applicability.** The provisions of this chapter apply to all newly constructed residential projects, in all zones, that qualify for streamlined, ministerial processing per the Housing Accountability Act (HAA), and which meet the definition of "housing development projects" under California Government Code §69988.5(h)(2). These include mixed-use projects with up to two-thirds of the project dedicated to residential square footage. Eligible residential projects shall comply with all objective development standards, City policies, thresholds of significance, zoning regulations, and design standards.
 1. **Modification.** Residential projects seeking a modification(s) to any development standards set forth in the Arcadia Development Code shall not be eligible for streamlined, ministerial processing per SB 35.
 2. **Waiver on Objective Development Standards.** Up to three (3) objective development standards from all of the individual sub-items under each category may be waived for any eligible mixed-use residential project without the requirement for an additional application. The applicant must provide an explanation as to why the development standard is not applicable or cannot be achieved. The waiver is subject to review and approval by the Director or designee. These decisions are not appealable.
 3. **Conflicting Standards.** Projects must meet objective standards in this Division, in addition to all pertinent sections of the Arcadia Development Code and the California Building Code (CBC). If there is any conflict between these objective standards and existing City and/or State requirements, the more restrictive objective standard applicable to the project shall apply.
 4. **Severability.** In the event that a development standard is found to be unenforceable, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Division, and all other development standards will remain enforceable.
- D. **Site and Building Design.**
 1. **Site Design.**
 - a. Existing mature trees shall be preserved and incorporated into development proposals.
 - b. Decks and balconies shall be recessed and/or incorporated into the massing of the building, rather than protruding out of the building, to enhance privacy.
 - c. Where applicable, active commercial uses, including retail, restaurant, and personal services shall be located on the ground floor fronting the sidewalk.

- d. Where applicable, private amenities, such as plazas and open space shall be located in the interior of the site or otherwise away from the street.
2. **Building Form, Massing, and Articulation.** Building form, massing and façade articulation facilitates the distinction of individual units, or groups of units, through varied heights, projections, setbacks, and recesses. Materials and colors emphasize changes and hierarchy in building form.
 - a. **Massing.** For projects over two stories in height, portions of the upper stories shall be recessed at least two feet from the front façade to reduce the overall massing of the building at the pedestrian level.
 - b. **Wall Plane Variation.** All exterior walls must have a minimum two-foot variation in depth at least every 40 feet of wall length to provide relief along the wall plane. In addition, all walls must include at least two of the following features: windows, trellises, arcades, balconies, different exterior material, or awnings.
 - c. **Four-sided Architecture.** Buildings shall be designed and articulated with details, articulation, materials, and elements on all sides. The street-facing façade(s) shall feature additional elements or materials. Entirely blank walls are not allowed along any façade.
3. **Setbacks Facing Primary Street.** Setbacks facing the primary street shall be landscaped and/or be publicly accessible except where used for outdoor dining (subject to a separate permit). These setbacks shall contain at least two public amenities per 50 linear feet such as benches, shade structures, public art pieces, planters, or other design element.
4. **Ground Floor Character.**
 - a. **Ground Floor Transparency.** Exterior walls facing a public street must include windows and doors for at least 50 percent of the building wall area. Parking garages are not required to meet this requirement.
 - b. **Weather Protection.** Awnings or similar weather protection elements may be fixed or retractable.
5. **Corner Buildings.** Corner buildings greater than 30 feet in height shall include at least one of the following features:
 - a. A building entrance should be located within 40 linear feet of the corner of the building.
 - b. A different material application and window arrangement from the rest of the building façade for the corner of the building.
 - c. At the building corner, there must be a break in the building wall or it must be stepped back to break-up the straight plane.
6. **Building and Unit Entries.**
 - a. **Street-Facing Entry.** Mixed-use buildings located within 20 feet of the primary street right-of-way shall provide a ground-level primary building entry directly from the public sidewalk. Primary building entries shall provide one or more of the following:
 - i. *Entry flanked by columns, decorative fixtures, or other similar elements.*
 - ii. *Entry recessed within a large arch or cased decorative opening.*
 - iii. *Entry emphasized by a change in roofline of at least 12 inches, a tower, or a break in the wall façade.*
 - iv. *Entry covered by a large portico projecting at least 6 feet from the wall façade.*
 - v. *Entry covered by an awning.*
 - vi. *Entry accessed from a common open space area such as a landscaped courtyard, plaza, or paseo.*
 - b. Entry designs greater than one story are not allowed.
 - c. Every building shall contain at least one primary building entrance that does not require access through a parking garage.

- d. Corinthian columns are prohibited.
 - 7. **Roofs.** Roofs must consist of a single style and slope throughout the project.
 - 8. **Parapets.**
 - a. Parapets shall be capped with precast treatment, continuous banding, or projecting cornices, dentils, or similar edge treatment.
 - b. Parapet material shall match the immediately adjacent building façade.
 - 9. **Windows.** Window materials, color, and style shall be the same on all elevations.
 - a. Windows shall be recessed at least two inches from the face of the exterior wall.
 - b. When utilized, functional and decorative shutters shall be at least one-half the width of the window (for paired shutters), or a matching width (for a single shutter).
 - c. Architectural window detailing, such as sills, trim, and/or awnings shall be provided.
 - d. A single window style and material shall be used throughout the development to provide a coordinated appearance.
 - 10. **Materials and Colors.**
 - a. **Colors and Materials.** No more than three exterior paint colors and three façade materials shall be used. Glossy and/or reflective colors and materials are prohibited.
 - b. **Restriction on Materials Where Visible from Public Right-of-Way.** Bare concrete masonry unit blocks and slumpstone are prohibited on any area of the development visible from a public right-of-way.
 - c. **Material Transitions.** Changes or transitions in façade treatment, such as veneers or textured materials, shall wrap around the corners of the building and extend at least 6 feet beyond the corners, or terminate at the nearest window or door.
 - d. **Architectural Consistency.** Affordable units and market rate units within the same development shall be constructed of the same materials and details such that the units are not distinguishable from one another.
- E. **Vehicular Parking and Access.** Vehicular parking and access shall comply with the provisions of Chapter 17.38, Parking and Loading, of the Arcadia Development Code.
 - 1. **Enhanced Paving for Entry Driveways.** The first 15 feet of the primary vehicular driveway, starting from the property line, shall use colored, stamped, or textured concrete, pavers, or permeable paving treatments such as grass-crete. The enhanced paving shall be applied throughout the driveway to break up the appearance of the concrete.
 - 2. **Projects with Controlled Entrances.** Projects with controlled entrances, including vehicular access gates to parking areas, shall accommodate at minimum the length of one vehicle (20 feet) entering the site without queuing into the street or public sidewalk.
 - 3. **Parking Structure Location.** Parking structures and garages shall not be located adjacent to the primary street frontage. See Section 9102.01.150.J, Parking Structure Design.
- F. **Pedestrian Circulation and Access.**
 - 1. **Pedestrian Walkways.** Pedestrian walkways shall be provided according to the following standards:
 - a. **Walkway Width.** Pedestrian walkways shall be provided with a minimum width of four feet.
 - b. **Materials.** Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials such as poured-in-place concrete (including stamped and textured concrete), concrete pavers, or permeable pavers.

2. **Walkways Adjacent to Driveways.** Clear, safe pedestrian access shall be provided from parking areas to building entrances within pedestrian walkways. When all unit entries face a driveway, pedestrian walkways shall be located parallel to the driveway to minimize the need for pedestrians to cross drive aisles.
 3. **Through-Lot Connections.** Through lots located more than 300 feet from an intersecting street or pedestrian walkway shall provide a publicly accessible sidewalk or pedestrian walkway connecting the two streets.
- G. **Common and Private Open Space.** Common and private open spaces shall be provided as required by the underlying zone in Division 2, Zones, Allowable Uses, and Development Standards, of the Arcadia Development Code. _
1. **Common Open Space.** Projects providing common open space shall satisfy the requirements below with passive or active recreation amenities as defined below. An applicant may provide common open space through an amenity not on this list if it is readily accessible by all residents for recreation and social purposes.
 - a. **Passive Recreation Amenities.** Picnic/barbeque area, open courtyard, dog park/dog run, rooftop deck, fire pit area, or other outdoor gathering spaces.
 - b. **Active Recreation Amenities.** Athletic gyms or courts (e.g. basketball, tennis, bocce ball), swimming pool or spa, playground.
 - c. **Common Open Space Requirements.** Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways on the interior of the site.
 2. **Private Open Space.** When roof decks are proposed, landscape planters such as planter boxes, potted plants, and/or boxed trees, shall be located along the edges of the roof deck to provide a screening buffer.
 3. **Mixed Use Developments.** Where a project includes both residential and commercial uses, the open space provided for residents must be secured and accessible only from the residential area of the project. Publicly accessible open space such as plazas and courtyards does not count as open space for the residential uses.
- H. **Landscaping.** Landscaping shall be utilized for all outdoor areas that are not specifically used for parking, driveways, walkways, patios, or open space. Projects shall utilize native California and drought-tolerant plants selected from the City's Residential Landscaping Guide.
- I. **Parking Structure Design.**
1. Semi-subterranean parking structures are not allowed. A parking structure shall be considered semi-subterranean if the parking garage/structure is partially underground.
 2. **Materials and Colors.** The parking structure shall utilize the same colors and materials as the residential building of residential portion of the building.
 3. **Orientation.** Parking structure and garage entries shall face away from the primary street where possible. Where a parking garage is proposed, it shall be wrapped with residential units along street frontages to allow for continuation of the street scene. No garage shall face the primary street, unless it is the only point of access or a secondary access is necessary.
 4. **Parking separation.** For mixed-use projects, parking for residents shall be separated from commercial and guest parking. This may be achieved through the implementation of a gate within a parking structure.
 5. **Access.** Where applicable, alleys shall be utilized to provide access to parking and service areas.
- J. **Fences and Walls.** Site walls shall be constructed to match the primary building colors and materials. Fences and walls shall be constructed of materials such as wood, vinyl, wrought iron, brick, and stone. Chain link is prohibited. Refer to the Arcadia Development Code for additional regulations associated with fences and walls.
1. Both sides of all perimeter walls and fences shall be architecturally treated. Walls shall be finished with a trim cap. Walls shall be finished and designed to complement the surrounding development.
 2. Where fences and walls of different materials or finishes intersect, a natural transition or break (such as a column or pilaster) shall be provided.
- K. **Lighting.** Outdoor light fixtures, including pole lights, wall-mounted lights and bollards shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
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- L. **Vents and Exhaust.** All wall-mounted utility elements shall be located to ensure they are concealed from public view. All flashings, sheet metal vents, exhaust fans/ventilators, and meter boxes shall be painted to match the building wall material and/or color.
- M. **Rooftop Equipment.** Rooftop equipment that is not able to be concealed within the architecture of the building shall be screened from view behind a parapet wall or through the use of screens. Screens must have the same façade treatment as the structure.

Section 9102.03 – Commercial and Industrial Zones

Subsections:

- 9102.03.010 Purpose and Intent
- 9102.03.020 Land Use Regulations and Allowable Uses
- 9102.03.030 Development Standards
- 9102.03.040 Additional Development Standards in All Commercial and Industrial Zones
- 9102.03.050 Additional Regulations in C-R Zone
- 9102.03.060 Site Plan and Design Review
- 9102.03.070 Other Applicable Regulations

9102.03.010 Purpose and Intent

A. Purpose. The purpose of the Commercial and Industrial zones is to:

1. Provide appropriately located areas for a wide range of commercial, office, and industrial uses to ensure the stability of the City's economy; provide a variety of goods and services for residents, employees, and visitors; and increase employment opportunities close to home for current and future residents consistent with the General Plan; and
2. Ensure that new commercial, office, and industrial development is designed to minimize traffic and parking and impacts on surrounding residential neighborhoods, and is appropriate to the physical characteristics of the site and the area where the project is proposed.

B. C-O Professional Office Zone. The C-O zone is intended to provide sites for development as administrative, financial, business, professional, medical and governmental offices. This zone implements the General Plan Commercial designation.

C. C-G General Commercial Zone. The C-G zone is intended to provide areas for retail and service uses, offices, restaurants, public uses, and similar and compatible uses. This zone implements the General Plan Commercial designation.

D. C-R Regional Commercial Zone. The C-R zone is intended to serve a regional market through regional commercial uses, retail uses, entertainment, restaurants and other similar compatible uses within regional shopping malls. This zone implements the General Plan Regional Commercial designation.

E. M-1 Industrial Zone. The M-1 zone is intended to provide areas for an array of warehouse, distribution, light manufacturing, and assembly uses. This zone implements the General Plan Industrial designation.

9102.03.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2375

Amended by Ord. No. 2397

Amended by Ord. No. 2400

A. Allowed Uses. Table 2-8 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) indicates the land use regulations for Commercial and Industrial zones and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

"P" represents permitted (allowed) uses.

"A" represents accessory uses.

"M" designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

"C" designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“--” designates uses that are not permitted.

B. Director Determination. Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.

C. Specific Use Regulations. Where the last column in Table 2-8 includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P A M C --	Permitted by Right ⁽¹⁾ Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed				
	Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Business, Financial, and Professional						
Automated Teller Machines (ATMs)	P	P	P	--		
Check Cashing and/or Payday Loans	--	--	--	--		
Financial Institutions and Related Services	P	P	P	--		
Government Facilities	P	C	C	C		
Office, Business and Professional	P	P	P	A	In M-1, accessory office uses are limited to 25% of building floor area.	
Eating and Drinking Establishments						
Bars, Lounges, Nightclubs, and Taverns	--	C	M	--	See Subsection 9104.02.040 (Alcoholic Beverage Sales)	
Outdoor Dining (Incidental and on Public Property) – 12 seats or fewer	--	P	P	--	See Subsection 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining-Incidental)	
Outdoor Dining (Incidental and on Public Property) – more than 12 seats	M	M	P	--	See Subsection 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining-Incidental)	
Restaurant – Small (no alcohol)	P	P	P	M		
Restaurant – Large (no alcohol)	M	M	P	M		
Restaurant – Full or Limited Service With late hours – open between midnight and 6:00 AM	--	C	M	--	See Subsection 9104.02.150 (Extended Hours Uses)	
Restaurant – Full or Limited Service, Serving Alcohol without late hours	M	M	P	--	See Subsection 9104.02.040 (Alcoholic Beverage Sales)	
Restaurant – Full or Limited Service, Serving Alcohol with late hours	C	C	M	--		
Education						
Schools, Private	C	C	C	--		

CITY OF ARCADIA ZONING CODE – ARTICLE IX: DIVISION AND USE OF LAND
CHAPTER 1: DEVELOPMENT CODE

Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones					
Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Trade and Vocational Schools	--	C	M	C	
Tutoring and Education Centers	--	C	M	--	
Industry, Manufacturing and Processing, and Warehousing Uses					
Brewery and Alcohol Production	--	C	A	P	Allowed as an accessory use to a restaurant in C-R zone.
Data Centers	--	--	--	P	
Hazardous Waste Facilities	--	--	--	C	See Subsection 9104.02.160 (Hazardous Waste Facilities)
Food Processing	--	--	--	P	
Fulfillment Centers	--	--	--	P	
Light Industrial	--	--	--	P	
Heavy Industrial (under 40,000 square feet)	--	--	--	M	
Heavy Industrial (40,000 square feet and over)	--	--	--	C	
Recycling facilities					
Heavy processing	--	--	--	C	
Large collection	--	--	--	C	
Light processing	--	--	--	M	See Subsection 9104.02.250 (Recycling Facilities)
Reverse Vending Machine(s)	--	P	--	P	
Small collection	--	P	--	P	
Research and Development	--	P	--	P	
Storage – Accessory	A	A	A	A	
Storage – Outdoor	--	--	--	C	
Storage – Personal	--	--	--	C	
Vehicle Storage	--	--	--	M	
Retail Warehouse (under 40,000 square feet)	--	--	--	P	
Retail Warehouse (40,000 square feet and over)	--	--	--	M	
Wholesaling	--	--	--	P	
Medical-Related and Care Uses					
Day Care, General	A	C	C	--	See Subsection 9104.02.080 (Day Care, General)
Emergency Shelters	--	--	--	P	See Subsection 9104.02.140 (Emergency Shelters)

Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones		P A M C --	Permitted by Right ⁽¹⁾ Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed			
Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations	
Hospitals	C	--	--	P	See Subsection 9104.02.260 (Residential Care Facilities)	
Medical Clinics	M	M	P	P		
Medical and Dental Offices	P	P	P	P		
Residential Care Facilities – Seven or More Persons	p	P	--	--		
Supportive Housing, Residential Care Facility Large Type	C	C	--	--		
Transitional Housing, Residential Care Facility Large Type	C	C	--	--		
Recreation and Entertainment						
Arcade (Electronic Game Center)	--	C	P	--	See Subsection 9104.02.190 (Karaoke and/or Sing-Along Uses)	
Commercial Recreation - Indoors	--	C	P	C		
Commercial Recreation - Outdoors	--	C	C	C		
Karaoke and/or sing-along uses	--	C	M	--		
Health/Fitness Facilities, Small	--	M	P	--		
Health/Fitness Facilities, Large	--	C	P	--		
Indoor Entertainment	C	C	P	C		
Studios – Art and Music	--	M	P	--		
Residential Uses						
Multifamily Dwelling	--	P(1)	--	--	See subsection 9102.11.050 (Residential Flex Overlay zone)	
Retail Uses						
Alcohol Beverage Sales						
Alcohol Sales, Off -Sale	--	C	M	--	No overnight animal keeping	
Alcohol Sales, Off-Sale, Accessory to Eating and Drinking Establishment Only	--	M	M	--		
Alcohol Sales, Off-Sale, Accessory to a Hotel Only	--	M	--	--		
Building Material Sales and Services	--	C	--	P		
Pawn Shop	--	--	--	--		
Pet Stores, inclusive of grooming services	--	P	P	P		
Plant Nursery	--	P	M	P		
Recreational Equipment Rentals	P	P	P	P		
Retail Sales	P	P	P	C		
Retail Carts and Kiosks - Indoor	P	P	P	P		In C-R, indoor kiosks may be informational/unstaffed

CITY OF ARCADIA ZONING CODE – ARTICLE IX: DIVISION AND USE OF LAND
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Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones					
Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Retail Carts and Kiosks - Outdoor	--	M	P	--	See Subsection 9104.02.110 (Displays and Retail Activities – Outdoor)
Secondhand Stores	--	C	P	C	
Swap Meets	--	C	--	C	
Vehicle Rentals	--	--	--	P	
Vehicle Sales – New	--	C	P	C	In C-R zone, may not exceed 10,000 square feet for any individual vehicle sales establishment.
Vehicle Sales – Used	--	C	P	--	In C-R zone, may not exceed 10,000 square feet for any individual vehicle sales establishment.
Service Uses					
Animal Boarding/Kennels	--	--	--	C	See Subsection 9104.02.200 (Kennels; Animal Board and Care)
Animal Grooming	--	P	P	--	
Bail Bond Services	--	--	--	--	
Funeral Homes and Mortuaries	--	C	--	--	
Hotel and Motel	--	C	--	--	
Maintenance and Repair Services, Large Appliance	--	P	--	P	
Maintenance and Repair Services, Small Appliance	--	P	P	P	
Personal Services, General	P	P	P	C	
Personal Services, Restricted	--	C	C	--	
Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	
Vehicle Repair and Services					
Service/Fueling Station	C	C	C	C	See Subsection 9104.02.280 (Service/Fueling Stations)
Vehicle Washing/Detailing	--	C	A	C	
Vehicle Repair, Major	--	--	--	P	
Vehicle Repair, Minor	--	M	P	P	
Veterinary Services	--	C	C	C	See Subsection 9104.02.200 (Kennels; Animal Board and Care)

Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones					
Land Use	P Permitted by Right ⁽¹⁾ A Permitted as an Accessory Use M Minor Use Permit C Conditional Use Permit -- Not Allowed				
	C-O	C-G	C-R	M-1	Specific Use Regulations
Transportation, Communication, and Infrastructure Uses					
Antennas and Wireless Communication Facilities - Co-Location or Panel	P	P	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones.
Antennas and Wireless Communication Facilities - Standalone Facility	--	C	C	C	See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Car Sharing	P	P	P	M	Car sharing parking spaces may not occupy any space required for another use.
Off-Street Parking Facilities (not associated with a primary use)	P	P	P	C	Parking garages may front on Huntington Drive only when the ground floor adjacent to the street is constructed to accommodate commercial uses, not parking.
Recharging Stations	P	P	P	P	
Utility Structures and Service Facilities	P	P	P	P	Subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).
Other Uses					
Assembly/Meeting Facilities, Public or Private	M	M	--	M	
Donation Box – Outdoor	M	M	--	M	See Subsection 9104.02.120 (Donation Box – Outdoor)
Drive-Through or Drive-Up Facilities	--	C	--	C	See Subsection 9104.02.130 (Drive-through and Drive-up Facilities)
Extended Hours Uses	C	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)
Places of Religious Assembly	M	M	--	M	Tutoring and Educational Centers may be permitted as an Accessory Use under a Conditional Use Permit
Stable, Public and Private	--	--	--	C	
Reverse Vending Machines – Consumer Goods	P	P	P	P	Allowed indoors only

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Vending Machines	P	P	P	P	Allowed indoors only

Note:

(1) Residential Uses Only Permitted if affordable units are provided per the City's Density Bonus requirements (Section 9103.15)

9102.03.030 Development Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-8 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) and Table 2-9 (Development Standards for Commercial and Industrial Zones), and the development standards in Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards). Additional regulations are set forth in the right hand column of Table 2-9 (Development Standards for Commercial and Industrial Zones).

Table 2-9 Development Standards for Commercial and Industrial Zones					
Development Feature	C-O	C-G	C-R ⁽¹⁾	M-1	Additional Requirements
Lot Standards					
Minimum Lot Area (sq ft)	10,000	--	--	15,000	
Structure Form and Location					
Maximum Height	40 ft	40 ft	85' Height Limit with H8 Overlay; 40 ft outside Overlay	35 ft	Except as provided in Subsection 9102.11.040 (H Special Height Overlay Zone) and Subsection 9102.03.040 (Additional Development Standards).
Maximum FAR	0.5	0.5	0.5	0.5	
Minimum Setbacks					
Front or adjacent to a street	10 ft	0 ft	(Note 1)	10 ft	
Side (interior, each)					
Abutting nonresidential	0 ft	0 ft	(Note 1)	0 ft	
Abutting residential	10 ft	10 ft		10 ft	
Side (Street side)	5 ft	5 ft		10 ft	
Rear					
Abutting commercial	0 ft	0 ft	(Note 1)	0 ft	For any structure built on a lot line or within 5 feet of the lot line adjacent to an alley, no doors or garage entrances shall be allowed facing the alley.
Abutting residential	20 ft	20 ft		25 ft	

Note:

(1) All structures in the C-R zone shall be constructed within the Building Areas shown on the Design Overlay Site Plan as indicated by the applicable City Council Resolution, on file with the Planning Department. See also Subsection 9102.03.050 (Additional Regulations in C-R Zone).

9102.03.040 Additional Development Standards in All Commercial and Industrial Zones

A. Abutting Residential Zone

- Encroachment Plane.** When abutting a residential zone, no portion of any structure shall encroach through a plane projected from an angle of 45 degrees as measured at the ground level along the residentially abutting property line.
- Alley Adjacent.** Where a property line abuts a dedicated alley which separates the property from abutting residential zoned property, the setback shall be measured from the centerline of the alley, and no portion of any structure shall

encroach through a plane projected from an angle of 45 degrees as measured at the ground level along the centerline of the alley.

3. **Public Entrances on Street Side of Corner Lot.** No public entrances to any permitted business shall be located on the side street of a corner lot nearer than 100 feet to property in any residentially zoned district.
- B. **No Parking within Front and/or Street Side Setbacks.** No parking shall be allowed within required front and/or street side setbacks, or within any landscaped area not designated as a driveway or vehicle parking area.
- C. **Minimum Ground Floor Height.** The minimum ground-floor height for structures with commercial uses on the ground floor shall be not less than 12 feet, six inches.

9102.03.050 Additional Regulations in C-R Zone

A. Limitations on Non-Retail and Restaurant Uses.

1. **Limit on Non-Retail Uses.** For any regional shopping center within the C-R zone, the amount of gross leasable floor area occupied by non-retail uses shall be limited to 20 percent of the total gross leasable floor area of the center. For the purposes of this Subsection, non-retail uses shall include theaters, health clubs, offices, medical-related uses, and other uses as may be interpreted by the Director pursuant to Subsection 9101.02.030 (Procedures for Interpretation).
2. **Limit on Large Restaurant Uses.** For any regional shopping center within the C-R zone, all restaurant uses shall be considered a retail use and shall not be subject to the 20 percent limitation indicated in Subsection 9102.03.050.A.1 (Limit on Non-Retail Uses). The amount of gross leasable floor area occupied by large restaurant uses (individually greater than 3,500 square feet) shall not exceed 10 percent of the total gross leasable floor area of the center.
3. **No Limit on Small Restaurant Uses.** For any regional shopping center within the C-R zone, individual restaurant uses smaller than 3,500 square feet shall be considered a retail use and shall not be subject to the 20 percent limitation indicated in Subsection 9102.03.050.A.1 (Limit on Non-Retail Uses) nor the 10 percent limitation indicated in Subsection 9102.03.050.A.2 (Limit on Large Restaurant Uses).
4. **Zoning Clearance Required.** Each new use within the C-R zone shall require a Zoning Clearance pursuant to Section 9107.27 (Zoning Clearances) to confirm compliance with this Subsection's limitation on types of uses.

- B. **Parking Calculation.** Parking for regional shopping center uses shall be based on the gross leasable area. Any floor area within the mall common area(s) devoted to portable carts (including kiosks) shall not be subject to the required off-street parking requirements.
- C. **Setbacks and Building Heights near Property Lines.** All structures in the C-R zone shall be constructed within the areas shown on the Design Overlay Site Plan, as set forth by City Council Resolution (on file with the Planning Department). Structures located within Building Areas A and B, as shown in the applicable City Council Resolution, shall maintain a minimum setback of 20 feet from the Baldwin Avenue property line and shall be limited to one story, with a maximum height limit of 25 feet. Any structure maintaining a minimum setback of 35 feet from Baldwin Avenue shall be a maximum of one story, with a maximum height of 30 feet.
- D. **Building Areas Maximums.** No more than one building containing a maximum square footage of 10,000 square feet shall be allowed within each Building Area A and Building Area B, as shown on the Design Overlay Site Plan, as set forth by City Council Resolution.
- E. **Kiosks.** The minimum distance required between kiosks and carts shall comply with the California Building Code requirements. Each individual kiosk or cart shall not exceed 300 square feet in floor area.
- F. **Valet Parking.** Valet parking service in the C-R zone shall occupy no more than 10 percent of the total number of required off-street parking spaces of the associated use.

9102.03.060 Site Plan and Design Review

Structures erected or modified to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards) shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.

9102.03.070 Other Applicable Regulations

In addition to the requirements contained in this Section 9102.03 (Commercial and Industrial Zones), regulations contained in the following Sections may apply to development in commercial and industrial zones.

- Division 2 – Zones, Allowable Uses, and Development Standards (Section 9102.11 Overlay Zones)
- Division 3 – Regulations Applicable to All Zones - Site Planning and General Development Standards
- Division 4 – Regulations for Specific Land Uses and Activities

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Section 9102.05 – Downtown Zones

Subsections:

- 9102.05.010 Purpose and Intent
- 9102.05.020 Land Use Regulations and Allowable Uses in Downtown Zones
- 9102.05.030 Development Standards in Downtown Zones
- 9102.05.040 Additional Development Standards in Downtown Zones
- 9102.05.050 Mixed-Use Lot Consolidation Incentive Program
- 9102.05.060 Site Plan and Design Review
- 9102.05.070 Other Applicable Regulations

9102.05.010 Purpose and Intent

Amended by Ord. No. 2356

Amended by Ord. No. 2400

The purposes of the Downtown zones are to:

1. Promote mixed use residential, retail, and office development at locations that will support transit use; and
 2. Promote commercial and mixed-use development that will foster and enhance surrounding residential neighborhoods by improving access to a greater range of facilities and services.
- A. CBD Commercial Business District Zone.** The Commercial Business District zone is intended to promote a strong pedestrian-oriented environment and to serve community and regional needs for retail and service uses, professional offices, restaurants, public uses, and other similar and compatible uses. Residential uses are permitted above ground floor commercial or adjacent to a commercial development. Both uses must be located on the same lot or on the same project site. This zone implements the General Plan Commercial designation.
- B. MU Mixed Use Zone.** The Mixed Use zone is intended to provide opportunities for commercial and residential mixed-use development that takes advantage of easy access to transit and proximity to employment centers, and encourages pedestrian activity. A wide range of integrated commercial and residential uses are appropriate. Residential uses are permitted above ground floor commercial or adjacent to a commercial development, or as standalone projects if affordable housing units are provided. This zone implements the General Plan Mixed Use designation.
- C. DMU Downtown Mixed Use Zone.** The Downtown Mixed Use zone is intended to provide opportunities for complementary service and retail commercial businesses, professional offices, and residential uses located within the City's downtown. A wide range of commercial and residential uses are appropriate, oriented towards pedestrians to encourage shared use of parking, public open space, and interaction of uses within the zone. Residential uses are permitted above ground floor commercial or adjacent to a commercial development, or as standalone projects if affordable housing units are provided. This zone implements the General Plan Downtown Mixed Use designation.
- D. C-M Commercial Manufacturing Zone.** The C-M zone is intended to provide areas for a complementary mix of light manufacturing businesses, minor vehicle service and repairs, and support office and retail uses. A wide range of small-scale industrial and quasi-industrial uses with minimal impact to surrounding uses are appropriate. Retail uses are limited to business services, food service, and convenience goods for those who work in the area. Residential uses are limited to various properties north of Downtown as allowed under the Downtown Mixed Use Overlay Zone. This zone implements the General Plan Commercial/Light Industrial designation.

9102.05.020 Land Use Regulations and Allowable Uses in Downtown Zones

Amended by Ord. No. 2348 & 2356

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2375

Amended by Ord. No. 2397

Amended by Ord. No. 2400

A. Allowed Uses. Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) indicates the land use regulations for the Downtown zones and any permits required to establish the use, pursuant to Division 7

(Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

“M” designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“C” designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“UF” designates uses that are permitted on upper floors only, and are not allowed on the ground floor of a structure.

“--” designates uses that are not permitted.

B. Director Determination. Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.

C. Specific Use Regulations. Where the last column in Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

Table 2-10 Allowed Uses and Permit Requirements for Downtown Zones	P A C M -- (UF)	Permitted by Right Permitted as an Accessory Use Conditional Use Permit Minor Use Permit Not Allowed Upper Floor Permitted, Not Allowed on Ground Floor				
	Land Use	CBD	MU	DMU	CM	Specific Use Regulations
Business, Financial, and Professional						
Automated Teller Machines (ATMs)	P	P	P	P		
Check Cashing and/or Payday Loans	--	--	--	-		
Financial Institutions and Related Services	M	M	M	-		
Government Facilities	C	C	C	C		
Offices, Business and Professional	P	P	P	P		
Eating and Drinking Establishments						
Accessory Food Service	A	A	A	A		
Alcohol Sales (On-site, Accessory Only)	M	M	M	M		
Bars, Lounges, Nightclubs, and Taverns	C	C	C	C		

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Outdoor Dining (Incidental and on Public Property) – 12 seats or fewer	P	P	P	P	See Subsections 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining – Incidental)
Outdoor Dining (Incidental and on Public Property) – more than 12 seats	M	M	M	M	See Subsections 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining – Incidental)
Restaurant – Small (with no Alcohol Sales)	P	P	P	P	
Restaurant – Large (with no Alcohol Sales)	P	P	P	P	

Table 2-10 Allowed Uses and Permit Requirements for Downtown Zones	P A C M -- (UF)	Permitted by Right Permitted as an Accessory Use Conditional Use Permit Minor Use Permit Not Allowed Upper Floor Permitted, Not Allowed on Ground Floor			
		CBD	MU	DMU	CM
Restaurant – Small or Large With late hours – open between midnight and 6:00 A.M.)	M	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)
Restaurant – Small or Large Serving Alcohol, within 150 ft of residential zone	M	M	M	M	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Restaurant – Small or Large Serving Alcohol, not within 150 ft of residential zone	P	M	P	M	
Education					
Schools, Public and Private	--	--	--	--	
Trade and Vocational Schools	C (UF)	--	C (UF)	C	
Tutoring and Education Centers	C (UF)	--	--	C (UF)	
Industry, Manufacturing and Processing, and Warehousing Uses					
Brewery and Alcohol Production, with-onsite tasting and associated retail commercial use	M	M	M	M	
Brewery and Alcohol Production	--	--	--	P	
Data Centers	--	--	--	C	
Food Processing	--	--	--	C	
Fulfillment Centers	--	--	--	C	
Light Industrial	--	--	--	P	
Warehouse Retail (under 40,000 square feet)	--	--	--	P	
Warehouse Retail (40,000 square feet and over)	--	--	--	C	
Recycling facilities					
Heavy processing	--	--	--	--	
Large collection	--	--	--	C	
Light processing	--	--	--	--	
Reverse Vending Machine(s)	--	--	--	P	
Small collection	--	--	C	P	
Research and Development	--	M	M	P	
Storage – Accessory	A	A	A	A	
Storage – Personal	--	--	--	M	
Wholesaling	--	--	--	P	
Medical-Related and Care Uses					
Day Care, General	--	--	--	C	
Hospitals and Medical Clinics	--	--	--	C	
Medical and Dental Offices	P	P	P	P	
Recreation and Entertainment					
Arcade (Electronic Game Center)	M	M	M	M	

Table 2-10 Allowed Uses and Permit Requirements for Downtown Zones	P A C M -- (UF)	Permitted by Right Permitted as an Accessory Use Conditional Use Permit Minor Use Permit Not Allowed Upper Floor Permitted, Not Allowed on Ground Floor			
	CBD	MU	DMU	CM	Specific Use Regulations
Commercial Recreation	C	C	C	C	
Karaoke and/or sing-along uses	M	M	M	M	See Subsection 9104.02.190 (Karaoke and/or Sing-Along Uses)
Health/Fitness Facilities, Small	M	M	M	M	
Health/Fitness Facilities, Large	M (UF)	C	C	C	
Indoor Entertainment	M	M	M	M	
Studios – Art and Music	M	M	M	P	
Residential Uses					
Accessory Dwelling Unit	A	A	A		If the site currently has a single-family dwelling or a multifamily dwelling.
Live/Work Unit	M	M	M	--	See Subsection 9104.02.210 (Live/Work Units)
Multifamily Dwelling (2)	M	M	M	--	Permitted only in conjunction with a commercial use (See Section 9102.050.010). Standalone residential uses are permitted if affordable housing units are provided (see footnote 2 below). See Map for C-M parcels with DMU overlay permitting residential use.
Supportive Housing – Housing Type	P	P	P	--	Transitional and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.
Transitional Housing – Housing Type	P	P	P	--	
Short-Term Rental	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement of a Short-Term Rental in any zone allowing residential uses. See Section 9104.02.300
Home Sharing	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement for Home Sharing in any zone allowing residential uses. See Section 9104.02.300
Retail Uses					
Alcohol Beverage Sales					
Alcohol Sales (off-sale)	M	M	M	C	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Alcohol Sales (off-sale, accessory only)	M	M	M	M	
Building Material Sales and Services	--	--	--	--	
Pawn Shop	--	--	--	--	
Plant Nursery	--	--	--	--	
Pet Stores, with inclusive of grooming services	P	P	P	P	Animal grooming shall be limited to 50% of the business. No overnight animal keeping.

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Recreational Equipment Rentals	P	P	P	P	
Retail Sales	P	P	P	P	
Retail Carts and Kiosks – Indoor	P	P	P	P	
Retail Carts and Kiosks – Outdoor	M	M	M	M	See Subsection 9104.02.110 (Displays and Retail Activities – Outdoor)
Secondhand Stores	--	--	--	M	
Swap Meets	--	--	--	--	
Vehicle Rentals	--	--	--	P	
Vehicle Sales – New and/or Used	C	--	--	C	At least 50% of the vehicles sold or leased from the applicable site during each calendar year shall be new automobiles.
Service Uses					
Animal Boarding/Kennels	--	--	--	C	
Animal Grooming	M	M	M	M	
Bail Bond Services	--	--	--	--	
Funeral Homes and Mortuaries	--	--	--	--	
Hotels and Motels	C	C	C	C	
Maintenance and Repair Services, Large Appliance	--	--	--	P	
Maintenance and Repair Services, Small Appliance	P	P	P	P	
Personal Services, General	P	P	P	P	
Personal Services, Restricted	C	C	C	C	
Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	
Veterinary Services	--	--	--	C	
Vehicle Repair and Services					
Service/Fueling Station	C	--	--	--	
Vehicle Washing/Detailing	A	--	--	C	
Vehicle Repair, Major	--	--	--	M	
Vehicle Repair, Minor	A	--	--	P	
Transportation, Communication, and Infrastructure Uses					
Antennas and Wireless Communication Facilities - Co-location	P	P	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities – Panel	P	P	P	P	
Antennas and Wireless Communication Facilities - Standalone Facility	--	--	--	C	
Car Sharing	P	P	P	P	Car sharing parking spaces may not occupy any space required for another use.
Off-Street Parking Facilities (not associated with a primary use)	C	C	C	C	
Recharging Stations	P	P	P	P	

Table 2-10 Allowed Uses and Permit Requirements for Downtown Zones Land Use	P A C M -- (UF)	Permitted by Right Permitted as an Accessory Use Conditional Use Permit Minor Use Permit Not Allowed Upper Floor Permitted, Not Allowed on Ground Floor			
	CBD	MU	DMU	CM	Specific Use Regulations
Utility Structures and Service Facilities	P	P	P	P	Subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).
Other Uses					
Assembly/Meeting Facilities, Public or Private	--	--	--	M	
Donation Box – Outdoor	--	--	--	M	
Extended Hours Use	M	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)
Places of Religious Assembly	--	--	--	M	Tutoring and Educational Centers may be permitted as an Accessory Use under a Conditional Use Permit
Drive-Through or Drive-Up Facilities	--	C	--	C	See Subsection 9104.02.130 (Drive-through and Drive-up Facilities)
Reverse Vending Machines – Consumer Goods	P	P	P	P	Allowed indoors only
Vending Machines	P	P	P	P	Allowed indoors only
Urban Agriculture	A	A	A	A	

(1) Accessory dwelling units are subject to the development standards in Subsection 9102.01.080.

(2) Residential uses are permitted by right when 20% or more affordable units are provided for lower- income households. By-right development will not require a MUP, planned unit development permit, or other discretionary review or approval except for the City's Subdivision requirements and Objective Development Standards.

9102.05.030 Development Standards in Downtown Zones

Amended by Ord. No. 2356

Amended by Ord. No. 2400

Amended by Ord. No. 2401

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) and Table 2-11 (Development Standards for Downtown Zones) and the development standards in Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards). Additional regulations are denoted in the right- hand column of Table 2-11 (Development Standards for Downtown Zones); section and subsection numbers in this column refer to other sections and subsections of this Code.

**Table 2-11
Development Standards for
Downtown Zones**

Development Feature	CBD ⁽¹⁾	MU	DMU ⁽¹⁾	CM	Additional Requirements
Lot Standards					
Minimum Lot Area	5,000 sf	5,000 sf	10,000 sf	5,000 sf	
Structure Form and Location Standards					
Maximum Residential Density	80 units/acre	50 units/acre	80 units/acre	Residential not allowed except for parcels with a DMU or RF Overlay	See Note (3) below
Minimum Residential Density		40 units/acre	20 units/acre	20 units/acre	Accommodate a minimum of 16 units per site.
Maximum FAR ⁽²⁾	1.0	1.0	1.0	0.5	
Minimum Storefront Width	25 ft	N/A	N/A	N/A	
Minimum Setback					
Front or adjacent to a street	0 ft (10 ft maximum)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	10 ft	See Note (4) below
Side (Interior)					
Abutting nonresidential or mixed-use zone	0 ft	0 ft	0 ft	0 ft	
Abutting residential zone	10 ft	10 ft	10 ft	10 ft	
Side (Street side)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	5 ft	See Note (4) below
Rear					
Abutting Nonresidential or Downtown zone	0 ft	0 ft	0 ft	0 ft	
Abutting residential zone	20 ft	15 ft	15 ft	10 ft	
Maximum Height	60 ft	60 ft	60 ft	40 ft	
Minimum Open Space for Residential Uses	100 sf per unit	100 sf per unit	100 sf per unit	N/A	See Subsection 9102.05.040.D (Open Space Requirements for Residential Uses in CBD, MU, and DMU Zones)

Notes:

- (1) See City Center Design Plan for additional design guidelines.
- (2) FAR maximum is applicable only to nonresidential component of a development.
- (3) Utilize DMU Zone development standards for a residential project located on a C-M zoned parcel within the DMU Overlay area and use the RF Development standards for a residential project located on a C-M zoned parcel within the RF Overlay area.
- (4) Where a property in the C-M Zone fronts First Avenue, the front setback shall be 0 ft (10 ft maximum) and the side (street side) setback shall be 0 ft (5 ft maximum).

9102.05.040 Additional Development Standards in Downtown Zones

Amended by Ord. No. 2356

Amended by Ord. No. 2400

- A. Commercial Uses along Street Frontages.** In order to maintain an active pedestrian environment within all Downtown Zones, commercial uses shall be encouraged, but not required along street frontages. Residential may be permitted above ground floor commercial or adjacent to a commercial development, where allowed per Table 2-10 and in compliance with development standards set forth in Table 2-11.
- B. Setbacks When Abutting a Residential Zone**
1. When abutting a residential zone, no portion of any structure shall encroach through a plane projected from an angle of 45 degrees, as measured at the ground level along the residentially zoned abutting property line.
 2. Where a property line abuts a dedicated alley which separates the property from abutting residential zoned property, the setback shall be measured from the centerline of the alley, and no portion of any structure shall encroach through a plane projected from an angle of 45 degrees, as measured at the ground level along the centerline of the alley.
- C. No Parking within Front and/or Street Side Setbacks.** No parking shall be allowed within required front and/or street side setbacks, or within any landscaped area not designated as a driveway or vehicle parking area.
- D. Minimum Ground Floor Height.** The minimum ground-floor height for structures with commercial uses on the ground floor shall be not less than 12 feet, six inches.
- E. Open Space Requirements for Residential Uses in CBD, MU and DMU Zone**
1. **Type.** Open space shall be in the form of private or common open space via balconies, courtyards, at-grade patios (rear and side of the units), rooftop gardens, or terraces.
 2. **Minimum Dimension.** Balconies that are 30 inches or less in width or depth shall not be counted as open space.
 3. **Encroachment.** Balconies that project over a public right-of-way shall be subject to approval by the City Engineer.
- F. Roof Decks.** Roof decks are permitted, subject to Site Plan and Design Review, in the MU and DMU zones provided that roof decks meet the following development standards:
1. **Location.** Roof decks shall be set back five feet from all building lines of the structure. The building line shall be measured from the roof edge of the story directly below the deck.
 2. **Height Limits.** The guardrail and other objects, whether permanent or temporary, which rest upon the roof deck such as patio furniture, landscaping, swimming pool features, and storage, shall be allowed to exceed the maximum height limit specified in Subsection 9102.05.030 (Development Standards in Downtown Zones) by up to five feet. Exterior stairways and other access features such as stairwells or elevators for access to roof decks shall not exceed the residential zoning district's height limit by more than 10 feet and shall be architecturally integrated into the design of the structure.
 3. **Screening.** The roof deck area shall be appropriately designed so as not to be visible from all sides of the structure or from the grade below. Appropriate screening shall be architecturally compatible with and integrated into the existing structure as determined by the Director. The solid screening may include roofing, solid parapet walls, or other methods architecturally compatible with the design of the structure.
 4. **Architecturally Compatible.** The roof deck shall be architecturally compatible with the existing exterior materials and colors of the existing structure, and appear as an integral part of the roof system.
 5. **Furniture.** All furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.

9102.05.050 Mixed-Use Lot Consolidation Incentive Program

To encourage the assemblage of smaller lots into larger lots that can be developed more efficiently into a mixed-use project, the following incentives may be provided to a qualifying development at the Director's discretion:

- A. Waiver of planning permit application fees.
- B. Priority in permit processing.

9102.05.060 Site Plan and Design Review

Structures erected or modified to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards) shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.

9102.05.070 Other Applicable Regulations

In addition to the requirements contained in this Section 9102.05 (Downtown Zones), regulations contained in the following Divisions may apply to development in mixed use zones.

- Division 2 – Zones, Allowable Uses, and Development Standards (Section 9102.11 Overlay Zones)
- Division 3 – Regulations Applicable to All Zones - Site Planning and General Development Standards
- Division 4 – Regulations for Specific Land Uses and Activities

Section 9102.07 – Special Use Zone (Santa Anita Racetrack)

Subsections:

- 9102.07.010 Purpose and Intent
- 9102.07.020 Land Use Regulations and Allowable Uses
- 9102.07.030 Development Regulations Specific to S-1
- 9102.07.040 Site Plan and Design Review – S-1
- 9102.07.050 Other Applicable Regulations

9102.07.010 Purpose and Intent

The Special Use (S-1) zone is intended to provide for the continued operation of the Santa Anita Racetrack and to allow for horseracing, related activities, and authorized special events. This zone implements the General Plan Horse Racing designation.

9102.07.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2375

Amended by Ord. 2400

- A. Allowed Land Uses.** Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) establishes the land use regulations for the Special Use zone and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for the zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

“M” designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“C” designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“--” designates uses that are not permitted.

For Temporary Uses, see Subsection 9102.07.020.D (Permitted Uses Exception).

- B. Director Determination.** Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.
- C. Specific Use Regulations.** Where the last column in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

Table 2-12 Allowed Uses and Permit Requirements for Special Purpose Zones		P A M C --	Permitted by Right Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed
Land Use	S-1	Specific Use Regulations	
Eating and Drinking Establishments			
Bars, Lounges, Nightclubs, and Taverns	P	Shall be located within Grandstand Structure for non-horse racing activities and not open to the public between 1:00 AM and 10:00 AM. See Subsection 9104.02.040 (Alcoholic Beverage Sales)	
Restaurant, Large or Small, with or without On-Sale Alcohol	P	Shall be located within Grandstand Structure for non-horse racing activities. Year-round usage of the restaurant is permitted.	
Events			
Assembly/Meeting Facilities, Public or Private and Places of Religious Assembly	P		
Food and Beverage Events	P		
Filming Activities	P		
Non-profit and Public/Quasi Public Events	P		
Seasonal Sales	P		
Vehicle Sales, New	P		
Recreation			
Daytime Sports and Athletic Events (live)	P		
Horse Breeding, Training, and Shows	P		
Ride and Drives	P		
Sporting Event Viewing (not live)	P	Subject to performance standards of Subsection 9102.07.020.F (Allowed Special Event/Temporary Uses).	
Residential			
Employee Housing	P	See Subsection 9104.02.145 (Employee Housing)	
Transportation, Communication, and Infrastructure Uses			
Antennas and Wireless Communication Facilities – Co-location or Panel	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)	
Antennas and Wireless Communication Facilities - Standalone Facility	C		
Car Sharing	P	Car sharing parking spaces may not occupy any space required for another use.	
Construction Offices	P		

Table 2-12 Allowed Uses and Permit Requirements for Special Purpose Zones		Permitted by Right Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed
Land Use	S-1	Specific Use Regulations
Recharging Stations	P	
Off-Street Parking Facilities (not associated with a primary use)	P	Includes long-term parking and short-term film crew and base camp parking and other short-term private/public parking arrangements.
Other Uses		
Vending Machines	P	Allowed indoors only
Reverse Vending Machines – Consumer Goods	P	Allowed indoors only

D. Permitted Uses Exception. The Director shall review all proposed individual events and activities listed as Permitted Uses in Subsection 9102.07.020.B (Director Determination). Permitted uses listed in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) that exceed 10,000 people at any given time and/or that the Director finds to have additional impacts may be subject to a Temporary Use Permit pursuant to Section 9107.23.

E. Allowed Special Event/Temporary Uses

- 1. Temporary Use Permit Required.** Any use not listed as a permitted use in Table 2-12 12 (Allowed Uses and Permit Requirements for Special Purpose Zones) and not held in conjunction with live racing is required to apply for a Temporary Use Permit subject to the requirements of Section 9107.23 (Temporary Use Permits) of this Development Code. A Temporary Use Permit is not required for any temporary uses, individual events, and activities that are held within any of the parking lot, infield area and/or paddock area during a live racing event.
- 2. Types of Events.** Temporary Uses allowed in the S-1 zone and subject to a Temporary Use Permit shall include, but are not limited to the following:
 - a. Circuses, carnivals, and fixed-run traveling or seasonal shows;
 - b. Concerts and outdoor entertainment;
 - c. Cultural, lifestyle, music, and technology festivals;
 - d. Sporting events and shows;
 - e. Farmers' Markets, antique shows, and craft fairs;
 - f. Movie festivals and premiers;
 - g. Planned helicopter landings and air shows;
 - h. Parades, cycling and running/walking events;
 - i. Specialty auto, truck, motorcycle and recreational vehicle shows; and
 - j. Trade shows and expos.
- 3. Location.** Temporary uses are not permitted within the parking lots, unless otherwise allowed by Temporary Use Permit.
- 4. Number of Events.** Temporary events on Racetrack properties are limited to two simultaneous events, regardless of whether the event is listed as a Permitted Use in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) or as an Allowed Special Event/Temporary Use by Subsection 9102.07.020.F.2 (Types of Events), unless all events are less than 5,000 persons and as otherwise approved by the Director.
- 5. Conditions of Approval and Referral to Council.** The Director may place conditions on any use or event, or may refer any application for such use or event to the City Council for consideration. Conditions of approval may include, but are not limited to the following:
 - a. Additional setbacks and buffers;

- b. Restrictions on outdoor lighting;
- c. Restriction of points of vehicular and/or pedestrian ingress and egress;
- d. Regulation of noise, vibration, odors, etc
- e. Regulation of the number, height and size of structures, equipment and/or signs;
- f. Limitation of the hours and/or days of the proposed use;
- g. If special sales are proposed, limitations on the locations where sales may occur, the number of vendors, and the types of goods sold; and
- h. If food sales are located outside, a requirement that all appropriate health department permits have been secured and are in good standing.

F. Sporting Event Viewing (not live) Performance Standards. The following performance standards shall be applied to allowable activities using a satellite feed, as identified in Subsection 9102.07.020 (Land Use Regulations and Allowable Uses).

1. **Hours and Number of Persons.** No persons, other than employees of the race track, shall be allowed in the unenclosed areas of the grandstand and race track between the hours of 6:00 pm and 8:00 am, except that between 6:00 pm and 8:00 am, up to 3,500 patrons of the racetrack may occupy the outside box seat, Club Court, and Turf Club areas existing at the racetrack as of May 2, 2000, in order to watch and listen to individual televisions located at tables therein or to view the big screen monitor in the infield of the racetrack.
2. **No Outdoor Sound Amplification.** There shall be no outdoor sound amplification or use of outdoor loudspeakers between the hours of 6:00 p.m. and 8:00 a.m., unless approved by a Temporary Use Permit.
3. **Closed Windows.** Windows in the enclosed restaurant located within the grandstand structure shall be closed between the hours of 6:00 p.m. and 8:00 a.m.
4. **Parking Fee.** There shall be no parking fee for events taking place after 6:00 p.m. The northerly parking lot shall not be utilized for patron parking.

9102.07.030 Development Regulations Specific to S-1

A. General. New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in this Section—unless a Master Plan or Specific Plan has been approved—and the development standards in Division 3 (Regulations Applicable to All Zones). Standards for accessory structures are outlined in Subsection 9103.03.050 (Canopy Structures).

B. Development Standards

1. **Floor Area Ratio.** The maximum permitted floor area ratio (FAR) is 0.3.
2. **Height Limit and Lot Size.** No height limit or minimum lot size is established for this zone.

C. Additional Setbacks

1. **Huntington Drive Setback.** Other than service/fueling stations, no building or structure shall be located closer than 150 feet to the outside edge of the Huntington Drive right-of-way.
2. **Setback for Stables.** No stable or other building or structure for the shelter of horses or other animals shall be located within 250 feet of any public street or highway.

9102.07.040 Site Plan and Design Review – S-1

A. Applicability and Authority. Structures erected or modified to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards), including issuance of a building permit or sign permit, approval or conditional approval of a conditional use permit, variance or modification with respect to any and all exterior alterations, additions and new construction, installation of exterior lighting for the infield and parking areas, and installation of perimeter

and parking lot landscaping and signing improvements, shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code and this Section. In the S-1 Zone, the review and approval, conditional approval or disapproval shall be by the Commission and Council, except as noted in Subsection 9102.07.040.C (Administrative Design Review). The provisions of this Section shall not apply to building permits for work which is located entirely within a building and which does not alter the external appearance of the building.

- B. Design Review Procedures.** The following design review procedures are intended to implement the goals of the City's General Plan and the following purposes:
- C.** Ensure that the architectural design of any additions, exterior alterations and new structures, and their materials and colors are visually harmonious and compatible with the existing racetrack architectural design and functionally build upon the racetrack's attributes.
- D.** Ensure that the location and configuration of structures are visually harmonious with their sites and with surrounding sites and structures and do not dominate their surroundings to an extent inappropriate to their use.
1. Ensure that new buildings and structures respect the architectural and cultural heritage represented by the existing racetrack buildings.
 2. Ensure that the grandstands remain recognizable from key locations along the perimeter of the racetrack.
 3. Ensure that the design and location of signs and their materials and colors are consistent with the character and scale of the buildings to which they are attached or which are located on the same site and ensure that signs are visually harmonious with surrounding development.
- E. Administrative Design Review.** The Director shall have the authority to review and approve, conditionally approve, or disapprove applications for:
1. Minor exterior alterations not affecting the architectural integrity of the existing grandstand façade
 2. Minor modifications to existing housing for racetrack employees
 3. Minor improvements directed towards stabling and care of thoroughbreds
 4. Minor exterior lighting plans within the infield and parking areas
 5. Landscaping improvements
 6. Minor sign improvements

9102.07.050 Other Applicable Regulations

In addition to the requirements contained in this Chapter 9102.07 (Special Use Zone), regulations contained in the following Chapters may apply to development in special use zones.

Division 2 – Zones, Allowable Uses, and Development Standards (Section 9102.11 Overlay Zones)
Division 3 – Regulations Applicable to All Zones – Site Planning and General Development Standards
Division 4 – Regulations for Specific Land Uses and Activities

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Section 9102.09 – Public Facilities, Open Space, and Rail Right-of-Way Zones

Subsections:

- 9102.09.010 Purpose and Intent
- 9102.09.020 Land Use Regulations and Allowable Uses in PF, OS-OR, OS-RP, and RR Zones
- 9102.09.030 Regulations Specific to PF, OS-OR, OS-RP, and R-R Zones
- 9102.09.040 Site Plan and Design Review
- 9102.09.050 Other Applicable Regulations

9102.09.010 Purpose and Intent

- A. **Purpose.** These zones are established to provide for areas designated public facilities, open spaces, and railroad facilities in the City.
- B. **PF – Public Facility Zone.** The PF zone is intended to accommodate public, semi-public, and institutional uses, including but not limited to offices and facilities used by federal, state, and local government; special districts; public schools; hospitals; colleges and universities; rail stations and railroad rights-of-way; and other public agencies and public utilities. This zone implements the General Plan Public/Institutional designations.
- C. **OS-OR – Open Space – Outdoor Recreation Zone.** The OS-OR zone is intended to provide areas to be used for active and passive recreational activities, such as parks, golf courses, trails, and the Los Angeles County Arboretum. This zone implements the General Plan Open Space-Outdoor Recreation designation.
- D. **OS-RP – Open Space – Resources Protection Zone.** The OS-RP zone is intended to identify areas to be used for detention basins, conservation, view shed management areas, sensitive habitat areas, groundwater recharge basins, hillside areas, and special management or regulation because of unusual environmental conditions such as earthquake fault zones, steep slopes, flood zones, high-risk fire areas, and areas required for the protection of water quality. This zone implements the General Plan Open Space-Resource Protection designation.
- E. **RR-Rail Right-of-Way Zone.** The RR zone applies to that portion of land within railroad rights-of-way, including related structures and uses. The RR zone allows a continuance of railroad transportation facilities and open space uses above or adjacent to railroad rights-of-way.

9102.09.020 Land Use Regulations and Allowable Uses in PF, OS-OR, OS-RP, and RR Zones

- A. Table 2-13 (Allowed Uses and Permit Requirements for Special Purpose Zones) establishes the land use regulations for Special Purpose zones and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

“M” designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“C” designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“–” designates uses that are not permitted.

- F. Director Determination.** Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.
- G. Specific Use Regulations.** Where the last column in Table 2-13 (Allowed Uses and Permit Requirements for Special Purpose Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

Table 2-13 Allowed Uses and Permit Requirements for Special Purpose Zones	P A M C -- Permitted by Right Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed				
	PF	OS-OR	OS-RP	RR	Specific Use Regulations
Business, Financial, and Professional					
Government Facilities	P	P	P	--	
Education					
Cultural Institution	M	--	--	--	
Schools – Private	C	--	--	--	
Medical-Related and Social Services					
Hospitals and Medical Clinics	C	--	--	--	
Recreation					
Assembly/Meeting Facilities, Public	P	P	--	--	
Parks and Recreation Facilities – Private	C	C	--	--	
Parks and Recreation Facilities – Public	P	P	--	--	
Transportation, Communication, and Infrastructure Uses					
Antennas and Wireless Communication Facilities – Co-location and Panel	P	P	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities – Standalone Facility	C	C	C	C	
Car Sharing	P	--	--	--	Car sharing parking spaces may not occupy any space required for another use.
Utility Structures and Service Facilities	C	C	C	C	
Railroad Transportation Facilities	C	--	--	P	
Recharging Stations	P	P	--	P	
Other Uses					
Assembly Uses					
Assembly/Meeting Facilities, Public or Private	C	--	--	--	
Places of Religious Assembly	C	--	--	--	

Table 2-13 Allowed Uses and Permit Requirements for Special Purpose Zones	P A M C -- Permitted by Right Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed				
	PF	OS-OR	OS-RP	RR	Specific Use Regulations
Reverse Vending Machines – Consumer Goods	P	P	P	P	Allowed indoors only
Temporary Uses	See Section 9107.23 (Temporary Use Permits)				
Vending Machines	P	P	P	P	Allowed indoors only

9102.09.030 Regulations Specific to PF, OS-OR, OS-RP, and R-R Zones

- A. General.** New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-13 and Table 2-14 and the development standards in Division 3 (Regulations Applicable to All Zones). Additional regulations are denoted in the right hand column of Table 2-14.

Table 2-14 Development Standards for PF, OS, and R-R Zones					
Development Feature	PF	OS-OR	OS-RP	R-R	Additional Requirements
Structure Form and Location Standards					
Minimum Setbacks	N/A	N/A	N/A	N/A	
Maximum Height	40 ft ⁽¹⁾	30 ft	30 ft	30 ft	Except as provided in Subsection 9102.11.040 (Special Height Overlay Zone)

(1) Additional height may be allowed through the issuance of a Conditional Use Permit pursuant to Section 9107.09 (Conditional Use Permits and Minor Use Permits).

9102.09.040 Site Plan and Design Review

Structures erected or modified to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards) shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.

9102.09.050 Other Applicable Regulations

In addition to the requirements contained in this Section 9102.09 (Public Facilities, Open Space, and Rail Right-of-Way Zones), regulations contained in the following Divisions may apply to development in PF, OS-OR, OS-RP, and RR zones.

Division 2 – Zones, Allowable Uses, and Development Standards (Section 9102.11 Overlay Zones)
Division 3 – Regulations Applicable to All Zones - Site Planning and General Development Standards
Division 4 – Regulations for Specific Land Uses and Activities

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Section 9102.11 – Overlay Zones

Subsections:

9102.11.010 D - Architectural Design Overlay Zone
9102.11.020 DO Downtown Overlay Zone
9102.11.030 DTP - Downtown Parking Overlay Zone
9102.11.040 H Special Height Overlay Zone
9102.11.050 RF Residential Flex Overlay Zone
9102.11.060 RTE Race Track Event Overlay Zone
9102.11.070 P Vehicle Parking Overlay Zone
9102.11.080 DMU Downtown Mixed Use Overlay Zone

9102.11.010 D - Architectural Design Overlay Zone

- A. Purpose and Intent.** The Architectural Design Overlay zone, indicated on the Zoning Map as “D,” is intended to ensure that the development of structures, signs, and landscaping contribute in a positive manner to the aesthetic character of the area in which they are located and do not create unsightly conditions that would be detrimental to other properties and improvements in the vicinity. This zone is additive to the requirements of the underlying zone. Where conflicts may exist between the Architectural Design Overlay zone and the underlying zone occur, the more restrictive standards shall apply, as determined by the Director.
- B. Site Plan and Design Review.** Structures erected or modified to accommodate uses located within this zone shall be subject to Site Plan and Design Review pursuant to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code and the additional requirements of this Section.
- C. Development Standards.** All development in the Architectural Design Overlay zone shall conform to standards established for the underlying zone where the overlay is applied. However, the following development features, inclusive, shall be considered in establishing the architectural and landscaping requirements for affected properties:
1. Height, bulk, and area of buildings
 2. Setbacks
 3. Colors and materials on the exterior of structures
 4. Type and pitch of roofs
 5. Size and spacing of windows, doors, and other openings
 6. Size, type and location of signs
 7. Towers, chimneys, roof structures, flagpoles, radio and television masts
 8. Plot plan, landscaping and automobile parking areas
 9. The relation to existing structures in the general vicinity and area
 10. Lighting of structures, signs, and grounds
- D. Establishment of Design Standards.** Concurrent with the proceedings for the establishment of property in the Architectural Design Overlay zone, the Commission shall investigate the nature, location, and extent of the properties and improvements within the area to be so classified, and in its recommendation for applying the Architectural Design Overlay zone shall recommend regulations governing the structures, signs, landscaping, and other improvements to be constructed or maintained upon a property to accomplish the purpose specified in Subsection 9102.11.010.A (Purpose and Intent). Concurrent with the adoption of an ordinance establishing property in the Architectural Overlay zone, the Council shall, by Resolution, determine and establish regulations it finds to be necessary and reasonable to accomplish the purposes specified in Subsection 9102.11.010.A (Purpose and Intent).

E. Compliance of Plans

1. Commercial and Industrial.

Plans of the exterior architectural design and appearance of all structures, plot plans, landscape plans, advertising plans, parking area plans, and structure setback plans shall comply with the regulations determined and established by the Council in compliance with Subsection 9102.11.010.D (Establishment of Design Standards), and no building permit shall be issued for plans which do not clearly comply with the regulations, unless such plans are approved by the Commission.

2. Residential. The following areas are subject to application of the Architectural Design Overlay zone and the regulations promulgated by Council Resolutions applicable to areas as designated by reference to the applicable Homeowners Association. All property, residents, and occupants within each area are subject to this Section and applicable City Council Resolutions. Specific property descriptions with reference to each respective association and are subject to the Ordinance codified in this Section and related Resolutions are on file with the Planning Department.

- a. Santa Anita Village Association: North of Huntington Drive, west of Baldwin Avenue, east of Michillinda Avenue and generally south of Hugo Reid Drive
- b. Rancho Santa Anita Residents Association: Generally North of Hugo Reid Drive, west of Colorado Street, east of Michillinda Avenue, and south of Colorado Street
- c. Rancho Santa Anita Property Owners Association: North of Foothill Boulevard, west of Baldwin Avenue, east of Michillinda Avenue, and south of Orange Grove Avenue
- d. Highland Oaks Home Owners Association: North of the commercial properties fronting on Foothill Boulevard, south of the northerly City limit, east of Santa Anita Avenue, and west of Los Angeles County Flood Control District extending to the east end of Sycamore Avenue, but excluding those properties located in Tract 15073 (1500 to 1538 and 1503 to 1537 Highland Oaks Drive) and 1501 Highland Oaks Drive and 307 A, B, C and D Foothill Boulevard
- e. Santa Anita Oaks Association: North of Foothill Boulevard; west of Santa Anita Avenue; east of Baldwin Avenue, and south of Orange Grove Avenue

3. Appeals

- a. **Commercial and Industrial.** In the event that the Director determines that plans submitted do not clearly comply with the regulations established by the Council in compliance with Subsection 9102.11.010(D) (Establishment of Design Standards), the person submitting plans may, within 30 days after a decision, appeal in writing to the Commission for approval of the plans.
- b. **Residential.** Concerning all appeals to the Commission or Council in compliance with the Resolutions referred to above, failure to comply with the procedural requirements outlined in the Resolutions shall constitute grounds for the Commission or Council to reverse any decision of the Architectural Review Board/Committee (ARB), or remand to the ARB any decision made by the ARB that has been appealed.

F. Regulations for New Homeowners Associations. Prior to the consideration of any application or request to apply the Architectural Design Overlay zone to any area of the City where it does not apply, any prospective or pending Homeowners Association shall follow those formation criteria established by Resolution of the Council.

Proof of substantial compliance with the formation criteria established by Resolution is a necessary prerequisite to the required review and action necessary for the Council to apply the Architectural Design Overlay zone and enact the Resolutions of regulation for the overlay zone, if approved, in compliance with Subsection 9102.11.010.D (Establishment of Design Standards).

9102.11.020 DO Downtown Overlay Zone

- A. Purpose and Intent.** The Downtown Overlay Zone (DO) is the extension of the General Plan's Downtown focus area. The Downtown Overlay Zone is intended to provide opportunities for more intense, high-quality development in the areas including and surrounding the downtown core.
- B. Allowed Uses.** Any use permitted in the Downtown Overlay zone will conform to use regulations established within the zone to which the overlay is applied.
- C. Development Standards.** All development regulations in the Downtown Overlay zone will conform to standards established within the underlying zone where the overlay is applied, with the following exceptions:
- 1. Maximum Floor Area Ratio (FAR).** Maximum FAR shall be 1.0 for non-residential uses.
 - 2. Maximum Structure Height.** Structure height shall be limited to 48 feet.

9102.11.030 DTP - Downtown Parking Overlay Zone

Amended by Ord. No. 2375

Amended by Ord. No. 2401

- A. Purpose and Intent.** The Downtown Parking Overlay Zone, indicated on the Zoning Map as "DTP," is intended to provide opportunities for economic development within the Downtown area through shared parking mechanisms and the reduction in certain parking requirements.
- B. Located Onsite.** All required surface parking spaces shall be provided in a surface lot or parking garage located on the same building site or within the same development, except where allowed by Section 9102.11.030.C (Off-Site Parking), below.
- C. Off-Site Parking.** Off-site parking for new uses or new nonresidential construction may be permitted on either a privately owned property or public property through the Site Plan and Design Review process or other applicable discretionary review permit process for an individual use or development project, subject to Section 9103.07.090 and the following regulations:
- 1. Location of Off-Site Parking.** An off-site parking facility serving a use within the Downtown Parking Overlay Zone shall be located within the Downtown Parking Overlay Zone.
 - 2. Irrevocable Access and/or Parking Easement.** If parking is provided at an off-site location, an irrevocable access and/or parking easement shall be obtained on the other site for use and benefit of the site in issue. Such access and/or parking agreement, when fully exercised, shall not diminish the available parking capacity of the site subject to the easement to less than required by this Chapter.
- D. Change in Use.** No additional parking is required when there is a change in use within the Downtown Parking Overlay Zone. This requirement does not apply to any development that was previously approved under a Conditional Use Permit or Minor Use Permit.
- E. Parking Modifications for New Structures and Expansions.** Property owners in the Downtown Parking Overlay Area may request an Administrative Modification to reduce the required off-street parking requirement, pursuant to Section 9107.05 (Administrative Modifications).
- F. Elimination of Parking Minimums –** No minimum off-street parking spaces shall be required for an expansion to an existing commercial use that is 3,000 square feet or less on a property that is zoned Central Business District (CBD) and within 150 feet from the City's public parking lot. The distance shall be measured from property lines to property lines. Any addition that is more than 3,000 square feet, may request an Administrative Modification under Subsection 9102.11.030(E) and shall not rely on the City's parking supply, or make an in lieu payment pursuant to the requirements in Section 9103.07.090 (Shared/Joint Use, Off-Site Parking, and In-Lieu Parking).

9102.11.040 H Special Height Overlay Zone

- A. Purpose and Intent.** The Special Height "H" Overlay zone is intended to regulate all structures within the Overlay Zone that exceed the height restrictions as outlined in the underlying zone without requiring review and approval of a Variance.

- B. Allowed Uses.** Any use permitted in the Special Height Overlay zone will conform to use regulations established within the underlying zone.
- C. Development Standards.** Subject to approval of a Conditional Use Permit pursuant to the requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits), the height of structures within the Special Height Overlay Zone may exceed the standards of the underlying zone as follows:
- 1. Height Limit.** Any structure in Zone H may, by complying with the provisions of this section, exceed the height limitation applicable to the underlying zone in which it is located; provided, however, that no structure shall in any event exceed the following height limits:
 - a. Zone H4 – 45 feet
 - b. Zone H5 – 55 feet
 - c. Zone H6 – 65 feet
 - d. Zone H7 – 75 feet
 - e. Zone H8 – 95 feet

9102.11.050 RF Residential Flex Overlay Zone

Amended by Ord. No. 2400

Amended by Ord. No. 2401

- A. Purpose and Intent.** The Residential-Flex “RF” Overlay Zone is established to provide for greater flexibility in land use planning and to maximize the housing types and styles at a more affordable price range than may be possible under the strict application of other sections of this Division. The RF Overlay Zone provides the option to build a residential project in a commercial zone. Given the state of commercial development throughout the City and region, there are locations that may benefit from this flexibility; also, a residential project may serve as a catalyst for other types of development in the surrounding area. The RF Overlay Zone is intended to maintain compatibility between residential and non-residential uses on adjacent lots through development standards and design guidelines. The standards in this section are applicable to stand-alone residential projects only; all other projects are subject to the requirements of the underlying zoning designation.
- B. Allowed Uses.** In addition to the land use regulations of the underlying zone, allow residential developments by-right when 20 percent or more of the units are affordable to lower income households on sites identified as part of the Residential Flex Overlay Zone. By-right development will not require a CUP, planned unit development permit, or other discretionary review or approval except for the City’s Subdivision requirements and Objective Development Standards. Refer to Section 9103.15.030 of the Code for additional incentives and concessions for affordable housing development.
- C. Development Standards.** New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-15 (Development Standards for Residential Flex Overlay Zone) and the development standards in Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-15 (Development Standards for Residential Flex Overlay Zone).

Table 2-15 Development Standards for Residential Flex Overlay Zones				
Development Feature	Live Oak	Las Tunas	Commercial General (CG) ²	Additional Requirements
Structure Form and Location Standards				
Maximum Height	60 ft			See Subsection 9103.01.050 (Height Measurements and Exceptions)
Residential Density				
Maximum	50 units/acre			
Minimum	30 units/acre			
Minimum Setbacks ⁽¹⁾				

CITY OF ARCADIA ZONING CODE – ARTICLE IX: DIVISION AND USE OF LAND
CHAPTER 1: DEVELOPMENT CODE

Front or adjacent to a street	10 ft	
Side (interior)	10 ft	
Side (Street side)	10 ft	
Rear	10 ft	

**Table 2-15
Development Standards for
Residential Flex Overlay Zone**

Development Feature	R-F	Additional Requirements
Structure Form and Location Standards		
Distance between Structures – Minimum	6 ft	Or as may otherwise be required by the Fire Code
Minimum Open Space for Residential Uses	100 sf per unit	See Subsection 9102.11.050.F (Open Space)

Notes:

(1) Refer to Section H for additional setback provisions.

(2) Residential units are permissible if affordable units are provided per the City's Density Bonus requirements (Section 9103.15). Properties within the CG zone with a Residential Flex Overlay may only be developed with residential uses if identified in the available sites list within the 6th Cycle Housing Element Update on file in the Development Services Department. A property within the CG Zone, but which is not listed in the available sites list, may be consolidated with an adjacent lot/s identified in the available sites list where all properties are under the same ownership. Consolidation of a site not on the available sites list will be subject to a Site Plan and Design Review – Director (Minor Review) (Section 9107.19.030).

D. No Parking within Front and/or Street Side Setbacks. No parking shall be allowed within required front and/or street side setbacks, or within any landscaped area not designated as a driveway or vehicle parking area.

E. Parking Requirements. New residential development in the R-F Overlay Zones shall require a minimum of 1 space per studio unit and 1.5 spaces per unit. Unless parking reductions or modifications are allowed in compliance with provisions identified, parking spaces shall be provided in compliance with Table 3-3 (Off-Street Parking Requirements: Residential Uses).

F. Laundry Facilities. If an area for installation of laundry facilities is not provided in every unit, a common laundry area shall be provided with a minimum of one washer and one dryer for each eight units. The common laundry area shall be centrally located to the units served.

G. Open Space

1. **Type.** Open space shall be in the form of private or common open space via balconies, courtyards, at-grade patios (rear and side of the units), rooftop gardens, or terraces.

2. **Minimum Dimension.** Balconies that are 30 inches or less in width or depth shall not be counted as open space.

3. **Encroachment.** Balconies that project over a public right-of-way shall be subject to approval by the City Engineer.

H. Special Setback and Stepback Requirements. The purpose and intent of this section is to provide minimum standards for property line setbacks and building stepbacks in cases where existing residential development is adjacent to new construction within the RF Overlay to protect adjacent residential neighborhood integrity and character. These special requirements apply to residential uses that were in existence at the time of adoption of these special provisions. The following standards shall apply:

1. Adjacent to Existing Residential

a. 10-foot minimum building setback from property line (See "A" in Figure 2-B)

b. 3-foot minimum building stepback for building heights greater than 30-feet (See "B" and "C" In Figure 2-B), when significant adjacent view impacts can be demonstrated.

- c. Appropriate planting, trees or other natural materials shall be provided within the view plane of adjacent residential uses.
 - i. All plantings or other natural materials shall be at full maturity within 1 year of installation and shall be maintained in a manner that preserves its natural state.
 - ii. Planting materials shall be primarily evergreen and shall limit shedding or loss of leaves during winter months.
 - iii. Deciduous trees and plantings shall be limited in a manner that does not demonstrably impact the screening from adjacent properties.
- 2. **Exceptions.** Special exceptions may be granted to setback, stepback and screening requirements through the processing of a modification application if the following can be demonstrated by the project applicant. All exception requests shall be subject to the provisions of the City's adopted Objective Design Standards.
 - a. The setback standards preclude the applicant from reaching minimum densities and can be demonstrated conclusively by the applicant
 - b. The standards preclude the development of affordable housing units and can be demonstrated conclusively by the applicant.
 - c. Unique site conditions or factors that may preclude the ability to comply with setback standard and/or the installation of landscape screening.

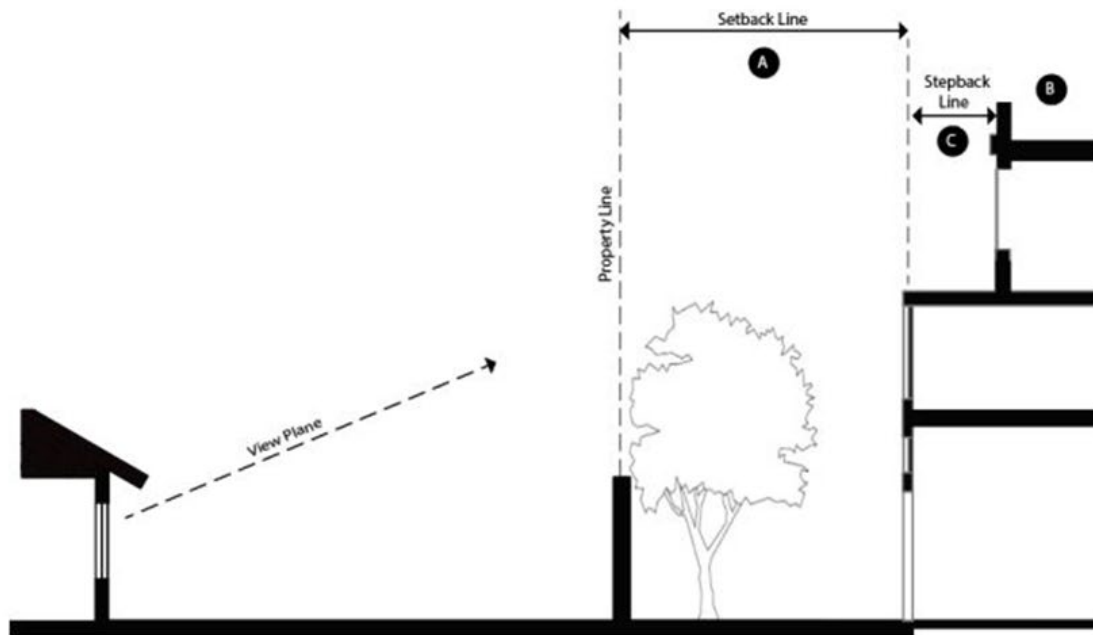


Figure 2-B: Setback and Step Back Provisions

I. Design Review

- 1. **Applicability.** Structures erected or modified to accommodate the land uses allowed by this Section shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.
- 2. **Design Review Criteria.** The project design shall be compatible with the scale and quality of development within the underlying zone and surrounding area. In conducting a review of projects subject to the requirements of this Section, the Review Authority may utilize design guidelines/criteria that have been adopted by the City in order to provide guidance to project proponents on how to best achieve the City's expectations for quality development;

implementation of the applicable General Plan goals and policies; and maintenance of the public health, safety, general welfare and property throughout the underlying zone. Existing land uses shall be considered in the review of projects utilizing the Residential Flex Overlay Zone. Neighborhood Serving Retail, such as supermarkets/ grocery stores shall be retained and integrated into new projects to the extent feasible to maintain commercial retail and services to serve the needs of the local and surrounding community.

9102.11.060 RTE Race Track Event Overlay Zone

- A. Purpose and Intent.** The Race Track Event “RTE” Overlay Zone is established to regulate the use of portions of the property occupied by the Santa Anita Racetrack so that such use does not adversely affect the use of adjacent properties zoned for residential use.
- B. Allowed Uses.** All temporary and special event uses permitted in Section 9102.07 (Special Use Zone) are permitted in the Race Track Event Overlay Zone, except as otherwise restricted by the provisions of Subsection 9102.07.020 (Land Use Regulations and Allowable Uses) and 9102.11.060.C (Restriction on Development Standards).
- C. Restriction on Development Standards.** No equipment or apparatus shall be placed or maintained within 100 feet of any adjacent residentially-zoned property line.

9102.11.070 P Vehicle Parking Overlay Zone

- A. Purpose and Intent.** The Vehicle Parking “P” Overlay zone is established to allow for the development of structures and areas for off-street parking as a stand-alone use.
- B. Allowed Uses.** In addition to the uses permitted in the underlying zone, the open air, temporary parking of private, transient vehicles is allowed in the P Overlay zone, provided that such surface parking uses conform with Section 9103.07 (Off-Street Parking and Loading).
- C. Development Standards.** All development regulations in the P Overlay zone shall conform to the standards established for the underlying zone.

9102.11.080 DMU – Downtown Mixed Use Overlay Zone **Amended by Ord. No. 2400**

- A. Purpose and Intent.** The Downtown Mixed Use Overlay Zone (DMU) is established as an overlay on commercial manufacturing (C-M) zoned parcels adjacent to the existing Downtown Mixed- Use Zone in the Downtown area. The DMU Overlay Zone provides opportunities for high density residential projects in a commercial zone to revitalize the downtown district. Given the state of commercial development throughout the City and region, there are locations that may benefit from this flexibility; also, a residential project may serve as a catalyst for other types of development in the surrounding area. The Downtown Mixed Use Overlay Zone is intended to provide opportunities for more intense residential uses on commercial parcels that encourages transit- oriented development in proximity to transit centers, employment centers, and commercial uses.
- B. Allowed Uses.** Any use permitted in the Downtown Mixed Use Overlay zone will confirm to the regulations established within the zone to which the overlay is applied. Residential uses are subject to the development standards mentioned in Section 9102.11.080(C)(1) below.
- C. Development Standards.** All development regulations in the Downtown Mixed Use Overlay zone will conform to the standards established within the underlying zone where the overlay is applied, with the following exceptions:
 - 1. Utilize development standards for Downtown Mixed Use (DMU) zones if a residential project is developed with units affordable to low- and lower-income households. Refer to **Table 2-11 Development Standards for Downtown Zones**.
- D. Incentives for Affordability Provisions.** Allow residential developments by-right when 20 percent or more of the units are affordable to lower income households. By-right development will not require an MUP, planned unit development permit, or other discretionary review or approval except for the City’s subdivision requirements and Objective Design Standards. Refer to Section 9103.15.030 of the Code for additional incentives and concessions for affordable housing development.

Section 9102.13 – Specific Plans

Subsections:

- 9102.13.010 Purpose and Intent
- 9102.13.020 Effect of Specific Plan Zone
- 9102.13.030 Required Contents of a Specific Plan
- 9102.13.040 Land Use and Development Standards
- 9102.13.050 Establishment of Specific Plan Zones

9102.13.010 Purpose and Intent

The Specific Plan (SP) zone is established to implement Sections 65450 through 65457 of the California Government Code. As provided for in the Government Code, a Specific Plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation. A Specific Plan may be adopted for any property or group of properties meeting the criteria set forth in this Division and Section 9107.21 (Specific Plans). The Specific Plan zone shall apply to all properties lying within the bounds of a specific plan that has been adopted by resolution or ordinance of the Council.

9102.13.020 Effect of Specific Plan Zone

Once adopted, a specific plan shall govern all use and development of properties within the bounds of that specific plan. Where a specific plan is silent with regard to particular development standards, the provisions of this Code shall govern. The Director shall have the authority to determine which 9103.07 of this Code apply where a specific plan is silent.

9102.13.030 Required Contents of a Specific Plan

The required contents of a specific plan shall be as set forth in Government Code Section 65450 et seq.

9102.13.040 Land Use and Development Standards

Each adopted specific plan establishes the land use regulations and development standards applicable to the properties within the specific plan. To the extent that any development standard is not provided by an individual specific plan, such standard shall be in accordance with the provisions of the zone in this Division that most closely resembles the zone in the specific plan.

9102.13.050 Establishment of Specific Plan Zones

Adopted specific plans in Arcadia are listed below. These specific plans define the development standards and guidelines for each corresponding specific plan zone.

- A. SP-SA1 (Hale Medical Center).** The Hale Medical Center Specific Plan regulates the development and design of the Hale Medical Center structure and is designated SP-SA1 on the Zoning Map. Regulations and design elements for the SP-SA1 zone, with related implementing actions, are set forth in the Hale Medical Center Specific Plan.
- B. SP-SP (Seabiscuit Pacifica).** The Seabiscuit Pacifica Specific Plan regulates the development and design of structures within the Seabiscuit Pacifica Specific Plan, designated SP-SP on the Zoning Map. Land use regulations, development standards, and required design elements for the SP-SP zone, with related implementing actions, are set forth in the Seabiscuit Pacifica Specific Plan.
- C. SP-ALC (Arcadia Logistic Center).** The Arcadia Logistic Center Specific Plan regulates the development and design of structures within the Arcadia Logistic Center Specific Plan, designated SP-ALC on the Zoning Map. Land use regulations, development standards, and required design elements for the SP-ALC zone, with related implementing actions, are set forth in the Arcadia Logistic Center Specific Plan.

Division 3: Regulations Applicable to All Zones – Site Planning and General Development Standards

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CHAPTER 1: DEVELOPMENT CODE

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Section 9103.01 – Site Planning and General Development Standards

Subsections:

- 9103.01.010 Purpose and Intent
- 9103.01.020 Measuring Distances
- 9103.01.030 Measuring Floor Area and Floor Area Ratio
- 9103.01.040 Measuring Lot Coverage
- 9103.01.050 Height Measurements and Exceptions
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- 9103.01.100 Solar Energy System
- 9103.01.110 Solar Energy System, Small Residential Rooftop
- 9103.01.120 Exterior Lighting
- 9103.01.130 Trash Enclosures

9103.01.010 Purpose and Intent

The purpose of this Division is to ensure that all development results in buildings and places that contribute in a positive manner to the character and quality of Arcadia's neighborhoods and districts, harmonize with existing and future development, are consistent with and implement the General Plan, and protect the use and enjoyment of neighboring properties.

9103.01.020 Measuring Distances

- A. **Measurements Are Shortest Distance.** Where a required distance is indicated, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the two objects, unless otherwise specifically stated.
- B. **Distances Are Measured Horizontally.** When determining distances for setbacks, all distances shall be measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances shall not be measured by following the topography or slope of the land.
- C. **Measurements Involving a Structure.** Measurements involving a structure shall be made to the closest support element of the structure. Structures or portions of structures that are underground shall not be included in measuring required distances unless otherwise specifically stated.

9103.01.030 Measuring Floor Area and Floor Area Ratio

A. Floor Area

- 1. **Residential Floor Area.** The floor area for buildings in single-family residential zones shall be measured as the total horizontal floor area of all the floors of a building from the outside walls. The total horizontal floor area shall include: the residential floor area of any building(s) located on the lot including the main dwelling, detached accessory structures, accessory dwelling units, all garage area except as exempted in Subsection a. below, enclosed patios, and high volume ceilings (all interior areas above 14 feet in height). The following shall be excluded from floor area for the purposes of calculating floor area ratio:
 - a. For houses less than 5,000 square feet in size, floor area shall exclude required parking spaces (450 square feet for a two-car garage and 650 square feet for a three-car garage). For houses 5,000 square feet or larger, floor area shall exclude up to four parking spaces (850 square feet maximum).

- b. Floor area shall exclude basements.
- c. Floor area shall exclude non-enclosed covered structures such as covered patios or porches, decks, and balconies.

2. Non-Residential Floor Area. The floor area shall include the total horizontal floor area of all the floors of a building measured from the outside walls, exclusive of vents, shafts, courts, elevators, stairways, mechanical, electrical, and communications equipment, and similar facilities. Floor area shall include mezzanine and lofts. The following shall be excluded from floor area for the purposes of calculating floor area ratio.

- a. Floor area shall exclude required parking areas in a garage (with each required parking space not exceeding 200 square feet), but shall include any additional enclosed parking spaces provided in addition to the minimum requirements.
- b. Floor area shall exclude fully subterranean garages and basements.
- c. Floor area shall exclude non-enclosed covered structures such as decks, patios, porches, and balconies enclosed on three or fewer sides.

3. Commercial-Regional (C-R) Floor Area Exception. For development located in the Commercial-Regional zone which is further regulated by resolution(s) of the City Council, floor area shall be defined by the Gross Leasable Area.

B. Floor Area Ratio (FAR)

- 1. **Residential Floor Area Ratio.** The floor area ratio shall be the numerical value obtained by dividing the residential floor area of any building(s) located on a lot by the net area of the lot.
- 2. **Non-Residential Floor Area Ratio.** The floor area ratio shall be the numerical value obtained by dividing the non-residential floor area of any building(s) located on a lot by the net area of the lot.

9103.01.040 Measuring Lot Coverage

- A. **Lot Coverage Measurement.** As defined in Division 9 (Definitions), structures included in lot coverage calculations shall be measured from the outside walls exclusive of architectural features.
- B. **Excluded from Lot Coverage.** The following uses and features shall not count toward lot coverage.
 - 1. Open and uncovered projections such as balconies, platforms, landing places, decks, and eaves (that do not extend more than three feet from the wall), and steps and/or stairways, and walkways, any of which are not more than 18 inches above the finished grade, at any point, on which they are placed.
 - 2. Uncovered swimming pools and spas, sports courts, and other athletic and/or recreational surfaces that are not more than 18 inches above the adjacent finished grade, at any point, on which they are placed.
 - 3. Basements that do not extend above the level of the first floor of the building nor eighteen 18 inches above the adjacent finished grade at any point.
- C. **Exceeding Lot Coverage Requirements.** Exceptions to the lot coverage requirement shall be permitted only by action of the Planning Commission, or the City Council on appeal.

9103.01.050 Height Measurements and Exceptions

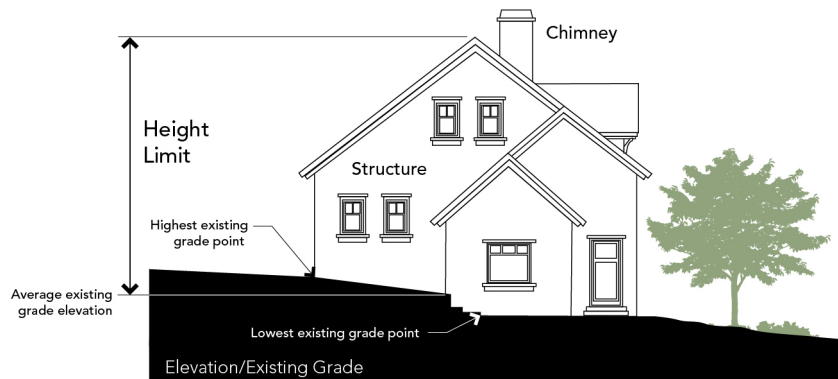
- A. **General.** No building or structure shall be erected, constructed, reconstructed, or established to exceed the height limit established in Division 2 (Zones, Allowable Uses, and Development Standards) in the zone in which such building is located, except as specified in the following subsections.

B. Height of Structures and Measurement

1. Height Measurement

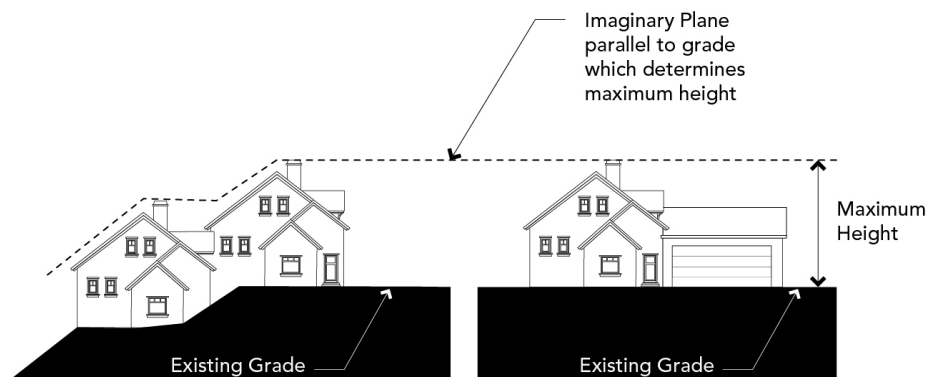
- a. **Structure Height.** Structure height shall be measured from the average level of the highest and lowest existing grade elevation points of that portion of the site covered by the building, to the highest portion of the roof (excluding chimneys), except as otherwise specified by this Development Code. “Existing grade” shall be established by the Director, consistent with lots in the immediate vicinity. See Figure 3-1 (Measurement of Structure Height: Flat Ground Level and Slopes of Less than 20 Percent).

Figure 3-1
Measurement of Structure Height: Flat Ground Level and Slopes of Less than 20 Percent



- b. **Structure Height on Slopes with 20 Percent Grade.** For lots with an average slope of 20 percent or greater, structure height shall be measured from the adjacent existing grade to the topmost point of the roof (excluding chimneys), except as otherwise specified by this Development Code. The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. “Existing grade” shall be established by the Director, consistent with lots in the immediate vicinity. See Figure 3-2 (Measurement of Structure Height: Slopes of 20 Percent or Greater).

Figure 3-2
Measurement of Structure Height: Slopes of 20 Percent or Greater



- c. **Porch Height.** For projecting porches, the height shall be measured from the finished grade on which the porch is established to the uppermost point of the projecting feature, including railings, cornices, and other decorative features. For recessed porches, the height shall be measured to the uppermost point of the opening.

- d. **Height Regulations by Lot Width.** The lot width for determining height shall be measured from the front property line or at the required front setback line, whichever is greater.

C. **Exceptions to Height Limits in All Zones**

1. **Flagpoles.** Ground-mounted flagpoles shall be allowed in residential zones to a maximum height of 25 feet and in non-residential zones to a maximum height of 40 feet.
2. **Antennas.** Height exception for antennas and other wireless communications facilities are outlined in Subsection 9104.02.050 (Antennas and Wireless Communications Facilities).

- D. **Mechanical Equipment Exception to Height Limits in Non-Residential Zones.** In any Commercial, Industrial, or Mixed-Use Zone, mechanical equipment, including elevators, stairways, tanks, ventilating fans, heating, cooling and air conditioning equipment, equipment appurtenant to solar collectors (but not including solar collector panels; see Subsection 9103.01.100: Solar Energy System) and similar equipment required for the operation of or maintenance of structures, may exceed the maximum height limit by up to 10 feet, provided that no area above the specified height limit is used for the purpose of providing additional floor space.

9103.01.060 Setback Measurements and Exceptions
Amended by Ord. No. 2347

- A. **General.** This Section establishes standards for the measurement of setbacks and required setback areas. These provisions, in conjunction with other applicable provisions of this Code, are intended to provide for open areas around structures; access to natural light and ventilation; separation of incompatible land uses; space for privacy, landscaping, and recreation; and access to structures for function and safety.

B. **Measurement of Setbacks**

1. All setback distances shall be measured at right angles from the designated property line to the building or structure, and the setback line shall be drawn parallel to and at the specified distance from the corresponding front, side, or rear property line. See Figure 3-3 (Setback Measurement).
 - a. **Exception.** The lot width for determining an interior side setback shall be measured from the front property line or at the required front setback line, whichever is greater.
 - b. **Exception.** Where the front property line is located beyond the curb (i.e. within a street or common driveway), the front setback is defined as the minimum distance between a structure and the edge of curb.
 - c. **Exception.** The lot width for determining setbacks on lots with more than 50 percent frontage on a cul-de-sac terminus shall be measured at the required structure setback line.
2. For sloped lots the measurement shall be made as a straight, horizontal line from the property line to the edge of the structure, not up or down the hill slope. See Figure 3-4 (Setback Measurement for Sloped Lots).
3. For flag lots, the pole portion of the parcel shall not be used for defining setback lines.
4. For special setbacks Subsection 9103.01.060.F (Special Setbacks-Santa Anita Avenue and Second Avenue), each special setback shall be measured from the centerline of the particular street described. Any deviations to the special setbacks shall be subject to an Administrative Modification pursuant to the requirements of Section 9107.05 (Administrative Modifications).

**Figure 3-3
Setback Measurement**

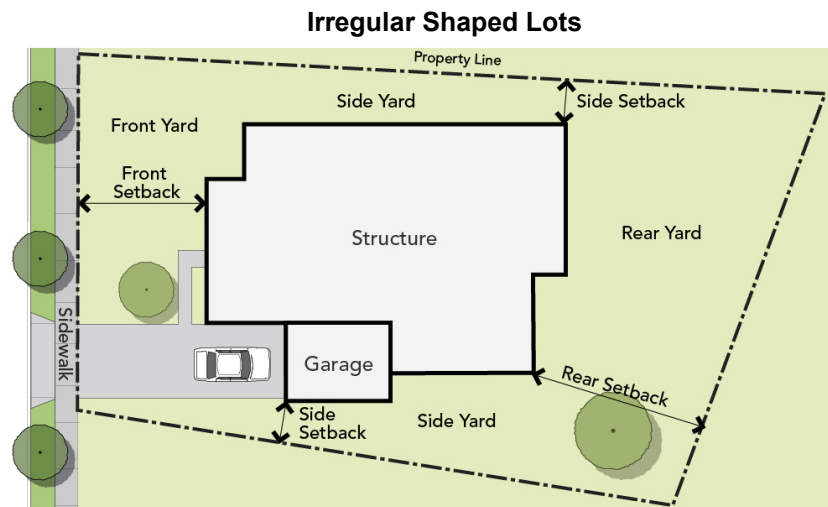
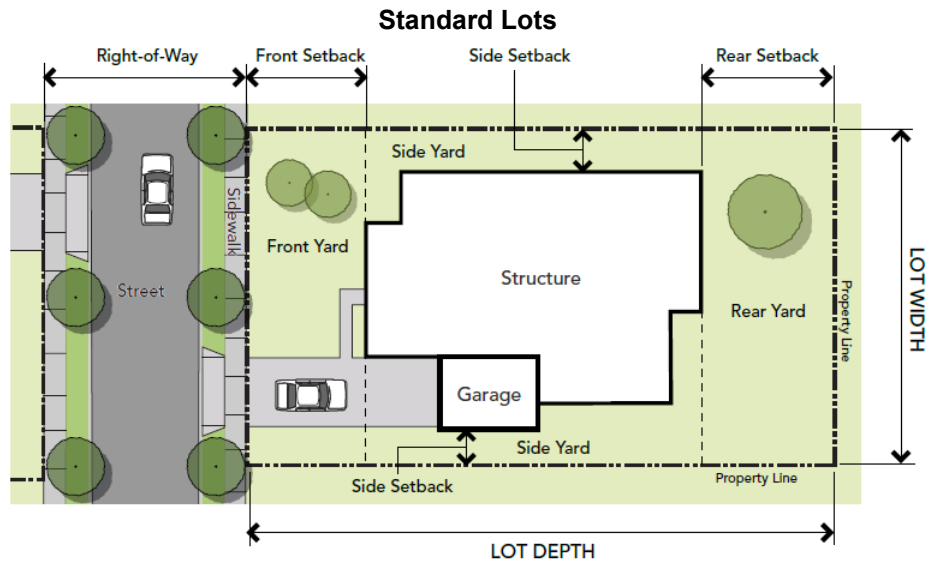
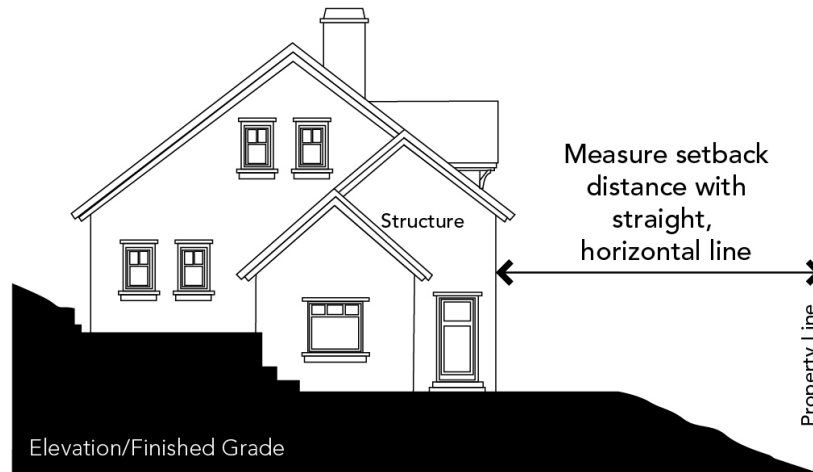


Figure 3-4
Setback Measurement for Sloped Lots



- C. **Setback Areas to Remain Unobstructed.** No portion of any habitable structure and/or accessory structure shall occupy any portion of a required front setback area, except as provided in Subsections 9102.01.050 (Permitted Projections in Single-Family Residential Zones) Subsection 9102.01.080 (Accessory Dwelling Units) and 9102.01.110 (Permitted Projections in Multifamily Zones). Every required setback area shall be open and unobstructed from the ground to the sky.
- D. **Setback Applies to One Property Only.** No setback or open space on an adjoining property shall be considered as providing a setback or open space on a lot on which a building is to be erected.
- E. **Modification of Side Setback Requirement on Combined Lots.** When the common property line separating two or more contiguous lots under common ownership is covered by a structure or permitted group of structures, or when the placement of a structure or structures with respect to such common property line or lines does not fully conform to the required setback area on each side setback common property line or lines, such lots shall constitute a single site for the purposes of the requirements of this Code, and the required side setback area shall not apply to such common property line.
- F. **Special Setbacks - Santa Anita Avenue and Second Avenue.** The following special setbacks shall apply as indicated in Table 3-1 (Special Setbacks) to all properties abutting the streets indicated.

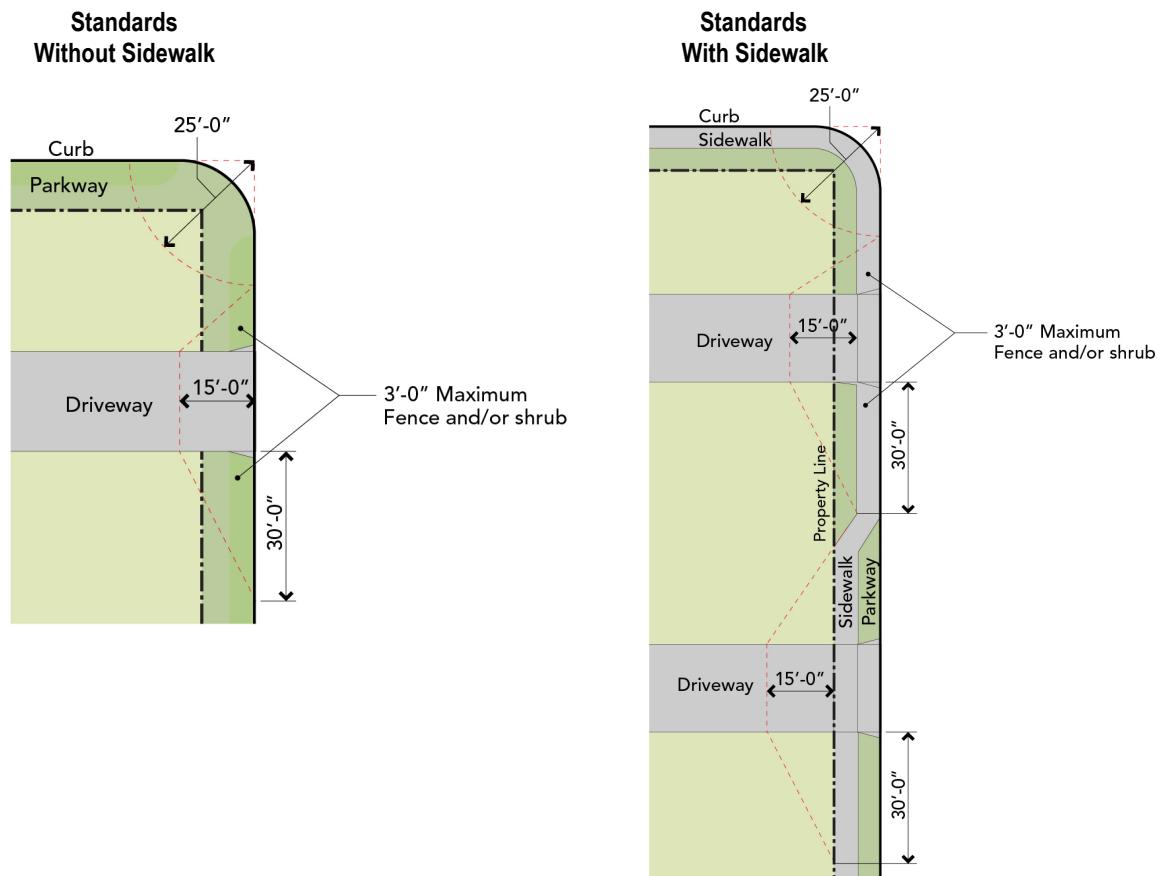
Table 3-1 Special Setbacks			
Name of Street	Limits	Distance from Street Centerline	Special Setback
Santa Anita Avenue	Foothill Boulevard to Live Oak Avenue	55 feet	55 feet plus the required on-site setback
Second Avenue	Huntington Boulevard to Live Oak Avenue	42 feet	42 feet plus the required on-site setback

- G. **Setback Requirements for Property Abutting Future Street Right-of-Way.** No structure shall be erected or maintained on any lot which abuts a street or private roadway having only a portion of its required width dedicated unless the setbacks provided and maintained in connection with that structure have a width or depth sufficient to accommodate completion of the public road width, plus the width or depth required to satisfy the setback requirements for the zone in which the property is located. However, this requirement does not require a setback of such width or depth as to reduce the buildable width of a corner lot to less than 50 feet.

9103.01.070 Vehicular Visibility Standards
Amended by Ord. No. 2347

- A. **Purpose.** To safeguard against vehicular, bicycle, and pedestrian collisions caused by visual obstructions at street and alley intersections, and at any point where a driveway intersects a street or alley, there shall be no visual obstruction within the standard vehicular visibility area established in this Section.
- B. **Vehicular Visibility Area Requirements.** Within 25 feet of an intersection of a vehicular way with a vehicular and/or pedestrian way; no buildings, structures, fences, walls, shrubs, landscape, architectural features, or dense landscaping shall exceed a height of three feet as measured from the surface of the vehicular ways. See Figure 3-5 (Vehicular Visibility-Driveways and Intersections) for standards for lots with and without sidewalks.
- C. **Off-Street Parking Location.** Off-street parking shall not be located within any required clear site or vehicular visibility area on a corner lot.

Figure 3-5
Vehicular Visibility – Driveways and Intersections (*Updated the diagrams*)

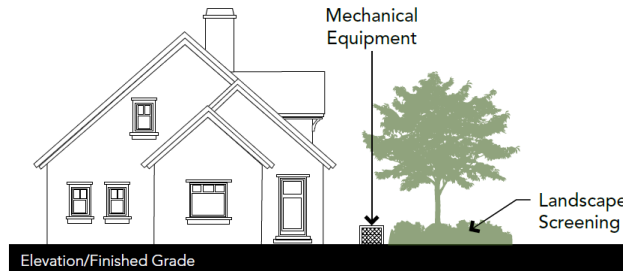


9103.01.080 Mechanical and Electrical Equipment Screening

- A. **Screening Required**
1. Mechanical equipment, including but not limited to heating and air conditioning devices, shall be located within the building or if mounted elsewhere, shall be screened from public view. Mechanical equipment on the ground or on the

roof shall be screened from view from adjacent properties and the public right-of-way by an enclosure designed as part of the building or by appropriate landscaping. See Figure 3-6 (Equipment Screening).

**Figure 3-6
Equipment Screening**



2. Water heaters, electrical boxes, gas meters, landscape irrigation equipment, and similar utility boxes shall either be painted to match the structure, appropriately screened from view, or integrated into the floor plan of the structure.
3. Where feasible and as determined by the Director, appurtenant equipment, plumbing, and related solar energy fixtures shall be installed in the attic, or if infeasible, flush mounted or ground mounted. Appurtenant equipment, plumbing, and related solar energy fixtures shall comply with the setback requirements of the applicable zone and shall be screened from public view.

9103.01.090 Access

Access shall be maintained to mechanical equipment as may be required by building codes.

9103.01.100 Solar Energy System Amended by Ord. No. 2375

- A. **Purpose and Intent.** It is the intent of this section to protect and maintain the importance of solar energy systems in implementing the environmentally sustainable goals and policies adopted by the City of Arcadia, and to implement all solar energy system regulations as appropriate per the laws of the State of California.
- B. **Applicability.** The provisions set forth in this section shall not apply to Subsection 9103.01.110 (Solar Energy System, Small Residential Rooftop) as that term is defined in Division 9 (Definitions). The provisions applicable Solar Energy System, Small Residential Rooftop are set forth in Subsection 9103.01.110.
- C. **Location and Performance Standards.** In any single-family, Accessory Dwelling Units (ADU) and multifamily dwelling, solar energy shall be permitted subject to the provisions set forth below and consistent with Exceptions to Height Limits in All Zones (Subsection 9103.01.050.C).
 1. The City shall not require the approval for any solar energy system permit based on the approval of the system by an association, as that term is defined in Section 4080 of the Civil Code.
 2. Ground-mounted systems and freestanding solar structures shall conform to the setback requirements for any accessory structure in single-family residential zones and the same as the main structure in multifamily residential zones and shall be located outside of the front yard area and to minimize their visibility from any public right-of-way.
 3. All ground-mounted or freestanding solar structures shall not exceed a height of six (6) feet.
 4. Where practical, solar collector panels shall be roof mounted. Solar storage tanks and associated equipment shall be ground mounted.

5. Roof-mounted collector panels shall be flush mounted at the same or as close as possible to the pitch of the roof, and where feasible, be placed in the location least visible from public streets without reducing the operating efficiency of the collectors.
 6. Equipment appurtenant to solar collectors, including plumbing, electrical, and related fixtures, shall be installed within a structure on which the collectors are mounted, and painted to match the roof or building, where feasible, or shall be screened public view. Ground-mounted appurtenant equipment outside of a building shall comply with applicable setback requirements.
 7. A solar panel or module array shall not exceed the maximum permitted building height as set forth in this Development Code.
 8. Hot water storage tanks shall be located within an enclosed structure. If within the garage area, the storage tank(s) and other associated equipment shall not encroach into the required parking area.
 9. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City of Arcadia.
 10. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency, as defined by the California Plumbing and Mechanical Code.
 11. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- D. **Grounds for Site Plan Review.** Certain solar energy systems, due to their specific placement or orientation on a building or lot, may have a specific, adverse impact upon public health and safety. If the Director makes a finding, based on substantial written evidence, that a solar energy system could have specific, adverse impact upon the public health and safety, the solar energy system shall require the approval of Minor Use Permit pursuant to the requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

9103.01.110 Solar Energy System, Small Residential Rooftop
Amended by Ord. No. 2375

- A. **Purpose and Intent.** It is the intent of this Section to protect and maintain the importance of solar energy systems in implementing the environmentally sustainable goals and policies adopted by the City of Arcadia, and to implement all solar energy system regulations as appropriate per the laws of the State of California. Further, it is the purpose of this Section to create an expedited, streamlined permitting process for small residential rooftops solar energy systems, in accordance with California Civil Code Section 714 and California Government Section 65850.5 It is also the purpose of this Section to promote and encourage the use of small residential rooftop solar energy systems and to limit obstacles to their use, in accordance with the standards adopted by the City pursuant to this Section and State law, while allowing the City to protect the public health and safety.
- B. **State Law.** Where the provisions of this Section conflict with an applicable State law or regulation, such State Law or regulation shall govern.
- C. **Location.** In any residential dwelling, solar energy systems, as defined in Division 9 (Definitions), shall be permitted subject to the provisions set forth below.

- D. **Applicability.** This Section applies to the permitting of all small residential rooftop solar energy systems, as defined herein, in the City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Section are not subject to these requirements unless physical modification or alteration are undertaken that materially change the size, type, or components of a small rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.
- E. **Duty of City to Create and Publish Application and Requirements.** A checklist of requirements, documents required for an application, and the application required for small residential rooftop solar energy systems shall be made available to the public during regular business hours within Arcadia City Hall where permitting for solar energy systems is processed, and via other methods determined by the Director. The Director may from time to time revise the checklist of requirements required for an application, documents required for an application and the required applications as long as any revisions are consistent with the most recently adopted resolution of the City Council, and are consistent with Section 65850.5 of the Government Code. Systems shall meet applicable health and safety standards and requirements imposed by State and local permitting authorities, consistent with Section 65850.5 of the Government Code.
- F. **Review.** Review of the application to install a small residential rooftop solar energy system shall be limited to an expedited administrative, nondiscretionary review by the Community Development Department. Review of the application shall be limited to the Building Official's review of whether the application meets local, State, and federal health and safety requirements. The application shall be exempt from Section 9107.19 (Site Plan and Design Review).
- G. **Inspection.** Only one inspection shall be required and performed by Building Division for small residential rooftop solar energy systems eligible for expedited review. The inspection shall be done in a timely manner and should include consolidated inspections. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

9103.01.120 Exterior Lighting

- A. **General.** This Section establishes exterior lighting standards that are intended to balance safety and security needs for lighting with efforts to guard against adverse light trespass (spill light), light pollution, and glare onto surrounding properties.
- B. **Applicability.** Unless specifically exempted, this Section applies to any exterior lighting that is not within a fully enclosed building or structure. For additional standards associated with lighting in parking lots, see Section 9103.07.060 O. (Parking Lot Lighting).
- C. **Exemptions.** The following are exempt from the provision of this Section.
1. Exterior lights associated with a temporary event for which a Temporary Use Permit has been granted.
 2. Temporary exterior lights used for holiday decorations.
 3. Emergency lighting, or any exterior lighting erected for official purpose by a local, State, or federal agency.
- D. **General Standards for Exterior Lighting**
1. Lighting shall be shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties and public rights-of-way.
 2. No lighting on private property shall produce an illumination level greater than 1.0 foot-candle on any property within a residential zoning district, except on the site of the light source.
 3. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they serve.
 4. No permanently installed lighting shall blink, flash, or be of unusually high intensity of brightness.
 5. Lighting fixtures shall make use of full-cutoff fixtures to avoid glare and up-light.

- E. **Prohibited Lighting.** The following exterior light fixtures shall be prohibited. Existing light fixtures legally allowed or authorized by the effective date of this ordinance may be maintained.
1. Uplighted and back-lighted canopies or awnings
 2. Searchlights, except as authorized for a special or temporary event authorized by a Temporary Use Permit
 3. Flashing lights, except as used in conjunction with a security alarm system
 4. Roof-mounted lights
 5. Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light

9103.01.130 Trash Enclosures
Amended by Ord. No. 2375

- A. **Purpose and Applicability.** This Section establishes standards for the location, development, and operations of trash enclosures to ensure that the storage of trash and recyclable materials do not have significant adverse health consequences and minimize adverse impacts on surrounding properties. The provisions in this Section shall apply to trash enclosures that are not subject to the Hazardous Materials and Recycling Facilities regulations of Division 3.
- B. **When Required.** All new and expanded commercial and industrial projects with a floor area exceeding 500 square feet, all intensifications of commercial and industrial uses, all new multifamily residential projects located in any zone, all new mixed-use development projects shall be required to provide and maintain at least one trash enclosure. Trash enclosures may be located indoors or outdoors to meet the requirements of this Section. Outdoor trash enclosures shall require review and approval of Site Plan and Design Review pursuant Section 9107.19 (Site Plan and Design Review) of this Development Code.
- C. **Number Required; General Standards**
1. Trash, recyclables, and other refuse materials that are temporarily stored outside a building shall be located within a trash enclosure that enables convenient collection and loading.
 2. The minimum size of a trash enclosure shall be nine feet wide by six feet deep by six feet high.
 3. A one (1) foot interior clearance shall be provided between the bin and/or carts and the trash enclosure wall.
 4. All development projects with five or more dwelling units shall provide at least one trash enclosure. If a project contains 10 dwelling units or more, at least two trash enclosures or a larger trash enclosure shall be provided, the location and size of which shall be subject to the review and approval of the Director.
 5. All commercial development with more than one tenant, all industrial developments, and all other non-residential developments shall contain at least one trash enclosure.
- D. **Location**
1. Outdoor trash enclosures required under this Section for residential projects shall not be located within any front yard or street-facing yard area.
 2. No outdoor trash enclosures shall be located within any required landscaped areas, required off-street parking spaces, public rights-of-way, or in any location where it would obstruct pedestrian walkways, vehicular ingress and egress, reduce motor vehicle sightline, or in any way create a hazard to health and safety as required by the California Building Code.
- E. **Maintenance.** Outdoor trash enclosures required shall be maintained in the following manner:
1. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin

2. Trash enclosure covers shall be closed when not in use.
3. Trash enclosures shall be easily accessible for garbage collection.
4. Trash enclosures shall be regularly emptied of garbage.
5. Outdoor trash enclosures shall be locked and/or sealed at the end of business day.

F. Design of Enclosure Area

1. Each trash enclosure shall on three sides consist of minimum six-foot-high, fully grouted, decorative masonry walls, with the fourth side consisting of a solid metal gate with latch, painted a color that is compatible with the enclosure walls. The exterior wall shall be of a material and colors that complement the architecture of the buildings they serve or shall have exterior landscape planting that screens the walls.
2. The interior dimensions of the trash, recyclable, and refuse enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and minimize scavenging, while allowing authorized persons access for disposal and collection of materials.
3. All trash enclosures shall have full roofs to reduce storm water pollution and to screen unsightly views. The design of the roof and the materials used shall be compatible with the onsite architecture, with adequate height clearance to enable ready access to any containers.

- G. Modification.** Request of relief from the requirements of this section shall be processed via the Modification process defined in Section 9107.05 (Administrative Modifications) of this Development Code.

Section 9103.03 – Canopy Structures

Subsections:

- 9103.03.010 Canopy Structures in Residential Zones
- 9103.03.020 Canopy Structures in All Other Zones
- 9103.03.030 Repair and Maintenance

9103.03.010 Canopy Structures in Residential Zones

The following regulations shall apply to canopies and canopy structures, as defined in Division 9 (Definitions), in all residential zones.

- A. **Permanent Canopy Structures.** Permanent canopy structures are prohibited.
- B. **Decorative Awnings.** Decorative awnings constructed as a component or feature of an overall architectural design are allowed as architectural projections, subject to the provisions of Section 9102.01.050 (Permitted Projections in Single-Family Residential Zones) and Section 9102.01.110 (Permitted Projections in Multifamily Zones).
- C. **Temporary Tents and Canopies.** Temporary tent and canopies of any size may be erected in any location with the exception of the front setback and/or street side setback areas for a period that is not in excess of three days.

9103.03.020 Canopy Structures in All Other Zones

Amended by Ord. No. 2375

The following regulations shall apply to canopies and canopy structures in all other zones.

- A. **Permanent Canopy Structures.** Permanent canopy structures shall be permitted in the rear yard only, subject to issuance of a Site Plan and Design Review.
- B. **Decorative Awnings.** Decorative awnings constructed as a component or feature of an overall architectural design are allowed as architectural projections, subject to Section 9107.19 (Site Plan and Design Review). Awnings that project over a public right-of-way shall also be subject to approval by the City Engineer.
- C. **Temporary Tents and Canopies.** Temporary canopies and canopy structures, of any size, may be erected in any non-residential zone in any location on a lot subject to the issuance of a Temporary Use Permit pursuant to Section 9107.23 (Temporary Use Permits). All such canopies must be secured in a manner to prevent wind from dislocating them.

9103.03.030 Repair and Maintenance

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

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Section 9103.05 – Fences, Walls, and Gates

Subsections:

- 9103.05.010 Purpose and Intent
- 9103.05.020 Permit Requirements
- 9103.05.030 Development Standards
- 9103.05.040 Prohibited Fencing Materials in All Zones

9103.05.010 Purpose and Intent

- A. This Section establishes standards and regulations for the construction and maintenance of fences, walls, and gates, as the terms are defined in Division 9 (Definitions). The standards are intended to ensure that these types of structures provide the desired privacy and safety while avoiding becoming a public safety hazard or nuisance.
- B. For Specific Plans and Planned Developments, fence and wall heights shall comply with the standards contained within the applicable Specific Plan or Planned Development. Where the Specific Plan or Planned Development is silent with regard to fence and wall height, the standards for the zone that most closely reflects the Specific Plan or the Planned Development shall apply, as determined by the Director.

9103.05.020 Permit Requirements

Construction of new fences, walls, and gates shall be subject to Site Plan and Design Review according to Section 9107.19 (Site Plan and Design Review).

9103.05.030 Development Standards

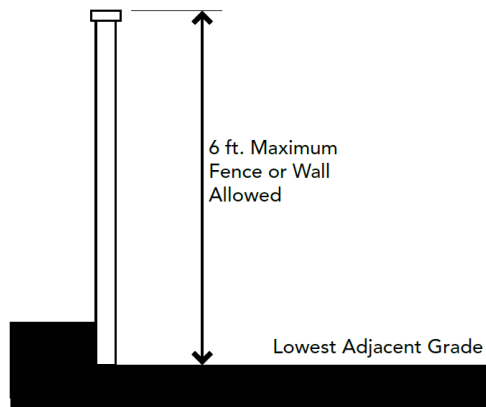
Amended by Ord. No. 2347

Amended by Ord. No. 2401

A. General

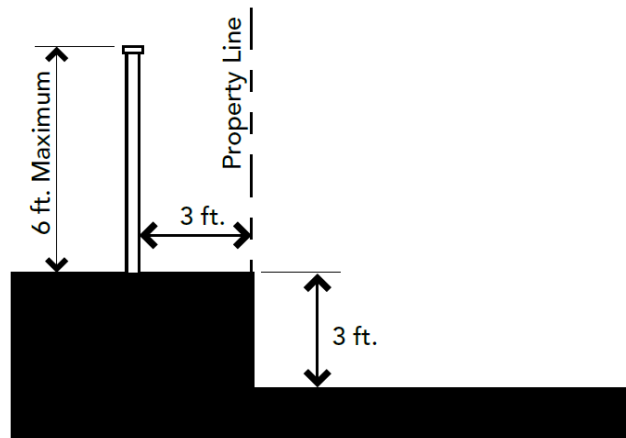
1. The fence or wall height shall be measured from the lowest adjacent grade to the uppermost part of the fence or wall. Refer to Figure 3-7 (Fence Height Measurement).
2. When there is a full landscaped parkway with no sidewalk, a fence and/or columns, excluding vehicular entry gate(s), may be placed adjacent to the front property line.
3. The need for any retaining walls and/or fences, and their heights, shall be determined by the Director and the Building Official through the Site Plan Review process. An administrative modification is not required for retaining walls and/or fences located on hillsides.
4. Temporary construction fencing that is of chain link or wire type may be allowed within the front and street side setback areas, provided it does not exceed six feet in height.
5. All fences, walls, and gates shall be subject to the height limitations described in Section 9103.01.070 (Vehicular Visibility Standards) of this Development Code.

Figure 3-7
Fence Height Measurement



- B. **Fence Height with Difference in Grade.** Where there is a difference in a grade between properties, a fence, wall, or gate may be a maximum height of six feet adjacent to the rear and property lines if such fence, wall, or gate maintains a minimum setback that is equal to the difference in grade between the properties. See Figure 3-8 (Fence Height Measurement with a Difference in Grade). In all other situations, the wall height shall comply with the provisions of this Section.

Figure 3-8
Fence Height Measurement with a Difference in Grade



C. **Residential Zones**

1. **Fences, Walls, and Gates Located in the Front Setback**

- a. The required setbacks, height dimensions, and spacing for fences, walls, and gates shall be as indicated in Table 3-2 (Fences, Walls, and Gates) and Figure 3-9 (Fences, Walls, and Gates).

**Table 3-2
Fences, Walls, and Gates – Front Setback**

Front Setbacks	Regulations within Each Residential Zone					
	Zones					
Requirement	R-M	R-0	R-1	R-2	R-3	R-3-R
Setbacks						
Decorative fences, columns, and caps	3 ft minimum from property line					Fences, walls, and/or vehicular gates prohibited within front and street side setbacks. ⁽¹⁾
Vehicular entry gates and pilasters	4 ft minimum from the property line					
Height						
Decorative fences, columns, and caps:	4 ft maximum	4 ft maximum (N of Hugo Reid Drive) 3 ft maximum (S of Hugo Reid Drive)	3 ft maximum	4 ft maximum ⁽²⁾	4 ft maximum ⁽²⁾	3 ft maximum ⁽³⁾
Pedestrian entry gates, vehicular entry gates, and pilasters:	4 ft maximum	5 ft max (N of Hugo Reid Drive) 4 ft maximum (S of Hugo Reid Drive)	4 ft maximum	4 ft maximum ⁽²⁾	4 ft maximum ⁽²⁾	3 ft maximum ⁽³⁾
Decorative lights, limited to entry points at pedestrian and vehicular entry gates	18 inches above the maximum fence/column height					--
Decorative outdoor post mounted light fixture	8 ft maximum					--
Dimensions and Spacing						
Distance between decorative columns for a pedestrian entry gate.	4 ft minimum 8 ft maximum					---
Horizontal intervals of columns and posts	8 ft minimum					--
Dimension of columns and posts	24 inches maximum					---
Dimensions of caps	30 inches by 30 inches maximum					---
Garden arbor or pergola over a pedestrian walkway (allowed within the front setback area)	8 ft height maximum			--	--	--

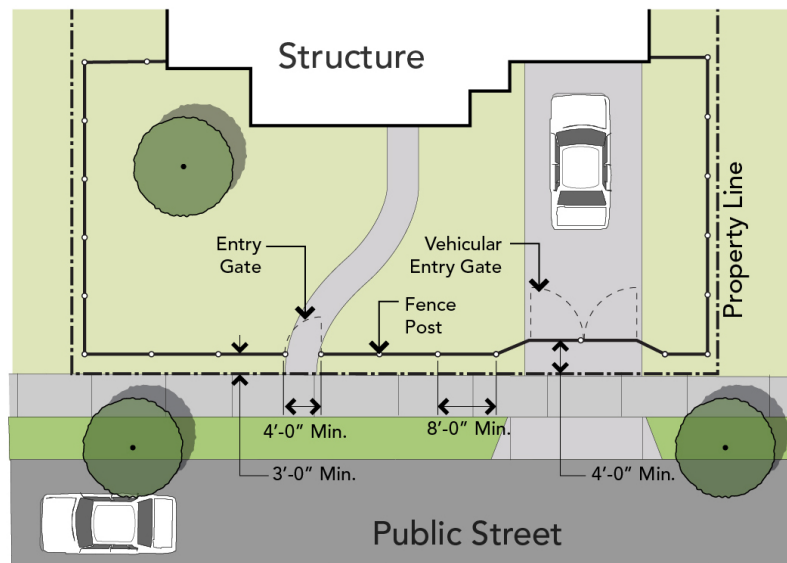
Notes:

Table 3-2
Fences, Walls, and Gates – Front Setback

Front Setbacks	Regulations within Each Residential Zone					
	Zones					
Requirement	R-M	R-0	R-1	R-2	R-3	R-3-R

- (1) Except for guard rails and hand rails required for safety protection, or for reasonable accommodation (ADA) purposes, up to the minimum height required by the Building Code.
- (2) Applicable to properties with multifamily dwelling units that face the street-side of a lot.
- (3) Temporary construction fencing that is of chain link or wire type may be allowed within the front street and side setback areas, provided it does not exceed six feet in height.
- (4) For fences, walls, and gates in side and rear setback areas, see Subsection 9103.05.030C.5 (Fences, Walls, and Gates—Side and Rear Setback Areas)

Figure 3-9
Fences, Walls, and Gates

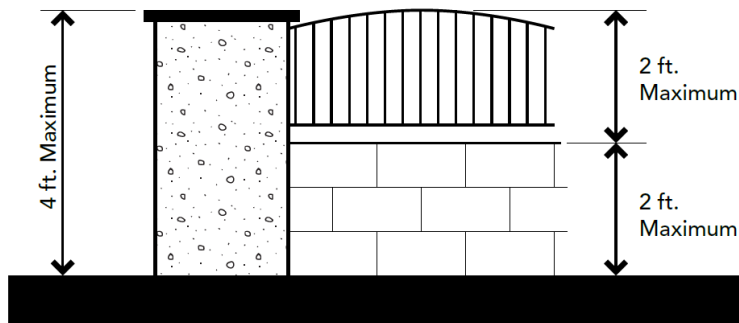


2. Special Regulations for Fences, Walls, and Gates Located in the Front Setback—Residential Zones

a. R-M and R-0 Zones

- (1) A solid wall adjacent to the interior side property line may be allowed in the front setback area, provided that it does not exceed four feet in height.
- (2) Only one pedestrian gate with decorative columns shall be allowed within the front setback area.
- (3) All fences shall be of open work design (a minimum of four inches between vertical and horizontal members.) A two-foot high solid wall may be combined within the allowed height of the decorative fence. Refer to Figure 3-10 (Fence in R-M and R-0 Zones).

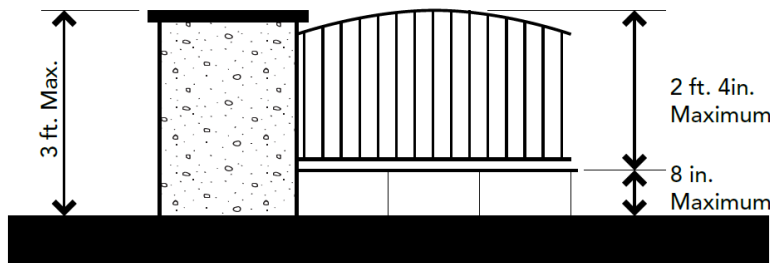
Figure 3-10
Fence in R-M and R-O Zones



b. R-1 Zone

- (1) All fences shall be of open work design (a minimum of four inches between vertical and horizontal members.) A solid decorative masonry base for fences may be allowed in the front setback area, provided that it does not exceed eight inches in height. Refer to Figure 3-11 (Fence in R-1 Zone).

Figure 3-11
Fence in R-1 Zone



- (2) A solid wall adjacent to the interior side property line may be allowed in the front setback area, provided that it does not exceed three feet in height.
- (3) Only one pedestrian gate with decorative columns shall be allowed within the front setback area.

3. Fences, Walls, and Gates—Corner Lots

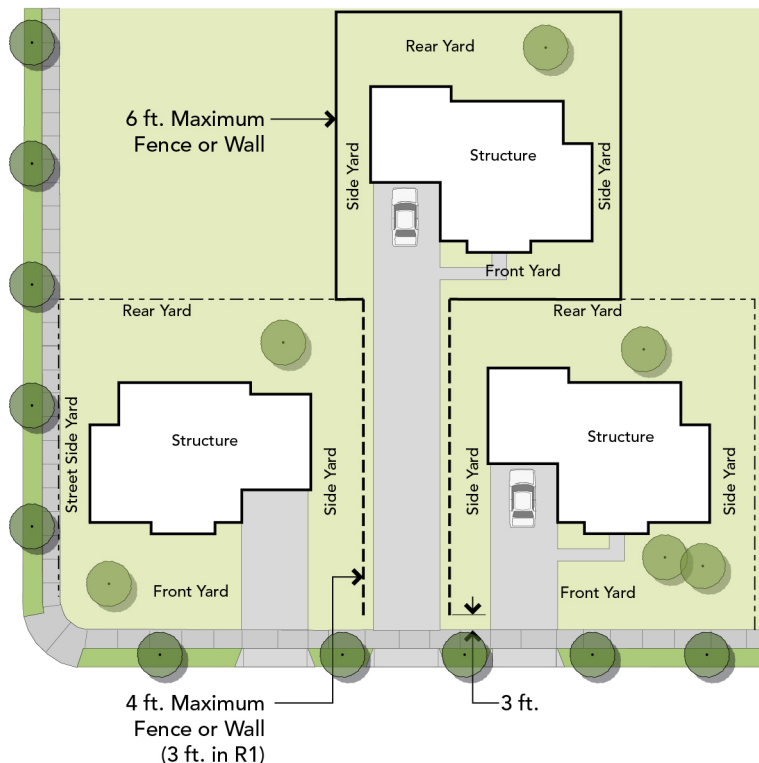
- a. All fences, walls, or gates, including height, design, and location within the street side setback or special setback area, shall be subject to Site Plan and Design Review pursuant to requirements Section 9107.19 (Site Plan and Design Review) in the R-2 and R-3 zones.
- b. On corner lots, fences, walls, and gates within the required street side setback or special setback are allowed up to six feet in height, measured at the street side property line, except as restricted by Subsection 9103.01.070 (Vehicular Visibility Standards)
- c. Fences, walls, and gates shall be setback a minimum of 18 inches from the street side property line.
- d. The area between the street side property line and the fence, wall, or gate shall have an appropriate irrigation system and decorative landscaping (shrubs, ground cover, flowers, plants, etc.). However, when there is a full

landscaped parkway with no sidewalk, a fence, wall, and gate, excluding entry gate(s), may be placed to the street side property line in R-M, R-0, and R-1 Zones.

4. Fences, Walls, and Gates—Flag Lots

- a. Fences, walls, and gates on flag lots shall not be allowed in R-2, R-3-R, and R-3 zones.
- b. In areas zoned R-M and R-0, a fence or wall may be allowed in the front setback and driveway area, provided that it does not exceed four feet in height. In the R-1 zone, the height shall not exceed three feet.
- c. Where a fence or wall is located within the front setback of a flag lot and the front property line of that flag lot abuts the rear property line of an adjacent lot, it may be allowed up to six feet in height. See Figure 3-12 (Fences and Walls on Flag Lots).

Figure 3-12
Fences and Walls on Flag Lots

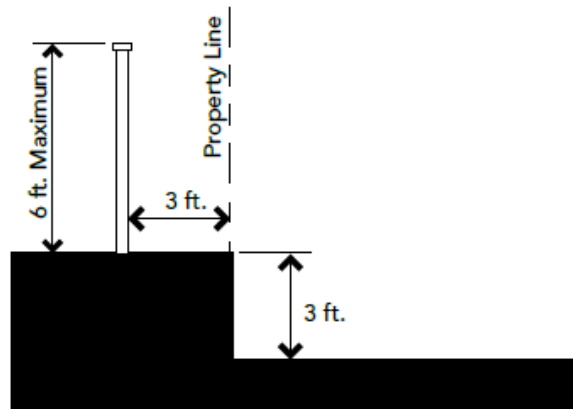


5. Fences, Walls, and Gates—Side and Rear Setback Areas

- a. Fences, walls, and gates located within a required side and/or rear setback area(s) are allowed up to six feet in height, provided that no portion of any such fence, wall, or gate extends into the required front setback area.
- b. Where there is a difference in grade between properties, a wall or fence is allowed up to six feet in height adjacent to the rear and side property lines if the wall or fence maintains a minimum setback that is equal to the difference in grade between the properties. Where there is no difference in grade between properties, a wall shall comply with the height limitations unless it complies with the setbacks required for an accessory building. Refer to Figure 3-13 (Fences Walls and Gates with a Grade Difference). However, if the grade has been altered due to previous grading, the finished grade shall be subject to review and approval by the Director.

- c. Fences and walls are allowed adjacent to the property line in the side and rear setback areas.

Figure 3-13
Fences Walls and Gates with a Grade Difference



6. Walls for Tennis Courts

- a. A six-foot high solid masonry wall shall be installed on the property lines between the tennis court and adjacent properties. In the R-M, R-0 and R-1 zones, where the entire side of a tennis court is a minimum distance of 25 feet from a property line, a six-foot high solid masonry wall shall not be required along the property line.

D. Commercial Zones

1. Fences, walls, and gates shall not exceed three (3) feet along the front property line and must be of an open design. Any gate placed across a court setback opening or a fence around an or outdoor dining area shall have a minimum of 50 percent transparency.
2. Fences and walls located at rear and interior side setback areas are limited to six feet in height.

9103.05.040 Prohibited Fencing Materials in All Zones

- A. No spears (apache, aristocrat with crushed spears, or any spear-like features) shall be allowed on a fence, wall, or gate.
- B. Chain link, corrugated fiberglass, bamboo fencing, and wire type fencing shall not be allowed, except chain link fencing is allowed as a fencing material enclosing sports courts and temporary construction fencing.

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Section 9103.07 – Off-Street Parking and Loading

Subsections:

- 9103.07.010 Purpose and Intent
- 9103.07.020 Applicability
- 9103.07.030 Permit Requirements
- 9103.07.040 Exemptions
- 9103.07.050 Off-Street Parking for Residential Uses
- 9103.07.060 Off-Street Parking for Non-Residential Uses
- 9103.07.070 Mixed-Use (Nonresidential and Residential Combined) Parking Standards
- 9103.07.080 Parking Area Design Standards Applicable to All Zones
- 9103.07.090 Shared/Joint Use, Off-site Parking, and In-Lieu Parking
- 9103.07.100 Valet Parking
- 9103.07.110 Parking Structures
- 9103.07.120 Prohibition on Commercial Vehicle Parking in Residential Zones
- 9103.07.130 Landscape Standards for Parking Lots
- 9103.07.140 Parking for Electric and Alternative Fuel Vehicles
- 9103.07.150 Bicycle Parking Requirements
- 9103.07.160 Off-Street Loading

9103.07.010 Purpose and Intent

This Section establishes regulations to:

- A. Regulate off-street parking and loading to minimize traffic congestion and hazards to motorists, bicyclists, and pedestrians;
- B. Provide off-street parking in proportion to the needs generated by different land uses;
- C. Ensure access to projects by emergency response vehicles; and
- D. Ensure that parking areas are designed to operate efficiently and effectively and in a manner compatible with on-site and surrounding land uses.

9103.07.020 Applicability

- A. All terms defined in Division 9 (Definitions), except as provided, shall apply to this Section. The minimum off-street parking spaces established in this Section shall be provided for new construction or intensification of use, and for the enlargement or increased capacity and use of land.
- B. All required parking spaces shall be maintained in connection with the building or structure and use of land. The regulations within this Section apply:
 - 1. At the time of the erection of any building and/or structure; or
 - 2. Before the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats; or
 - 3. At a time that a usage requiring a higher number of parking spaces than the existing or previous use is applied.
- C. Nothing in this Section shall be deemed to limit the power of the Director, Commission, or Council, acting either on its own or on appeal, to require parking of increased numbers or alternative types and arrangements as part of the conditions of approval to a discretionary permit or to mitigate environmental impacts.

9103.07.030 Permit Requirements

- A. **New Parking Lots.** New parking lot design shall be reviewed as part of the building permit process and any other land use or development permit process required for a project. A site plan of the premises shall be required for all new parking. The site plan shall be submitted to the Director in conjunction with the required permit(s) and shall include sufficient detail to determine compliance with the provisions of this Section. The site plan shall be approved, modified, and/or denied through the normal process of approving, modifying, and/or denying the permit causing the submission of the site plan or other discretionary permit.
- B. **Modification of Existing Parking Lots.** Except otherwise stated in this Section, modification or improvement to an existing parking lot which impacts the parking space layout, configuration, and/or number of stalls shall require the review and approval by the Director of a Site Plan and Design Review pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).

9103.07.040 Exemptions

- A. **Modification of Existing Lots.** The following parking lot improvements shall be considered minor in nature, as long as the number and/or configuration of parking stalls are not altered. These improvements shall be exempt from permit requirements, except for permits that may be required by the Building Official.
1. Repair of any defects in the surface of the parking area, including holes and cracks.
 2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces.
 3. Repair or replacement of damaged planters and curbs in the same location.
 4. Installation of parking stalls reserved as accessible parking stalls in compliance with the Americans with Disabilities Act (ADA), and any required ADA passenger loading areas.

9103.07.050 Off-Street Parking for Residential Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2375

Amended by Ord. No. 2400

Amended by Ord. No. 2401

- A. **Number Required.** Unless off-street parking reductions are allowed in compliance with provisions identified, off-street parking spaces shall be provided in compliance with Table 3-3 (Off-Street Parking Requirements: Residential Uses). These standards shall be considered the minimum required to preserve the public health, safety, and welfare of the community. An increase or decrease in the parking requirements may be determined by the Review Authority in particular circumstances where these requirements are inadequate for a specific project. These cases shall be determined through a parking study as outlined in this Division.
- B. **Off-Street Parking Requirement Calculations.** Table 3-3 (Off-Street Parking Requirements: Residential Uses) establishes the off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply:
1. "Square feet" or "sf" shall mean "square feet of floor area" and refer to floor area as defined in Division 9 (Definitions), unless otherwise specified.
 2. Any fractional parking space greater than or equal to one-half shall be rounded to the next whole number. If the fraction is less than 0.49 of a space, the total number of spaces shall be rounded down to the nearest whole number.
- C. **Off-Street Residential Parking Requirements for Residential Uses**
1. **Uses Not Listed.** The number of parking spaces required for land uses not specifically listed shall be determined by the Director based on common functional, product, or compatibility characteristics and activities. The determination is considered a formal interpretation of the Development Code and shall be decided and recorded accordingly. The

interpretations shall have the same force of law as the provisions of this Section. Any inclusion of land uses in this Section shall be defined and included in Division 9 (Definitions), and shall be included in the land uses in Division 2 (Zones, Allowable Uses, and Development Standards).

Table 3-3 Off-Street Parking Requirements: Residential Uses	
Land Use	Minimum Parking Spaces Required
Single-Family Dwellings (Attached and Detached) and Two-Family Dwellings	• 2 spaces per dwelling unit in a garage for units 5,000 square feet or less in size with up to 4 bedrooms • 3 spaces per dwelling unit in a garage for units greater than 5,000 square feet or more in size and/or with 5 or more bedrooms ⁽¹⁾
Accessory Dwelling Unit	Refer to Section 9102.01.080
Multifamily Dwellings	For the R-2, R-3 and R-3-R Zones: • 2 covered spaces per unit, plus guest parking as follows: • 1 guest parking space for every 2 units For the Residential Flex Overlay Zone: • 1 space per studio unit • 1.5 spaces per unit
Mixed Use Units	• 1 space per studio unit • 1.5 spaces per unit • 1 guest space for every 3 units
Live/Work Units	1 space per unit and 1 space per 1,000 square feet of nonresidential floor area
Senior Housing (when restricted to age 62 and older)	For senior affordable apartment housing: 1 space per unit, and 1 guest space for every 4 units for assisted living facilities: 1.5 spaces per unit For senior market rate housing: 2 spaces per unit

Notes:

- (1) A tandem parking space may be allowed to satisfy the third required, or any non-required, parking space, subject to Design Review approval.
- (2) Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - a. The accessory dwelling unit is located within one-half mile of public transit
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district
 - c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure
 - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit
 - e. When there is a car sharing vehicle located within one block of the accessory dwelling unit

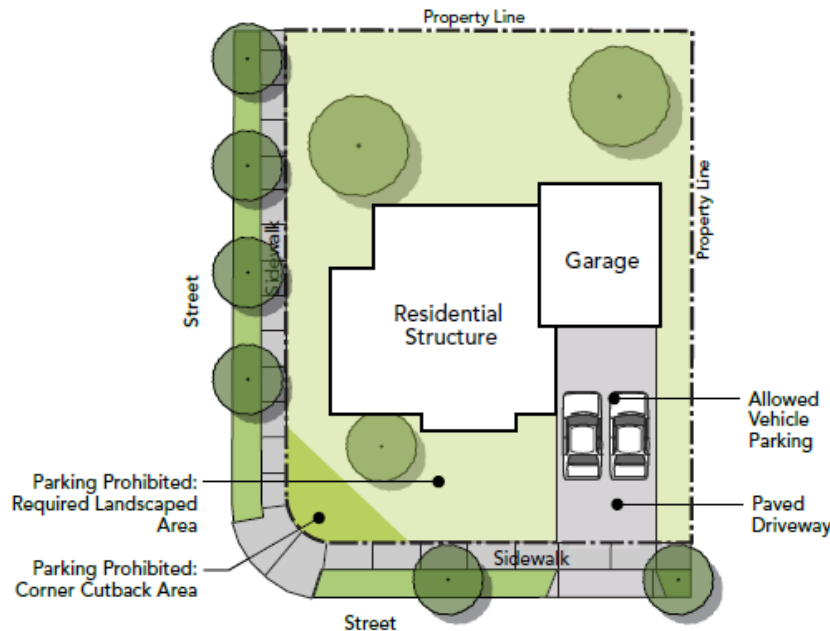
2. **Residential Use: When Required Covered or Garage Parking Cannot Be Provided.** Apart from the requirements for parking in a garage contained in Table 3-3 (Off-Street Parking Requirements: Residential Uses) for residential uses, wherever required covered or garage parking cannot be provided due to physical limitations on a property, an alternative parking arrangement for the remaining required parking can be arranged by the approval of an Administrative Modification subject to the requirements of Section 9107.05 (Administrative Modifications).

D. Parking Location

1. Parking spaces shall be designed, constructed, and maintained in a manner that does not preclude direct and free access to stairways, walkways, elevators, any pedestrian way, and fire safety equipment.
2. Vehicle parking (and access thereto) shall be provided on a permanently paved surface.

3. When required off-street parking spaces are provided on a separate lot from the building or land use, Subsection 9103.07.090 (Shared/Joint Use and Off-site Parking) shall apply.

Figure 3-14
Single-Family Parking Location Requirements



E. Residential Parking Location—Specific Requirements

1. R-M Zone

- a. A garage or carport opening directly upon a side street shall be located not less than 20 feet from the street side lot line.

2. R-0 and R-1 Zones

- a. Required parking spaces shall be provided on the same site as the main building in an enclosed garage. Each parking space provided beyond the minimum required shall also be within an enclosed garage.
- b. Each required parking space shall be in a garage located behind the required front setback and shall be served by a driveway no less than nine feet in width, except as specified in Section 9103.07.050.D.
- c. Only one driveway shall lead to an enclosed garage, unless it is a circular driveway.
- d. Below grade or subterranean parking spaces shall not be allowed unless an Administrative Modification is granted pursuant to Section 9107.05 (Administrative Modifications). Not more than one story below grade shall be allowed.
- e. On lots less than 100 feet in width, no more than a two-car garage shall be allowed facing the front and/or street-side areas. On lots 100 feet or greater in width, no more than a three-car garage shall be allowed facing the front and/or street-side areas.

- f. An enclosed two-car garage shall have a minimum opening of 16 linear feet, and an enclosed three-car garage shall have a minimum opening of 24 linear feet.

3. **R-2, R-3, and R-3-R**

- a. For enclosed garages, the minimum garage opening is 16 linear feet.

- F. **Standard Residential Parking Stall Dimensions.** Required parking stalls, including guest parking spaces, within all residential zones shall meet the dimension requirements set forth in Table 3-4 (Parking Space Dimensions-Residential Zones). Dimensions shall be measured from interior building wall.

Table 3-4			
Parking Space Dimensions-Residential Zones			
Zone	Size of Parking Stall (minimum)		Length
	Width (General)	When Adjacent to Wall or Structure	
R-M, R-O, and R-1	10 ft	11 ft, 6 in	20 ft
R-2, R-3, and R-3-R	10 ft	11 ft, 6 in	20 ft

G. **Residential Driveways**

1. **Paving.** All parking areas and driveways shall be paved with cement concrete. Other paving materials, including brick may be substituted with review and approval by the Director of a Site Plan and Design Review pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).
2. **Width.** The maximum width of driveways within residential zones shall be 20 feet for single-family zones and 25 feet for multifamily zones. The maximum width for all single-family and multi-family residential common driveways shall not exceed 30 feet.
3. **Does Not Fulfill Parking Requirement.** No portion of any required driveway shall be used to fulfill any parking space requirements, except as specified in Section 9103.07.050.D

4. **R-M, R-0 and R-1 Zones**

- a. Only one driveway shall be allowed for each residential lot. The number may be increased to two for an approved circular driveway pursuant to Section 9103.07.050.H (Circular Driveways for Residential Zones).
- b. A driveway shall not be less than nine feet in width.
- c. Pedestrian walkways and driveways shall occupy no more than 40 percent of the required front setback or street side setback.
- d. Driveways shall have at least 10 feet of unobstructed vertical clearance.
- e. Driveway slope shall not exceed 10 percent.

5. **R-2, R-3 and R-3-R Zones**

- a. Each driveway to a parking space shall be at least 10 feet wide.
- b. Every driveway serving as access to more than 12 required parking spaces or which is more than 125 feet long shall have a minimum width of 18 feet. Two 10-foot wide driveways may be provided in lieu of one 18-foot driveway.

- c. Each driveway adjacent to a garage or parking space shall have a minimum width of 25 feet.
- d. "Guest Parking Only" signs with letters not less than two inches in height shall be properly located to designate guest parking spaces.
- e. Common/shared driveways shall be allowed, provided the owners of the lots show proof of a recorded easement or other legal instruments authorizing the use of a shared driveway arrangement and further provided that a covenant, in recordable form by its terms to be for the benefit of, enforceable by, and to be released only by the City, is executed by the owners of all property affected. The covenant shall state that the common/shared driveway shall be usable by the tenants and owners of the properties proposed to be served by the driveway. Recordation of this instrument shall be completed before the issuance of a Building Permit.
- f. Eaves and bay windows which are at least 10 feet above the pavement may overhang any driveway by a distance of not more than three feet.

H. Circular Driveways for Residential Zones

- 1. Lots with street frontage of 100 feet or greater are eligible for circular driveways.
- 2. On lots with more than one street frontage, a circular driveway shall be located on the street frontage that is 100 feet or greater; provided, however, that not more than one circular driveway shall be allowed for any one lot.
- 3. The circular driveway shall not be less than nine feet in width and shall not have a width greater than 15 feet.
- 4. The inside edge of the circular driveway shall be located a minimum distance of 25 feet from the property line at the street right-of-way.

I. Tandem Parking Spaces. Tandem parking spaces may be allowed in residential and mixed-use zones in compliance with the following requirements, and subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).

- 1. For multifamily development projects, tandem spaces shall not constitute more than 20 percent of all required spaces and shall not be permitted to meet guest parking requirements.
- 2. For single-family units, tandem parking may be provided within a garage, provided that such garage has an interior space measuring at least 20 feet by 20 feet adjacent to the garage door and at least one required parking space shall be in a regular (non-tandem) format.
- 3. The size of the tandem parking space shall be 10 feet by 19 feet and shall allow adequate maneuvering room for both vehicles and pedestrians around the tandem spaces.

9103.07.060 Off-Street Parking for Non-Residential Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2375

- A. **Number Required.** Unless off-street parking reductions are allowed in compliance with provisions identified, off-street parking spaces shall be provided in compliance with Tables 3-5 through 3-8 (Off-Street Parking Requirements:). These standards shall be considered the minimum required to preserve the public health, safety, and welfare of the community. An increase or decrease in the parking requirements may be determined by the Review Authority in particular circumstances where these requirements are inadequate for a specific project. These cases shall be determined through a parking study as outlined in this Division.
- B. **Off-Street Parking Requirement Calculations.** Tables 3-5 through 3-8 establish the off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply to Tables 3-5 through 3-8:

1. "Square feet" or "sf" shall mean "square feet of floor area" and refer to floor area as defined in Division 9 (Definitions), unless otherwise specified.
 2. Any fractional parking space greater than or equal to one-half shall be rounded to the next whole number. If the fraction is less than 0.49 of a space, the total number of spaces shall be rounded down to the nearest whole number.
- C. **Off-Street Parking Requirements for Non-Residential Uses.** The following minimum number of off-street parking spaces shall be provided as indicated in Tables 3-5 through 3-8 and shall be maintained for each of the following uses. Temporary reductions may be allowed by the Business License office for parking lot sales and for promotional entertainment events.

**Table 3-5
Off-Street Parking Requirements: Hospitality and Retail Uses**

Land Use	Minimum Parking Spaces Required
Hotels/Motels	1.2 space per guest room Allowed uses within this parking ratio include banquet hall, or assembly places such as conference center are included, spas, and breakfast lounges serving only hotel guests. For restaurants, see Restaurant, within Hotel or Motel Structure
Retail Sales - General	1 space per 200 sf
Retail Sales - Multi-tenant Shopping Center	1 space per 200 sf or as established by a parking study, see Subsection 9103.07.060.E (Parking Requirement Determined By Parking Study).
Regional Shopping Centers	4.75 spaces per 1,000 sf of gross leasable area
Swap Meet - Indoor	1 space per 200 sf plus 1 space per vendor

**Table 3-6
Off-Street Parking Requirements:
Office, Entertainment Services, Care Services, Eating and Drinking Establishment, and
Vehicle Service Uses**

Land Use	Parking Spaces Required
Business, Financial, and Professional	
Financial Institutions and Related Services	1 space per 250 sf
Offices - Professional	1 space per 250 sf
Care Uses	
Emergency Shelters	1 space per 1,000 sf
Day Care and/or preschool facilities	1 space per employee plus 1 space per 5 children or 1 space per 10 children if adequate drop-off area provided
Residential Care Facility	1 space per 3 licensed beds
Eating and Drinking Establishments	
Bars, Lounges, Nightclubs, and Taverns	1 space per 100 sf
Restaurant, Small	1 space per 200 sf
Restaurant, Large	1 space per 100 sf
Restaurant, within Hotel or Motel Structure	1 space per 200 sf
Outdoor Dining – Incidental and Outdoor Dining on Public Property with 12 seats or less or a number of outdoor seats equivalent to twenty-five (25%) percent of the number of indoor seats, whichever is greater	No additional parking required

Outdoor Dining– Incidental and Outdoor Dining on Public Property with more than 12 seats or a number of outdoor seats equivalent to twenty-five (25%) percent of the number of indoor seats, whichever is greater	1 space per 6 seats

Table 3-6
Off-Street Parking Requirements:
Office, Entertainment Services, Care Services, Eating and Drinking Establishment, and
Vehicle Service Uses

Land Use	Parking Spaces Required
Entertainment	
Arcade	1 space per every 2 machines
Karaoke	1 space per 100 sf
Medical-Related Services	
Hospitals	As determined by Conditional Use Permit, Specific Plan, or other special discretionary process
Medical and Dental Offices	1 space per 200 sf
Service and Studio Uses – General	
Personal Services, General and Restricted	1 space per 200 sf
Studio – Art, Music, etc.	1 space per 100 sf of instructional area
Vehicle Service Uses	
Car Sharing	1 space per car available
Service/Fueling Station	1 space per 200 sf of office or service area plus 1 space per service bay, plus any required for ancillary use
Vehicle Repair	2 spaces per service bay
Vehicle Washing/Detailing	1 space per employee on largest shift, plus adequate stacking area as determined by Conditional Use Permit

Table 3-7
Off-Street Parking Requirements:
Recreation, Education, and Public Assembly Uses

Land Use	Parking Spaces Required
Health Clubs, Fitness Centers, and Indoor Athletic Facilities up to 3,000 sf	1 space per 100 sf in all workout and instructional areas
Health Clubs, Fitness Centers, and Indoor Athletic Facilities greater than 3,000 sf of gross floor area	Required parking spaces to be determined through an approved Conditional Use Permit
Live entertainment theaters - movie or live performance	1 space per 3 fixed seats
Public/Private Assembly: places of worship, recreation community structures, private clubs	1 space per 5 fixed seats; 1 space per 35 sf of floor area where no fixed seating; 1 space per 28 linear feet of bench/pew area
Trade Schools, Tutorial Schools, Learning Centers, Private Schools	Facilities for students under high school age: 1 space per employee, plus 1 space for every 5 students Trade schools/private schools, learning centers for students of high school age or older: 1 space per employee plus 1 space for every 3 students See Subsection 9103.07.060.G (Pick-up and Drop-off Area for Educational Uses)

Table 3-8
Off-Street Parking Requirements:
Industry, Manufacturing, and Warehouse Uses

Land Use	Parking Spaces Required
Manufacturing and General Industrial Uses	1 space per 333 sf for projects up to 10,000 sf 1 space per 1,000 sf for projects over 10,000 sf For office area within a manufacturing and industrial building: 1 space per 500 sf for the first 25% of the office area 1 space per 250 sf for the office area in excess of the first 25%
Warehousing, Fulfillment Centers	1 space per 1,000 sf of warehouse space, plus 1 space per 350 sf of office space

Table 3-9
Off-Street Parking Requirements:
Other Uses

Land Use	Parking Spaces Required
Other Permitted Uses	1 space per 200 sf or based on the parking standard of a similar land use as determined by the Director.

- D. **Parking Reduction Near Light-Rail Station.** A 25 percent reduction will be applied to the off-street parking requirement for any commercial use that is located within 1,320 feet (1/4 mile) of a light rail station.
- E. **Parking Requirement Determined by Parking Study.** Off-site parking spaces may be relied upon to serve commercial uses, provided a shared-parking study is completed by the applicant/developer and approved by the Director. In the event the proposed land use is for a multi-tenant and/or mixed use development or involves a Specific Plan or Planned Development Permit, the Director may also authorize the preparation of a parking study to determine the required number of parking spaces as an alternative to the number of off-street parking as outlined in Tables 3-5 through 3-8 (Off-Street Parking Requirement) and other applicable provisions of this Section, subject to the following conditions:
- Off-street parking standards determined by a parking study shall be approved, modified, and/or denied in accordance to the use classification and/or required planning permit for the proposed use. If there are no planning permits required for the proposed use but the Director has determined a parking study is required, then the review and approval of parking study shall be processed pursuant to the requirements of Section 9107.05 (Administrative Modification).
 - The City shall maintain the right to select a consultant, which will be paid for by the applicant.
 - The study shall have been undertaken and completed by a traffic engineer registered by the State of California and shall bear the stamp of that engineer.
 - If the required parking is determined by such a parking study, future modification or improvement to the parking area which impacts the parking space layout, configuration, and/or number of stalls or if any such building or structure in the project is enlarged or increased in capacity by floor area or seats, or at such time that a usage requiring a higher number of parking spaces than an existing or previous use is applied, a new parking study pursuant to this Section shall be provided showing that the existing and/or proposed parking is adequate for such expansion and/or increased usage. Alternative to a revised parking study, at the time of such expansion or increased usage, the applicant may comply with all provisions of this Section in effect at the time of the application.

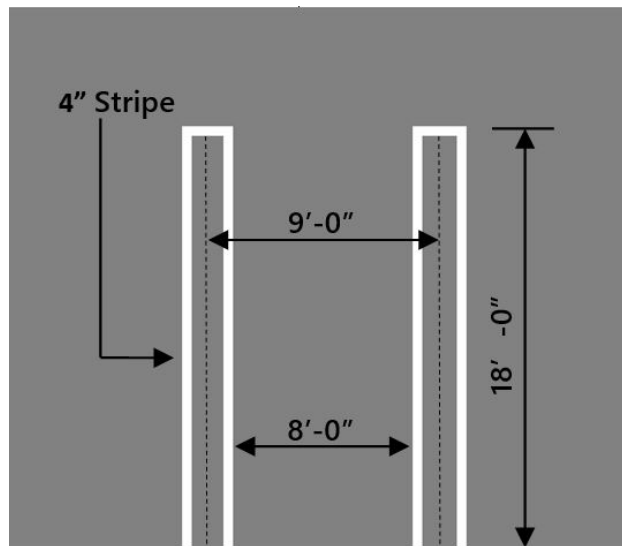
- F. **Multiple Tenants.** Except as otherwise provided in this Section, for each separate use, a site with multi-tenants, or a combination of principal uses in any one facility, the development shall provide the aggregate number of parking spaces required for each separate use unless a parking study has been prepared and approved in compliance with this Chapter or except as provided for in Subsection 9103.07.090 (Shared/Joint Use and Off-site Parking).
- G. **Parking Plans at a Commercial Center.** A Parking Plan with an associated Parking and/or Traffic Study may replace the required parking for each land use on a property that has multiple uses at a commercial center. The Plan must provide justification for a specific parking rate and format, subject to review and approval of the Review Authority pursuant to the requirements of Section 9107.05 (Modification).
- H. **Pick-up and Drop-off Area for Educational Uses.** Educational uses that serve children shall be required to submit a parking plan that indicates the location of pick-up and drop-off area (separate from the driveway aisle) subject to the review and approval of the Review Authority pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).
- I. **Parking Location: All Non-Residential Uses**
1. Parking spaces shall be designed, constructed, and maintained in a manner that does not preclude direct and free access to stairways, walkways, elevators, any pedestrian way, and fire safety equipment.
 2. Vehicle parking (and access thereto) shall be provided on a permanently paved surface.
 3. When required off-street parking spaces are provided on a separate lot from the building or land use, there shall be recorded in the office of the County Recorder against the lot on which such parking spaces are provided, a covenant in the form approved by the City Attorney that the owner of such lot will continue to maintain such parking spaces as long as the use in the building or the land use requiring such parking is maintained.
- J. **Parking Location: Commercial, Mixed Use, and Industrial Zones.** Required parking spaces shall be located either on the same lot or site as the uses served or within 250 feet of the uses served, unless otherwise allowed pursuant to Subsection 9102.11.030 (Downtown Parking Overlay Zone).
- K. **Parking Location: Commercial—Adult Businesses.** Parking for adult businesses shall be located with 495 feet of the use that the parking spaces serve.
- L. **Parking Stall and Drive Aisle Size: Commercial, Mixed Use, and Industrial Zones**
1. **Commercial, Industrial, and Mixed Use Zones.** Drive aisles and parking spaces in a parking lot or parking structure shall have the minimum dimensions listed in Table 3-10 (Standard Vehicle Space Requirements-Commercial, Industrial, and Mixed Use Zones).

Table 3-10 Standard Vehicle Space Requirements—Commercial, Industrial, and Mixed Use Zones				
Parking Stall Angle	Stall Width ⁽¹⁾	Stall Length	Aisle Width	
			One-Way	Two-Way
Standard Parallel	10 ft	24 ft	14 ft	20 ft
30-Degree	9 ft	20 ft	16 ft	20 ft
45-Degree	9 ft	20 ft	16 ft	20 ft
60-Degree	9 ft	20 ft	20 ft	20 ft
65-Degree	9 ft	20 ft	19 ft	19 ft
90-Degree	9 ft	18 ft	25 ft	25 ft

Notes:

(1) Minimum stall width for stalls adjacent to a wall shall be 11 feet, six inches.

Figure 3-15
Parking Stall Standards



M. Driveways

1. The maximum width for driveways in commercial, mixed use, and industrial zones shall be 35 feet.
 - a. All driveways shall have a minimum vertical clearance of 14 feet six inches.
2. A driveway for one-way circulation shall have a minimum width of 12 feet six inches. A driveway for two-way circulation shall have a minimum of 25 feet.
3. No driveway shall be situated so as to create a blind intersection that would hinder public safety.

N. Circulation. No parking space backup area shall occur in the first 20 feet from the street right-of-way and a parking lot entrance or exit.

O. Marking and Signs

1. Each parking space shall be identified by four-inch-wide stripes of paint, or other durable striping material approved by the Director. All parking stalls shall be clearly outlined with double stripes to provide a parking stall with a nine foot width, measured to the center of the lines.
2. Drive aisles, approach lanes, and maneuvering areas shall be marked and maintained with directional arrows and striping to expedite traffic movement. Any area not intended for parking shall be signed, or in areas where curb exists, the curb may be painted red in lieu of signs.
3. The City Engineer may require the installation of the traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.
4. Compact and carpool spaces, where allowed, shall be clearly identified for compact vehicle and carpool usage, respectively.
5. Disabled parking spaces shall be striped and marked according to the applicable state standards.

P. Parking Lot Lighting

1. Lighting shall be hooded and arranged to reflect away from adjoining properties and streets.
2. Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining properties. To accomplish this, a greater number of shorter light standards may be required as opposed to a lesser number of taller standards.
3. Light standards shall be a maximum of 20 feet in height. The height of the light standard shall be measured from the elevation of the adjacent pavement of the parking lot. When the subject property abuts a residentially zoned property or is within 100 feet of residentially zoned property, light standards within 100 feet of the property shall not exceed 15 feet in height.
4. Parking lots, driveways, pedestrian walkways, and building entrances/exits shall be illuminated for security and safety purposes during business hours of operation.

- Q. Wheel Stops or Planter Curbs.** Wheel stops or a planter curb shall be provided for each parking space adjacent to and facing a wall, building, walkway, utility cabinet, or structure. The wheel stops or planter curbs shall be set a minimum of 36 inches from the forward end of the parking stall and shall be six inches high and made of concrete or other durable material subject to the approval of the Director. If a planter curb is used in lieu of a wheel stop, the planted area contained in the required parking space shall not be considered as part of any required dimensions of landscape buffers and shall not be included in the percentage of the parking area required to be landscaped.

9103.07.070 Mixed-Use (Nonresidential and Residential Combined) Parking Standards

Amended by Ord. No. 2375

Amended by Ord. No. 2400

- A. Mixed-Use with Residential.** This subsection applies to mixed-use developments as defined in Division 9 (Definitions) and where allowed by Division 2 (Zones, Allowable Uses, and Development Standards).

1. The number of parking stalls provided shall be as outlined in Tables 3-3, 3-5, 3-6, 3-7, and 3-8.
2. No more than 50 percent of the required guest parking spaces for the residential units may be shared with the required commercial parking spaces.
3. The parking for the residential use required to be in a fully enclosed garage in compliance with Table 3-3 may be provided within an underground or aboveground parking structure rather than a garage.
4. With the exception of the guest parking, parking for the residential uses shall be provided and maintained separate and secure from the on-site public parking.
5. A 25 percent reduction may be applied to the project for all commercial uses if the parking area is located within 1,320 feet of a light rail station.
6. If affordable residential units are proposed with mixed-use developments, refer to Section 9103.15.030 of the Arcadia Municipal Code for incentives and concessions to parking standards.

9103.07.080 Parking Area Design Standards Applicable to All Zones

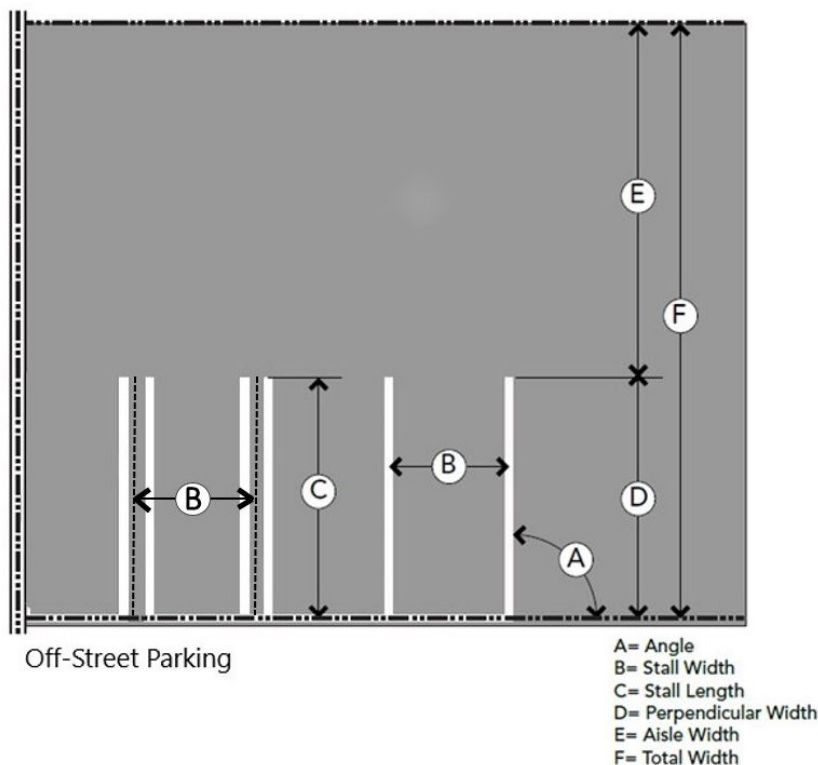
Amended by Ord. No. 2375

A. General Requirements

1. All required off-street parking areas shall be paved. Paving materials, methods, soils compaction, and base materials shall be shown on building plans prepared by a State licensed architect, civil engineer or structural engineer.
2. All required parking spaces shall have adequate individual access and safe ingress and egress.

3. No parking space shall be arranged in a manner that requires the moving of any other vehicle on the premises in order to enter or leave any other parking space, other than as permitted by Section 9103.07.050.I (Tandem Parking Spaces). This provision shall not apply at such times as attendant parking is provided.
4. When determined necessary by the Director, painted directional signs shall be provided in each aisle or driveway.
5. No parking space backup area shall occur in the first 20 feet from the street right-of-way, parking lot entrance, or parking lot exit.
6. No driveway shall be constructed within three feet of any fire hydrant, ornamental light standards, telephone or electric pole, meter box or underground vault, or manhole.
7. All driveways and drive approaches within the public right-of-way shall be constructed of standard Portland cement concrete, six inches thick. No variations in material within the public right-of-way shall be allowed.
 - a. All required parking facilities shall be permanently maintained, free of litter and debris, potholes, obstructions and stored material.
 - b. Each parking space shall have a minimum of 25 feet of clear back-out space. Alternatively, if the site does not have a back-out clearance of 25 feet straight, it may be measured from a seventy-five (75) degree angle, as measured from the garage door, or opening, in the direction of the back-up subject to the discretion of the Director.
8. A minimum of distance of 14 feet six inches is required between any driveway openings, unless otherwise specified in this section. The distance shall be measured from the closest points between any two driveways. Driveway openings for the purpose of this subsection shall be the first five feet along the length of the driveway measured from the point where the opening abuts the roadway.

Figure 3-16
Off-Street Parking Standards



9103.07.090 Shared/Joint Use, Off-site Parking, and In-Lieu Parking
Amended by Ord. No. 2356

- A. **Authority.** The Director shall be the designated Review Authority for the review and approval of any proposal shared, joint use, on or off-site parking arrangements, or in-lieu parking fee, unless parking is included in an application requiring approval of another Review Authority. In these cases, the ultimate Review Authority per Division 7 (Permit Processing Procedures) shall be the Review Authority for the shared, joint use, off-site parking agreement, or in-lieu payment.
- B. **Eligibility for Shared/Joint Use and Off-site Parking.** Where it can be demonstrated that two or more land uses can effectively share common parking facilities due to the nature of the uses and distinctly different demand for parking, or where off-site parking is proposed to meet parking requirements, then an application may be filed for such parking arrangement. Such application shall include a parking study that identifies the parking demand of all subject land uses and that clearly demonstrates how and why parking facilities can be shared.
1. The following categories of development shall be eligible to use shared use and/or off-site parking arrangements to meet parking requirements:
 - a. Nonresidential new construction.
 - b. Additions to existing structures, rehabilitation of existing structures, or changes in use or occupancy in existing structures.
 2. New and existing residential uses are not eligible to use shared use or off-site parking arrangements.
- C. **Eligibility for In-Lieu Parking.** For any new developments that are within the Central Business District or Downtown Mixed Use zones, the property owners may make an in-lieu payment for future construction, maintenance and operation of public off-street parking instead of providing off-street parking spaces.
- D. **Circumstances and Requirements for Allowing Shared Parking Arrangements**
1. Off-site parking spaces may be relied upon to serve commercial uses, provided a shared parking study is completed by the applicant/developer and approved by the Director. The parking study shall be prepared by a registered traffic engineer and shall specifically analyze the parking demand for each use proposing to share the parking, each use's hours of operation, and other related issues of all involved uses.
 2. No joint use or shared facility shall be located more than 1,500 feet from the use it is intended to serve unless located within the Downtown Parking Overlay.
 3. Shared use parking standards are based on the assumption that patrons will use a single parking space for more than one destination and that one parking space will be open and available for short-term parking to serve many different uses which may have different peak hours.
- E. **Findings for Granting Shared/Joint Use and Off-site Parking Arrangements.** In granting a request for shared/joint use or off-site parking, the Review Authority shall make all of the following findings:
1. There is clear and convincing evidence that peak hour parking demand from all uses does not coincide and/or the uses are established in a way that the hours of operation are different for the various businesses or uses.
 2. There is adequate parking provided for all participating users.
 3. The shared/joint use or off-site parking arrangement will be an incentive to, and a benefit for, the nonresidential development.
 4. Adjacent or nearby properties will not be adversely affected by the shared/joint use or off-site parking.
 5. The parking arrangement is consistent with the General Plan and all requirements of this Code.

- F. **In-Lieu Parking Fee.** In-lieu fees, at the owner's option, may be paid in a lump sum or in annual installments, and may be adjusted annually for inflation. If paid annually, the first annual payment of an in-lieu fee shall be due as a condition of occupancy, and subsequent payment(s) shall be made per the agreement the City enters into with the owner. In-lieu payment under the In-Lieu Parking program shall be used for establishing such public parking funds, as established by the City Council.
- G. **Legal Agreement Required.**
1. All joint, shared, and off-site parking arrangements shall be required to enter into an agreement with the City and recorded with the Office of the County Recorder, requiring the parking to be operated on a nonexclusive basis, to be open and available to the public for shared use, short-term parking during normal business hours.
 2. All In-Lieu parking arrangements shall be required to enter into an agreement with the City.
- H. **Change in Use.** In the event of a change in use, a new application shall be filed or the existing agreement amended to the satisfaction of the Director.

9103.07.100 Valet Parking

- A. **Where Permitted and Approval Process.** Valet parking may be permitted in commercial and mixed-use zones subject to the approval of a Minor Use Permit, based on the approval process outlined this Section.
- B. **Review Criteria**
1. Valet parking shall be subject to review of hours of operation, circulation and other pertinent impacts. All proposals for valet parking shall be accompanied by a parking study, prepared by a registered traffic engineer, that addresses circulation impacts, operational characteristics of the use, parking space size and configuration and other issues deemed necessary by the Director.
 2. Valet parking shall be provided on the same site as the business for which the valet parking is being approved. In the event the location for the valet parking is off-site of the business, the provisions in this Section regulating off-site parking shall also be applicable.
- C. **Development Standards for Valet Parking Uses**
1. Because of the unique characteristics of valet parking facilities, parking space size shall be determined on a case-by-case basis and not necessarily subject to the standards listed in this Section.
 2. Valet parking facilities shall not be permitted to use parking that is specifically set aside or required for another use, unless a shared parking or off-site parking agreement, as applicable, is approved by the City.

9103.07.110 Parking Structures **Amended by Ord. No. 2375**

- A. Parking spaces within a parking lot or structure shall be designed and located so that any required maneuvering into or out of the space will not interfere with vehicles entering or exiting the parking lot, and so that vehicles can enter an abutting street in a forward direction. The drive aisles shall be designed so that a vehicle is not required to enter a street to move from one drive aisle to another.
- B. Within a parking structure, piers and pillars shall not encroach within the minimum clearance of required parking stalls.
- C. Subterranean parking structures and above-ground parking structures shall have a minimum vertical clearance of eight feet and six inches.
- D. Preferential parking spaces reserved for vanpools shall be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance is required by the California Building Code and the subsection above

9103.07.110.C. Each parking space shall be provided for those spaces and access ways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

- E. Above-ground parking structures shall not be subject to the landscaping requirements applicable to parking lots.

9103.07.120 Prohibition on Commercial Vehicle Parking in Residential Zones

- A. No commercial vehicle, as defined by the California Vehicle Code, which exceeds three tons in unladen gross weight shall be parked or left standing between the hours of 12:00 a.m. midnight and 4:00 a.m. of any day on any part of any property zoned or used for residential purposes.

9103.07.130 Landscape Standards for Parking Lots

- A. **Purpose and Intent.** Landscaping, where required by this Section, shall be installed and well maintained, to keep landscaping alive, attractive and free of disease. It is the intent of this Section to preserve and enhance the appearance and visual appeal of the community.
- B. **Applicability.** Landscaping requirements outlined in this Section shall be applicable to all new development and to improved nonconforming lots when the nonconforming lot is to be modified by a change of more than 20 percent in the square footage of structures. The Director may approve modifications to these standards on nonconforming lots where the revised site design does not allow for full compliance with these provisions due to the space and dimensions created by those structures and other improvements being retained.
- C. **General Landscaping Requirements.** Landscaping of parking areas shall be provided and maintained according to the general standards of Section 9103.09 (Landscaping), as well as the standards within this subsection. Proposed parking lot landscaping as required by this Section shall be reviewed and approved by the Review Authority through a Site Plan Design Review, pursuant to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.
- D. **Landscaping Plan Required.** Within parking lots, landscaping shall be used for shade and climate control, to enhance project design, and to screen the visual impact of vehicles, light pollution, and large expanses of pavement. Landscaping materials shall be provided throughout the parking lot area using a combination of trees, small shrubs, and groundcover. A comprehensive landscape and irrigation plan shall be submitted for review and approval in compliance with Section 9103.09 (Landscaping).
- E. **Minimum Landscape Coverage.** A minimum of five percent of the parking lot area shall be landscaped and maintained in perpetuity. Required planting areas between parking areas and adjacent public streets and residentially zoned properties shall not be considered part of the required landscape coverage. When landscaping is designed to allow vehicles to overhang into the landscaping, none of the overhang area shall be counted towards the five percent required landscaping.
- F. **Trees.** Trees shall be planted and maintained in all parking lots at a ratio of at least one tree per 10 parking spaces. Trees shall be of a variety that provides a wide canopy, subject to the review and approval of the Director. All newly planted trees shall be a minimum 15-gallon size with a one-inch diameter at breast height.
- G. **Location of Landscaping.** Parking lot landscaping shall be designed and planted so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands. Planting areas shall be as evenly distributed as possible throughout the entire area. Concentration in one location is not acceptable.
- H. **Curbing.** Where the front end of a parking stall abuts a landscaped area, the landscaped area shall extend into the parking stall so that the curb bordering the landscaped area will also serve as the wheel stop for the parking stall.
- I. **Visibility and Clearance.** Landscaping in planters and at the end of parking aisles shall not obstruct drivers' vision of cross traffic both vehicular and pedestrian. Mature trees shall have a foliage clearance of eight feet from the surface of the parking lot maintained.
- J. **Perimeter Parking Lot Landscaping**

1. **Adjacent to Streets.** A perimeter planter with a minimum width of five feet and not more than three feet in total height (measured from the finished grade of the parking lot) shall be provided between parking areas and property lines which are located between parking areas and public streets (including alleys). Screening materials may include any combination of plant materials, solid masonry walls, raised planters, or other screening device deemed appropriate by the Review Authority in complying with the intent of this requirement.
2. **Adjacent to Residential Use.** Where parking areas for nonresidential uses are within 20 feet of residentially zoned property, a landscaped buffer strip with a minimum width of five-feet shall be provided between the parking area and the common property line bordering the residential use.

9103.07.140 Parking for Electric and Alternative Fuel Vehicles

The City recognizes the importance of encouraging and accommodating the use of electric and other alternative fuel vehicles as a means of reducing regional air pollutant emissions. The requirements in this Section are provided to ensure that adequate provision is made for accommodating locations within required parking areas where electric and alternative fuel vehicles can recharge and/or be provided with priority parking.

- A. **Applicability.** As part of the Site Plan and Design Review process, the responsible Reviewing Authority shall have the authority to require that parking facilities be provided to accommodate electric or other alternative fuel vehicles. Generally, facilities shall be provided where more than 100 parking spaces are required per this Section, or whenever the redesign of an existing parking lot with 150 or more spaces is proposed.
- B. **Developmental Standards – Electric Vehicle Recharging Facilities.** Electric vehicle ready charging infrastructure shall be provided in multifamily housing developments and non-residential developments according to the standards outlined by the California Green Building Standards Code. Where electric vehicle recharging stations are provided, they shall follow the development standards outlined in the California Green Building Standards Code.

9103.07.150 Bicycle Parking Requirements

- A. **General Provisions.** All new development, except that located in the R-M, R-0, and R-1 zones, shall be designed with the following:
 1. Bicycle parking shall be located within 200 feet of a building entrance, not interfere with pedestrian access, and be located in a visibly secure location adjacent to the building.
 2. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a user-provided six-foot cable and lock. The stationary object may be either a freestanding rack or a wall-mounted bracket.
 3. When bicycle parking areas are not clearly visible to approaching cyclists, signs shall be provided to indicate the locations of the facilities.
- B. **Bicycle Parking Requirements.** Bicycle parking is required for multifamily development, mixed-use development, public and civic facilities, private schools, retail commercial, industrial, hospital, and office uses in compliance with Table 3-11 (Bicycle Parking Requirements). Bicycle parking for commercial recreation and entertainment uses shall be as specified by Conditional Use Permit.

Table 3-11 Bicycle Parking Requirements		
Use	Number of Spaces Required	Dimension (minimum)
Residential: Multifamily	0.2 spaces per unit, with a minimum of 2 spaces	2 feet wide and 6 feet long per bicycle plus a 5-foot maneuvering space behind the bicycle rack area
Community/Civic Uses: Public and civic facilities Schools	Short Term Parking: 5% of the student population at capacity enrollment, with a minimum of 1 two-bicycle rack. Long Term Parking: Secure bicycle parking for 5% of employee parking lot capacity.	
Non-Residential Uses: Retail, office, industrial, hospital	Short Term Parking: 5% of vehicle parking, with a minimum of 1 two-bicycle capacity rack. Long Term Parking (Structures with 10 or more tenant vehicular parking spaces): Secure bicycle parking for 5% of spaces, with a minimum of 1 two-bicycle capacity rack.	

Note: Secure bicycle parking shall include one of the following:

- (1) Covered, lockable enclosures with permanently anchored racks for bicycles;
- (2) Lockable bike rooms with permanently anchored racks; or
- (3) Lockable, permanently anchored bicycle lockers.

9103.07.160 Off-Street Loading

- A. **General Loading Requirements.** All loading spaces shall have adequate ingress and egress, and shall be designed and maintained so that the maneuvering, loading, or unloading of vehicles does not interfere with vehicular and pedestrian traffic.
- B. **No Use of Public Streets.** All industrial, commercial, and mixed-use developments shall be designed to prevent truck back-up maneuvering within any public street.
- C. **Minimum Loading Space Requirements**
 1. **Required Spaces.** Every new building, and every building enlarged by more than 5,000 square feet that is to be occupied by a manufacturing establishment, storage facility, warehouse facility, retail store, eating and drinking, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas as follows. Such onsite loading space shall be maintained during the existence of the building or use that it is required to serve. See Table 3-12 (Minimum Loading Space Requirements).

Table 3-12 Minimum Loading Space Requirements	
Building Square Footage	Loading Spaces Required
0-6,999	0
7,000-30,000	1
30,001-90,000	2
90,001-150,000	3
150,000-230,000	4
230,001+	1 per each additional 100,000 square feet or portion thereof

- a. Exception: Minimum loading space requirements shall not apply in the following zones: DMU, MU, and CBD.

- b. In any zone, the minimum loading space requirement may be reduced or waived upon a finding by the Director that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such loading space(s) will not be needed.
 - c. In any zone, the required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.
- 2. **Multi-Tenant Buildings.** The square footage of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
- 3. **Loading Space Design**
 - a. Each on-site loading space required by this subsection shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for onsite parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified upon a finding by Director that sufficient space is provided so that truck-maneuvering areas will not interfere with traffic and pedestrian circulation. On site-loading spaces shall be designed and maintained so that the maneuvering, loading, or unloading of vehicles does not interfere with vehicular and pedestrian traffic.
 - b. Each on-site loading space required by this subsection shall not be less than 10 feet wide by 25 feet long and at least 14 feet high, with adequate provision for egress and ingress. If the loading space is adjacent to a wall or structure, the loading space shall be not less than 11 feet, six inches wide by 25 feet long. The minimum size requirements may be modified upon a finding by the Director that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, an alternative size for the loading space is appropriate.
 - c. In no event shall the outer radius of any turning area to a required loading space be less than 25 feet.
 - d. Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained in a clear and visible manner at all times.
 - e. For all loading areas facing residentially zoned property or facing a public right-of-way, there shall be a minimum 10-foot high solid architecturally treated decorative masonry wall, approved by the Director, to screen the loading area(s) from view from the public right-of-way or residentially zoned property. All wall treatments shall have architectural treatment on both sides of the screening.
- D. **Loading Docks**
 - 1. Loading bays, doors and/or docks shall generally be located on the rear of the structure.
 - 2. Bays and doors may be located on the side of a building away from a street frontage where it can be demonstrated that the bays, doors, and related trucks will be adequately screened from public view from any street or public right-of-way.
- E. **Special Regulation: Commercial Day Care Loading.** Adequate facilities shall be provided for the safe loading and unloading of children either by a circular driveway or a driveway terminating in the area designated for off-street parking.

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Section 9103.09 – Landscaping

Subsections:

- 9103.09.010 Purpose and Intent
- 9103.09.020 Applicability
- 9103.09.030 Landscape Plan Required; What Constitutes Landscape Materials
- 9103.09.040 Landscape Requirements
- 9103.09.050 Landscape Irrigation and Maintenance

9103.09.010 Purpose and Intent

The City promotes the value and benefits of landscapes while recognizing the need to conserve water and other resources as efficiently as possible. This Section establishes minimum landscape standards for all uses in compliance with applicable state standards and guidelines and to promote sustainable development. The purpose of this Section is to establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and rehabilitated projects.

9103.09.020 Applicability

- A. **General.** This Section shall supplement the Water Efficient Landscaping Ordinance (Sections 7554.2–7554.9) and shall be apply to all of the following landscape projects, as listed in Section 7554.3:
 - 1. New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check, or design review;
 - 2. Rehabilitated landscapes projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review; and
 - 3. Existing landscape areas that are one acre or more for which a water efficient landscape worksheet shall be prepared according to the specifications for existing landscapes in the Landscape Documentation Package.
- B. **Exemptions.** The provisions of this Section shall not apply to:
 - 1. Registered local, state or federal historical sites;
 - 2. Ecological restoration projects that do not require a permanent irrigation system;
 - 3. Mined-land reclamation projects that do not require a permanent irrigation system; or
 - 4. Botanical gardens and arboretums open to the public.

9103.09.030 Landscape Plan Required; What Constitutes Landscape Materials

- A. **Plan Check Requirements and Content.** A Landscape Documentation Package prepared by a licensed landscape architect shall be required for all applicable projects as described in the Water Efficient Landscaping Ordinance (see Section 7554.3), and for any project involving the installation of artificial turf within the front or street side yards.

9103.09.040 Landscape Requirements

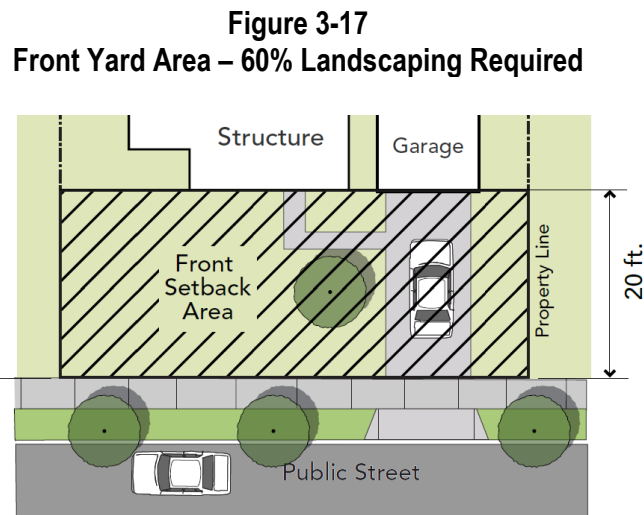
Amended by Ord. No. 2375

Amended by Ord. No. 2401

- A. **Applicability.** The standards in this Section shall apply to residential and non-residential uses.
- B. **Landscape Requirement for Residential Zones.** All areas of a site not devoted to structures, driveways, or walkways shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.

1. **R-M, R-0 and R-1 Zones**

- a. The front and street-side areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
- b. Hardscape materials of driveways and pedestrian walkways, including pavement, concrete, interlock pavers, and the use of artificial turf, shall not cover more than 40 percent of the front or street side yard. See Figure 3-17 (Front Yard Area-60% Landscaping Required).



2. **R-M Zone.** All cut or fill slopes exceeding six feet six inches in vertical height between two or more contiguous lots shall be planted with adequate plant material to protect the slope against erosion. The planting shall cover the bank within two years from the time of planting. The permittee, owner, or developer shall water the planted slopes at sufficient time intervals to promote growth.
3. **R-2 and R-3, and R-3-R Zones.**
 - a. The front/street side yard areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
 - b. Hardscape materials of driveways and pedestrian walkways, including pavement, concrete, interlock pavers, and the use of artificial turf, shall not cover more than 40 percent of the front or street side yard. See Figure 3-17 (Front Yard Area-60% Landscaping Required).

C. **Landscape Requirement for Commercial, Mixed Use, and Industrial Zones**

1. **Required Areas.** All setbacks, parkways, open areas, plazas, paseos, and non-work areas that are visible from a public street/alley or from a parking lot available to the general public shall be landscaped.
2. **Landscape Coverage Requirement.** Shrubs, groundcover, and other plant material shall cover all areas not occupied by structures, parking areas, storage, trash enclosures, driveways, and sidewalks at the time of issuance of a Certificate

of Occupancy. Embellished pavement, fountains, and similar hardscape materials may, in part, be substituted for the required landscaping through the Site Plan and Design Review process.

3. **Parkway-adjacent Planting and Maintenance.** All landscaped parkway areas located between the sidewalk and the edge of development shall meet the following requirements:
 - a. The ground surface shall contain low shrubbery, mulch, or ground cover to provide coverage within two years.
 - b. If a wall or fence separates the development from the street, planting vines or espalier shrubs shall be incorporated into the planting design.
4. **Required Landscaping for Loading Areas.** Loading areas shall incorporate landscaping to provide screening if visible from the public right-of-way, adjacent uses, and pedestrians.
5. **Special Requirements for Drive-through Businesses**
 - a. Five-foot-wide raised planters shall be located along the street side property line, except for curb cut openings.
 - b. Three-foot-wide raised planters shall be located along the walls of the interior property lines to a distance equal to the front building line. For this purpose, canopies and other such structural appurtenances shall not be considered the front building line.
 - c. A minimum of 150 square feet of raised planting area shall be located at the intersection of two property lines at a street corner.
 - d. A minimum of 30 square feet of raised planting area shall be located along the building facades fronting on the street.
 - e. All planting areas shall be separated from adjacent asphaltic concrete paving by six-inch minimum curb walls.

D. Artificial Turf

1. **Locations Permitted**
 - a. **Back Yards and Interior Side Yard Areas.** Artificial turf is permitted in any zone within any back yard and/or interior side yard areas.
 - b. **Front and Street-Side Yards.** In any zone, a maximum of 15 percent of the yard area within the front or street side yards may be installed with artificial turf. Artificial turf shall not be installed within 10 feet of a sidewalk or within 20 feet from the curb if there is no sidewalk.
 - c. **Not Permitted in Parkways.** Artificial turf is not permitted within any parkway areas.
2. **Minimum Standards.** To be used in the front or street-side yard, artificial turf must meet minimum standards for materials, installation, and maintenance.
 - a. **Materials and Style.** Artificial turf must have a minimum eight-year no-fade warranty as issued by the manufacturer; be cut-pile infill and made from lead-free polypropylene, polyethylene or a blend of such fibers on a permeable backing; and, have a minimum blade length (pile height) of 1.5 inches, or as determined by the Director as manufacturing processes are updated. Nylon-based or plastic grass blades are not permitted. The use of indoor/outdoor carpeting, and artificial shrubs, flowers, trees and vines instead of natural plantings is prohibited. Infill medium must consist of ground rubber; rubber coated sand or other approved mixtures and must be brushed into the fibers of the artificial turf. The style of the fiber, color, and texture shall resemble fescue, rye, and other common natural grass blades.

- b. **Installation.** Artificial turf must be installed per all manufacturer's requirements and must include removal of all existing plant material and top three inches of soil in the installation area; placement of filter fabric or synthetic porous material over compacted and porous crushed rock or other comparable material below the turf surface to provide adequate drainage; and, the area must be sloped and graded to prevent excessive pooling, runoff, or flooding onto adjacent property. Artificial turf areas must be sufficiently drained to live planting areas to provide complete infiltration of runoff. Artificial turf must be separated from live planting areas by a barrier such as a mow strip or bender board to prevent mixing of natural plant materials and artificial turf. Artificial turf must be permanently anchored with nails and glue, and all seams must be nailed, or sewn, and glued, with the grain pointing in a single direction.
- c. **Maintenance.** Artificial turf must be maintained in a green, fadeless condition; free of weeds, stains, debris, tears, holes, depressions, ruts, odors, and looseness at edges and seams. Damaged or worn areas in the artificial turf surface must be repaired or removed and replaced in a manner that results in consistent appearance with the existing artificial turf. The artificial turf surface must be replaced once it is unable to be maintained as required. Vehicle parking on artificial turf is prohibited.

9103.09.050 Landscape Irrigation and Maintenance

- A. The owner of any property, or any other person or agent in control of a property, on which is located any retaining walls, cribbing, drainage structures, planted slopes and other protective devices, required according to a permit granted under this Code or required under the issuance of a grading permit, shall maintain the retaining walls, cribbing, drainage structures, planted slopes, and other protective devices in good condition and repair at all times.
- B. All landscaped areas in nonresidential zones shall be provided with a permanent irrigation system installed below grade except for sprinkler heads. All domestic water supply lines to which irrigation systems are connected shall, when necessary, be protected by installation of atmospheric or pressure type vacuum breakers. At least one hose bibb shall be located each 100 linear feet, starting with one hose bibb at the front wall. Hose bibbs, wherever possible, shall be located in planting beds. In no case shall hose bibbs be located where they will interfere with pedestrian or vehicular circulation.

Section 9103.11 – Signs

Subsections:

9103.11.010 Purpose
9103.11.020 Applicability
9103.11.030 General Provisions
9103.11.040 Exempt Signs
9103.11.050 Prohibited Signs
9103.11.060 Allowable Area for Identification
9103.11.070 Permanent Signs by Zone – Locations and Allowed Sign Area
9103.11.080 Regulations Specific to Types of Permanent Signs
9103.11.090 Signs for Specific Uses
9103.11.100 Temporary Signs
9103.11.110 Iconic Signs
9103.11.120 Procedures for Sign Permits, Exemptions, and Revocations
9103.11.130 Comprehensive Sign Program
9103.11.140 Sign Maintenance
9103.11.150 Enforcement
9103.11.160 Nonconforming Signs
9103.11.170 Abandoned Signs
9103.11.180 Illegal Signs
9103.11.190 Definitions

9103.11.010 Purpose

Because of the need to protect and enhance the City's unique character (including special places and features such as a vibrant Downtown, the urban forest, attractive streetscapes, diverse parks, historic buildings and places, and entertainment destinations), to protect public safety and property values, and to promote economic development and tourism through enhanced aesthetic appeal, the Council finds that proper sign control is an important governmental interest. The intent of the standards in this Section is as follows:

- A. Provide each sign user an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs by appropriately regulating the time, place, and manner under which signs may be displayed.
- B. Preserve and enhance the community's appearance by regulating the type, size, location, quality, design, character, scale, color, illumination, and maintenance of signs.
- C. Encourage well-designed signs that attract and invite rather than demand the public's attention.
- D. Encourage the design of signs that complement the structures and uses to which they relate and that are harmonious with their surroundings.
- E. Ensure freedom of expression for sign uses, including noncommercial speech, by maintaining a content-neutral approach to sign regulation.
- F. Enhance the safety of motorists and pedestrians by minimizing the distraction of intrusive signs, as well as to protect the life, health, property, and general welfare of City residents and visitors.
- G. Provide a review process for signs to ensure compliance with the requirements of this Section.

9103.11.020 Applicability

- A. **Regulatory Scope.** This Section regulates signs, as defined in this Section, that are placed on private property or on property owned by public agencies other than the City and over which the City has zoning authority.
- B. **Applicability.** The regulations in this Section shall apply to all signs in all zones that come within the regulatory scope as defined in Subsection A, above, unless specifically exempted. Sign Permits shall be required in compliance with Section 9103.11.120 (Procedures for Sign Permits, Exemptions, and Revocations). In addition, the provisions of Municipal Code Article VIII (Building Regulations) relating to building and electrical codes, fees, penalties, and a method of enforcement shall also apply. Applications for Sign Permits that comply with all of the applicable requirements of this Section, and other applicable laws, shall be granted. Signs approved in conjunction with any other application shall be consistent with this Section, unless modified by a discretionary permit. Where approval of a Conditional Use Permit, Minor Use Permit, Modification, Site Plan and Design Review, or Variance has been obtained, any applicable conditions of that approval shall supersede the requirements of this Section.
- C. **Sign Permit Required.** A Sign Permit shall be required for all signs, including change of copy allowed under the provisions of this Chapter. Only signs that comply with all of the applicable provisions of this Chapter shall be granted. Content of a noncommercial message shall not be considered when any required Sign Permit application is reviewed. Content of a commercial message shall be considered only to the extent required to determine whether the sign is an on-site sign. See Section 9103.11.120 (Procedures for Sign Permits, Exemptions, and Revocations).
- D. **Nonconforming Signs.** An existing legally allowed sign that does not conform to the requirements of this Section shall be deemed a nonconforming sign and shall be subject to the requirements of Section 9103.11.160 (Nonconforming Signs).
- E. **Specific Plans.** Sign regulations contained in an adopted specific plan document shall not be less restrictive than the regulations in this Section. If the adopted specific plan does not provide regulations for a particular sign type or situation, the requirements of this Section shall prevail.

9103.11.030 General Provisions

The policies, rules, and regulations stated in this Section apply to all signs subject to compliance with this Section.

- A. **Compliance Required.** No person shall erect, re-erect, construct, maintain, enlarge, alter, change copy, repair, move, improve, remove, convert, or equip any sign or sign structure, or paint a new wall sign, in the City, or cause or permit the same to be done, contrary to, or in violation of, any provision of this Section.
- B. **Interpretations by Director.** Interpretations of the requirements of this Section shall be exercised in light of the City's content neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Section, or whenever a sign does not qualify as a "structure" as defined in the California Building Code, then the Director shall approve, conditionally approve, or deny the application based on the most similar sign type that is expressly regulated by this Section.
- C. **Content Neutrality.** It is the City's policy to regulate signs in a constitutional manner that is content neutral with respect to both noncommercial and commercial messages. For the purposes of this Section, a content-neutral regulation is a so-called "time, place, or manner" regulation, which, as the name suggests, does no more than place limits on when, where, and how a message may be displayed or conveyed.
- D. **Message Substitution.** Signs authorized by this Section are allowed to carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without an additional permitting process unless a building permit is required. This provision prevails over any more specific provision to the contrary within this Section. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signs on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly constructed.

- E. **Rules for Non-Communicative Aspects of Signs.** Rules and regulations concerning the non-communicative aspects of signs (e.g., number, type, location, size, height, illumination, spacing orientation, etc.) stand enforceable independently of any permit or review process.
- F. **Address Signs.** Address signs are exempt from the provisions of this Section and are required to comply with Municipal Code Section 9266.2.8.11 (Address Numbers) in Article III (Public Safety).
- G. **Property Owner's Consent Required.** Signs shall not be displayed without the consent of the legal owner of the property, or the designated agent, on which the sign is mounted or displayed. For purposes of this regulation, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control, or use of the property.

9103.11.040 Exempt Signs

Amended by Ord. No. 2347

Amended by Ord. No. 2375

The signs listed in this Section are exempt from the permit requirement and do not count toward the total display area limit which is otherwise applicable. However, the signs described in this Section shall be subject to the applicable safety codes and to all other applicable laws. Any such exempt sign shall not block or interfere with the visibility triangle.

- A. **Address Signs.** Address signs made up of numbers and/or letters 12 inches high or less.
- B. **Flags.** Flags of any nation, state, or city when displayed in compliance with the Flag Code (36 USC, Section 173 et seq.).
- C. **Names of Buildings, Commemorative Tables, and the Like (with Limitations).** Names of buildings, commemorative tables, and the like when carved into stone, set in concrete or similar material, or constructed out of bronze, aluminum, or other permanent material.
- D. **Public Notices and Warnings.** Signs displayed by a public body or officer in the performance of a public duty or by any person pursuant to a governmental requirement or legal duty of function. This section applies to and includes signs whose function is to provide legal notice or functional information such as traffic signs, public transit signs, utility company signs, public restroom signs, warning signs, and signs placed by a public agency for the purpose of guiding persons to emergency centers and places of public interest.
- E. **Public Signs within a Right-of-way**
 - 1. Public signs posted by or for government agencies that provide public information, identify public property, post legal notices, or direct or regulate traffic of any kind.
 - 2. Bus or train stop signs posted by public transit agencies.
 - 3. Public utility signs that convey information about its lines, pipes, poles, or other facilities.
 - 4. Emergency warning signs posted by a governmental agency, public utility, or contractor doing authorized work in the public right-of-way.
- F. **Security and Warning Signs.** Signs established for the sole purpose of alerting the public of the presence of security personnel, cameras, or other control on a site, provided that any individual sign is not more one foot by foot in size.
- G. **Signs Advertising Properties for Sale or Lease**
 - 1. Only one sign advertising properties for sale or lease shall be allowed per property per street frontage. Signs shall be limited to a total height of six feet, with a maximum face area size of six square feet in residential zones and 24 square feet in non-residential zones. For new commercial and industrial developments, the maximum face area is 32 square feet.
 - 2. Primary sign may have one secondary attached sign not to exceed one square foot, and one brochure box.

3. The sign may be placed in a yard, in a window, or on a wall.
4. All signs shall be removed within 14 days after the sale, lease, or rental that has been completed. For those properties that continuously advertise properties for lease, such as a commercial center or an office building, such signs shall not be required to be removed but shall be integrated into the overall site and building design.
5. Signs shall only be posted on the subject property for sale, lease, or rent.

H. **Signs or emblems of a religious, civil, philanthropic, or historical markers or plaques**

- I. **Traffic Control and Directional Signs (with Limitations).** On-site traffic control signs and signs providing directions to specific areas including, but not limited to, building entrances, parking facilities, and onsite facilities may be displayed. Such signs shall have a maximum area of four square feet and a maximum height of four feet.
- J. **Vending Machine Signs.** Signs on approved vending machines.

9103.11.050 Prohibited Signs

The following signs and sign types shall be prohibited throughout all zones in the City.

- A. **Abandoned Signs.** Abandoned signs, subject to Section 9103.11.170 (Abandoned Signs).
- B. **Banners, Pennants, Streamers, and Similar Devices.** All types of signs and exterior decorations that can be considered banners and/or pennants, except as otherwise allowed by Section 9103.11.100 (Temporary Signs).
- C. **Off-site Commercial Signs (Billboards).** The City prohibits the construction, erection, or use of off-site signs displaying off-site commercial messages (i.e., billboards) other than those that legally exist in the City, or for which a valid permit has been issued and has not expired, as of the date on which this provision was first adopted. The City adopts this policy in compliance with California Government Code section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). Permits shall not be issued for off-site signs displaying off-site commercial messages that violate this policy, and the City will take immediate abatement action against signs constructed or maintained in violation of this policy. The Council affirmatively declares that it would have adopted this policy even if it were the only provision in this Section. The Council intends for this off-site sign policy to be severable and separately enforceable even if other provisions of this Section may be declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable. This provision does not prohibit agreements to relocate existing, legal off-site signs, as encouraged by California Business and Professions Code Section 5412. Existing off-site commercial signs are considered nonconforming signs and are regulated by Section 9103.11.160 (Nonconforming Signs).
- D. **Cabinet Signs – New.** Any sign with a plastic, acrylic, or similar material face (panel) attached to a metal frame (cabinet).
- E. **Changeable Copy Signs (Manual).** Changeable copy signs, except as a component of another type sign allowed through the Comprehensive Sign Program (Section 9103.11.130) or when used on a marquee sign. This prohibition does not include fuel price signs at service stations.
- F. **Commercial Mascot and Moving Signs.** Commercial mascot signs and any automated sign that moves, flashes, blinks, reflects, revolves, or any other similar sign (excluding electronic message boards).
- G. **Hazardous Location.** Signs located so that the signs, or a portion of the sign or sign supports, interfere with the free use of a fire escape, exit, or standpipe; obstruct a required door, stairway, ventilator, or window; encroach into a public right-of-way; block the view of traffic control devices; interfere with the traffic visibility area; or are otherwise hazardous.

- H. **Inflated Signs.** Any signs or decorations that are inflatable, such as balloons or any size of shape, and any signs that are air-blown or inflated or animated by the internal flow or air, such as signs that appear to have a waving body and appendages, except as otherwise allowed by Section 9103.11.100 (Temporary Signs).
- I. **Over or On Public Rights-of-way or Any Public Property.** Any sign placed on or over a public right-of-way or public property, except when allowed through Section 9103.11.100 (Temporary Signs).
- J. **Pennant.** A triangular or irregular piece of fabric or other material, commonly attached to a string or strings, or supported on small poles intended to flap in the wind.
- K. **Pole Signs – New.** Any sign that is supported by a single pole or similar support structure.
- L. **Reflective Sign.** A sign containing any material or device which has the effect of intensifying reflected light.
- M. **Resembling Traffic Signs.** Signs that appear in color, design, location, or illumination to resemble or conflict with any traffic control device.
- N. **Roof Signs – New (those that are wholly mounted on the roof).** Signs painted on or attached to a roof, excluding addresses required by law enforcement or fire regulations.
- O. **Signs in Residential Zones.** No signs, sign structures, or sign devices of any character shall be allowed in any residential zones, except signs displaying a property address, any permitted temporary signs, signs with a noncommercial message, and signs associated with an approved public or religious assembly use.
- P. **Snipe Sign.** A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right of way or on any private property without the permission of the property owner. Also known as bandit sign.
- Q. **Vehicle Signs.** Signs identifying a business shall not be affixed to or placed in or on vehicles parked in the public right-of-way or on private property in a manner such that the vehicle functions as a sign for the business. This regulation shall not apply to buses and taxicabs legally operating within the City limits, or to other allowed uses regulated under other Articles of the Municipal Code.
- R. **Video or Projected Signs (by means of projected light or similar).** Any sign created by projecting light onto a surface.

9103.11.060 Allowable Area for Identification

With regard to any business in the City applicable to the signs listed here, no more than one-third of the sign area of each such sign(s) may contain a non-English language translation of the business identification. The remaining two-thirds of the sign area shall be in the Roman alphabet, English language, and include Arabic numerals. The sign(s) must be clearly readable from a distance of 100 feet. This requirement shall apply to monument signs, pylon and pole signs, mounted wall signs, painted wall signs, blade (projecting) signs, marquee signs, and window signs.

9103.11.070 Permanent Signs by Zone – Locations and Allowed Sign Area Amended by Ord. No. 2375

- A. **General.** This subsection provides regulations for permanent signs by designated zoning areas. Figure 3-18 (Examples of Sign Types) illustrates an example of the mix of signs that may be found on a building.
- B. **Encroachment into Public Right-of-Way.** Any encroachment of any awning, blade, or marquee sign into a public right-of-way shall be subject to review and approval by the City Engineer, and shall comply with any conditions imposed to permit such encroachment.

- C. **Commercial Regional (C-R) Zone.** Due to the unique and integrated nature of properties and uses in the C-R zone, all permanent signage for uses and development in the C-R zone shall either comply with regulations established via City Council Resolution or shall require the approval of a Comprehensive Sign Program pursuant to Section 9103.11.130 (Comprehensive Sign Program).
- D. **All Other Zones.** Signs in all other zones not specified within this Section shall be subject to approval through a Comprehensive Sign Program in compliance with Section 9103.11.130 (Comprehensive Sign Program).

Figure 3-18
Example of Sign Types

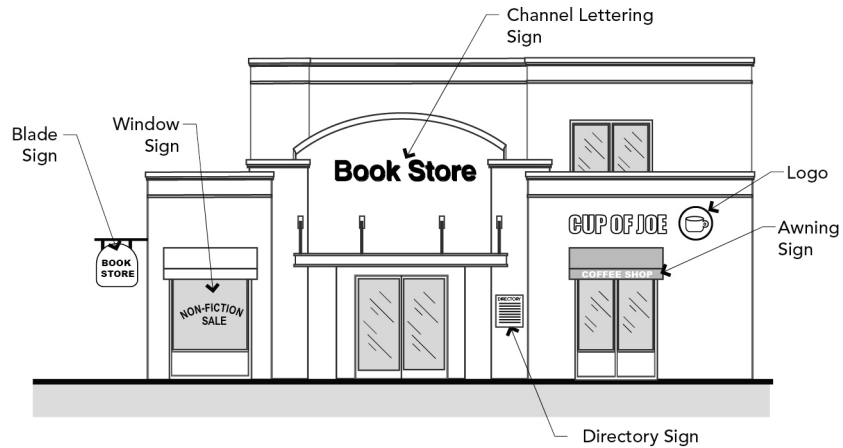


Table 3-13 Regulation of Sign Type by Zone						
Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
E. Residential Zones (R-M, R-0, R-1, R-2, R-3, R-3-R)						
1. Detached Single-family Units						
Wall Signs	1 per single-family unit	4 sf	Must not extend above eave of roof or parapet	Near main entrance	Yes	None
2. Attached Multifamily Units						
Wall or Monument Signs	1 per frontage of development	6 sf per sign; 12 sf total	Wall sign: Must not extend above eave of roof or parapet Freestanding sign: 3 ft. high	At primary entrances to residential community	Indirect only	None
3. Places of Religious Assembly						
Wall or Freestanding Signs	1 per frontage of development	48 sf per sign	Monument sign: 8 ft. high Freestanding sign: 12 ft. high	Shall be located at maximum practical distance from adjacent residential uses	Yes	Electronic message signs are allowed subject to approval of a Minor Use Permit.
F. Professional Office (C-O), General Commercial (C-G), Regional Commercial (C-R), Commercial Manufacturing (C-M), Industrial (M-1), Downtown Mixed Use (DMU), Mixed Use (MU), and Central Business District (CBD) Zones						
1. Single Tenant Sites						
a. Wall Signs (business identification)	1) 1 single-face wall sign per street or parking frontage, plus 2) 1 side of building sign, plus 3) 1 rear access sign. For any business located on a corner lot, no more than two such signs shall be permitted.	1) 1 sf of sign area per linear foot of tenant space for signs on the street front or building side; maximum 100 sf 3) 0.5 sf per linear foot on the rear elevation, but not to exceed 75 sf for any one sign 4) The total aggregate sign area allowed for any one business shall be 150 sf.	Maximum sign dimensions: Shall not exceed 70 percent of the horizontal length of the wall on which the sign is located.	1) No wall sign shall be placed higher than the ground floor of the building or 20 feet, whichever is less, except that second floor retail or office spaces with access separate from the use(s) on the ground floor are permitted a sign no higher than the second floor. 2) For buildings over 2 stories in height, signs shall be located only on the first or top story.	May be internally or indirectly illuminated The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.	1) Electrical raceways shall be integrated with the overall design of the sign. Exposed raceways shall be prohibited. 2) Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches. 3) Allowable aggregate of sign area does not include areas of allowed window signs.

Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
		5) Any sign placed on a rear building elevation shall be no larger than 50% of the area of the sign(s) on the front or side elevation.		3) No sign shall project above the parapet or wall to which it is attached, nor above the roofline if attached to the roof.		4) No illuminated sign shall be placed within 100 feet of a property in a residential zone or an existing place of religious assembly.
b. Permanent or Temporary Window Signs (business identification)	1) 1 window sign area that includes all glazed areas, including glass curtain walls and doors. 2) Interior signs within 5 ft. of a storefront window shall be counted as window signs for the purpose of calculating total sign area and number of signs.	Window signs shall not occupy more than 25 percent of the total window/door area on any wall or storefront. On corner lots, the maximum sign area is 25 percent of the total window/door area for each street frontage.	N/A	1) Window lettering allowed on interior or exterior of glass window or door. 2) Signs shall be allowed only on windows located on the ground floor of either a designated primary or secondary building frontage. Window signs shall not be allowed on or above the second story. 3) The placement of window signs shall allow for unobstructed observation by safety personnel (e.g., law enforcement, private security, etc.).	Not permitted except luminous tube signs	1) Allowable aggregate of window sign(s) area does not include areas of allowed wall signs. 2) Window signs shall be constructed of permanent material, such as paint or decals, and be permanently affixed to the window.
c. Freestanding Signs – Monument and Pylon (business identification)	1 double face sign per street frontage, but no more than 2 double face sign shall be allowed.	Based upon the longest street frontage of the lot: <i>Frontage</i> <i>Max. Area</i> 0-51 ft. 100 sf 51-150 ft. 150 sf 150-250 ft. 200 sf 250-350 ft. 250 sf 350+ ft. 350 sf	1) Monument Sign - 8 ft. 2) Pylon Sign - 25 ft. high, with a minimum clearance of 8 ft. over a pedestrian way and 15 ft. over a vehicular way	1) Monument Signs a) Shall be allowed only on parcels with at least 50 feet of frontage adjoining a public right-of-way. b) Shall be set back a minimum of 5 ft. from a lot line and a minimum of 10 ft. from the edge of a driveway.	May be internally or indirectly illuminated The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.	1) For the purpose of ensuring that emergency response personnel can identify a location, the minimum letter size shall be 12 inches. 2) Where there is a center name or identification that is separate from the tenant identification, the center name or identification shall be

Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
				c) Shall not block visibility for motorists at intersections or driveways. d) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area. 2) Pylon Signs a) Shall be allowed only for parcels with at least 50 feet of frontage adjoining a public right-of-way. In addition, a pylon sign shall only be allowed when the building with which it is associated is set back from the front property line a minimum distance of 40 ft. b) Shall be set back a minimum of 5 ft. from a lot line and a minimum of 10 ft. from the edge of a driveway. c) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area. d) Shall not block visibility for motorists at intersections or driveways. e) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area.		included in the allowable sign area. 3) For the purpose of ensuring that emergency response personnel can identify a location, freestanding signs shall contain an address plate identifying the site address or range of addresses of the subject property. Numbers shall be a minimum of 8 inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated as part of the allowed sign area. 4) Sign design shall consist of individual channel letters on a background, reverse channel letters, or push-through/through-the-face designs. 5) No illuminated sign shall be placed within 100 ft. of a property in a residential zone or an existing place of religious assembly. 6) A minimum distance of 50 ft. shall be provided between monument signs on adjoining sites to ensure adequate visibility for all signs.

Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
						7) A minimum distance of 50 ft. shall be provided between pylon signs on adjoining sites to ensure adequate visibility for all signs. 8) For monument signs, landscaping with automatic irrigation shall be provided at the base of the supporting structure and shall extend a minimum distance of 3 feet in all directions from the sign base. 9) For pylon signs, the supporting structure shall not include exposed metal pole(s), but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site. 10) Electronic changeable message signs shall be allowed only for gas station price signs and places of religious assembly, subject to issuance of a Minor Use Permit.
d. Blade Signs	1) 1 per business 2) May be provided in addition to allowed freestanding or wall sign.	8 sf Double-faced blade signs shall be considered a single-face	The bottom of the sign shall maintain at least 8 feet of pedestrian clearance from the sidewalk level.	1) Signs may be placed perpendicular to the building façade (projecting) or mounted flat against the wall near the building entrance.	May be internally or indirectly illuminated The intensity of the illumination shall be	1) For purposes of providing for sign visibility, a minimum distance of 50 feet shall be provided between individual blade signs.

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Table 3-13 Regulation of Sign Type by Zone						
Allowed Sign Types¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
		sign for the purpose of calculating sign area.		2) For a building on a corner lot, blade signs shall be located on the corner or face of the building on the street corner. 3) Corner-mounted blade sign shall be mounted at a 45-degree horizontal angle so that its two sides are equally visible from both streets.	constant to avoid a pulse or flashing appearance.	2) Supporting arms or frames for blade signs shall be of a decorative design compatible with the design of the sign. 3) Blade signs shall project no more than 2 feet from the face of the building wall upon which the sign is mounted. 4) Guy wires may be used for lateral support when fully within the horizontal plane of the sign. Any angle iron or secondary support, other than guy wires, shall be enclosed in a form constructed of impermeable material.
e. Awning and Canopy Signs	1 per business	Lettering, logos, symbols, and graphics are allowed on up to 50 percent of the area of a shed (slope) portion of the awning or canopy and valance portion of the awning or canopy.	The uppermost part of an awning or canopy shall not be located more than 2 feet above a window or door.	1) Awning and canopy signs shall be allowed for first- and second-story nonresidential occupancies only. 2) Signs shall be applied on the outer face of and flat against the awning or canopy surface. In the case of a barrel shaped (curved) awning or canopy, signs shall not occupy more than 60 percent of the bottom 12 inches of the awning.	Awnings and canopies shall not be lighted from underneath so that the awning or canopy appears internally illuminated. Lighting directed downwards that does not illuminate the awning or canopy is allowed.	1) Overly large awnings/canopies and awnings/canopies with unusual shapes designed for the purpose of providing additional sign area are not allowed. 2) A minimum of 8 feet of clearance shall be provided between the lowest part of an awning or canopy and the grade below. See Figure 3-19 (Height of Awning). 3) The design and construction of awning and canopy signs shall be compatible with the predominant architectural and

Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
						visual elements of the structure. 4) Awnings and canopies shall conform to the size and shape of the window or door they are above. 5) Awnings and canopies shall not be patched with fabric or painted over to revise sign content.
f. Marquee Signs	1) 1 per business 2) Marquees signs are only permitted in association with theaters and similar business	1) The sign area for an individual sign shall be limited to 1 sf of length of the marquee to which the sign is attached, or the length of each ground floor or second-floor occupancy as applicable, whichever is least, provided the total area does not exceed 100 square feet. 2) The area of the aggregate of all marquee signs on a building shall not exceed 4 sf per foot of length of the marquee to which the signs are attached or the length of each ground floor occupancy, whichever is least, provided the area does not exceed 300 square feet.	1) No marquee sign shall extend more than 2 ft. above any marquee to which it is attached. 2) Marquee signs shall not extend beyond the ends or extremities of the marquee to which they are attached, except as provided above.	Marquee signs shall be mounted substantially parallel with the face of the marquee.	1) Any lighting of marquee signs shall be in compliance with the electrical code and shall not cause disturbing glare onto any adjacent areas due to excessive brightness or method of illumination. 2) Any devices or structures used in conjunction with direct illumination of marquee signs shall either be concealed from general view, recessed into a building or structure, or function as a decorative element in keeping with the character of the sign and the building to which it is attached. 3) The direct illumination of marquee signs shall be	

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Table 3-13 Regulation of Sign Type by Zone						
Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
					subject to approval by the Director.	
g. Ground-mounted On-site Directional Signs	As approved through a Comprehensive Sign Program	4 sf per sign face	4 ft. high	May be placed anywhere that does not interfere with pedestrian or vehicular movement	May be internally or indirectly illuminated	
2. Multiple Tenant Sites						
a. Wall Signs (business identification)	1) 1 single-face sign per business per street or parking lot frontage. 2) For theaters, additional wall signage may be permitted through a Comprehensive Sign Program	1 sf of sign area per each linear foot of tenant space fronting on a street or parking lot. The commercial site shall have a maximum total sign area based upon the longest street frontage of the lot: <i>Frontage</i> <i>Max. Area</i> 0-51 ft. 50 sf 51-150 ft. 100 sf 150-250 ft. 150 sf 250-350 ft. 200 sf 350+ ft. 250 sf	Maximum sign dimensions: Shall not exceed 70 percent of the horizontal length of the portion of wall on which the sign is located for each tenant space.	1) No wall sign shall be placed higher than the ground floor of the building or 20 feet, whichever is less, except that second floor retail or office spaces with access separate from the use(s) on the ground floor are permitted a sign no higher than the second floor. 2) For buildings over 2 stories in height, signs shall be located only on the first or top story and shall not exceed a maximum horizontal length of 40% on the portion of the wall the sign is located. 3) No sign shall project above the parapet or wall to which it is attached, nor above the roofline if attached to the roof.	May be internally or indirectly illuminated The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.	1) Electrical raceways shall be integrated with the overall design of the sign. Exposed raceways shall be prohibited. 2) Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches. 3) Allowable aggregate of sign area does not include areas of allowed window signs. 4) No illuminated sign shall be placed within 100 feet of a property in a residential zone or an existing place of religious assembly.
b. Permanent or Temporary Window Signs (business identification)	1) 1 sign per tenant space, with window area defined to include all glazed areas, including glass curtain walls and doors of an individual storefront.	Window signs shall not occupy more than 25 percent of the total window/door area of any tenant's wall or storefront.	N/A	1) Window lettering allowed on interior or exterior of glass window or door. 2) Signs shall be allowed only on windows located on the ground floor of either a designated primary or secondary building frontage.	Not permitted except luminous tube signs	1) Allowable aggregate of window sign(s) area does not include areas of allowed wall signs. 2) Window signs shall be constructed of permanent material, such as paint or

Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
	2) Interior signs within 5 ft. of a storefront window shall be counted as window signs for the purpose of calculating total sign area and number of signs.			Window signs shall not be allowed on or above the second story. 3) The placement of window signs shall allow for unobstructed observation by safety personnel (e.g., law enforcement, private security, etc.).		decals, and be permanently affixed to the window.
c. Freestanding Signs – Monument and Pylon (business identification)	1) 1 double face sign per street frontage. May be monument or pylon. 2) Additional signs may be allowed per an approved Comprehensive Sign Program.	Based upon the longest street frontage of the lot: <i>Frontage Max. Area</i> 0-51 ft. 100 sf 51-150 ft. 150 sf 150-250 ft. 200 sf 250-350 ft. 250 sf 350+ ft. 350 sf	1) Monument Sign - 8 ft. 2) Pylon Sign - 25 ft. high, with a minimum clearance of 8 ft. over a pedestrian way and 15 ft. over a vehicular way	1) Monument Signs a) Shall be allowed only on parcels with at least 50 feet of frontage adjoining a public right-of-way. b) Shall be set back a minimum of 5 ft. from a lot line and a minimum of 10 ft. from the edge of a driveway. c) Shall not block visibility for motorists at intersections or driveways. d). Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area. 2) Pylon Signs a) Shall be allowed only for parcels with at least 50 feet of frontage adjoining a public right-of-way. In addition, a pylon sign shall only be	May be internally or indirectly illuminated The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.	1) For the purpose of ensuring that emergency response personnel can identify a location, the minimum letter size shall be 12 inches. 2) Where there is a center name or identification that is separate from the tenant identification, the center name or identification shall be included in the allowable sign area. 3) For the purpose of ensuring that emergency response personnel can identify a location, freestanding signs shall contain an address plate identifying the site address or range of addresses of the subject property. Numbers shall be a minimum of 8 inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated as part of the allowed sign area.

Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
				allowed when the building with which it is associated is set back from the front property line a minimum distance of 40 ft. b) Shall be set back a minimum of 5 ft. from a lot line and a minimum of 10 ft. from the edge of a driveway. c) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area. d) Shall not block visibility for motorists at intersections or driveways. e) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area.		4) Sign design shall consist of individual channel letters on a background, reverse channel letters, or push-through/through-the-face designs. 5) No illuminated sign shall be placed within 100 feet of a property in a residential zone or an existing place of religious assembly. 6) A minimum distance of 50 feet shall be provided between monument signs on adjoining sites to ensure adequate visibility for all signs. 7) A minimum distance of 50 feet shall be provided between pylon signs on adjoining sites to ensure adequate visibility for all signs. 8) For monument signs, landscaping with automatic irrigation shall be provided at the base of the supporting structure and shall extend a minimum distance of 3 feet in all directions from the sign base. 9) For pylon signs, the supporting structure shall not include exposed metal pole(s).

Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
						but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site. 10) Electronic changeable message signs shall be allowed only for gas station price signs and places of religious assembly, subject to issuance of a Minor Use Permit.
d. Blade Signs	1) 1 per business. 2) May be provided in addition to allowed freestanding or wall sign.	8 sf Double-faced blade signs shall be considered a single-face sign for the purpose of calculating sign area.	The bottom of the sign shall maintain at least 8 feet of pedestrian clearance from the sidewalk level.	1) Signs may be placed perpendicular to the building façade (projecting) or mounted flat against the wall near the building entrance. 2) For a building on a corner lot, blade signs shall be located on the corner or face of the building on the street corner. 3) Corner-mounted blade sign shall be mounted at a 45-degree horizontal angle so that its two sides are equally visible from both streets.	May be internally or indirectly illuminated The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.	1) For purposes of providing for sign visibility, a minimum distance of 50 feet shall be provided between individual blade signs. 2) Supporting arms or frames for blade signs shall be of a decorative design compatible with the design of the sign. 3) Blade signs shall project no more than 2 feet from the face of the building wall upon which the sign is mounted. 4) Guy wires may be used for lateral support when fully within the horizontal plane of the sign. Any angle iron or secondary support, other than guy wires, shall be enclosed in a form constructed of impermeable material.

Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
e. Awning and Canopy Signs	1 per business and required to be above door or window of the associated business	Lettering, logos, symbols, and graphics are allowed on up to 50 percent of the area of a shed (slope) portion of the awning or canopy and valance portion of the awning or canopy.	The uppermost part of an awning or canopy shall not be located more than 2 feet above a window or door.	1) Awning and canopy signs shall be allowed for first- and second-story nonresidential occupancies only. 2) Signs shall be applied on the outer face of and flat against the awning or canopy surface. In the case of a barrel shaped (curved) awning or canopy, signs shall not occupy more than 60 percent of the bottom 12 inches of the awning.	Awnings and canopies shall not be lighted from underneath so that the awning or canopy appears internally illuminated. Lighting directed downwards that does not illuminate the awning or canopy is allowed.	1) Overly large awnings/canopies and awnings/canopies with unusual shapes designed for the purpose of providing additional sign area are not allowed. 2) A minimum of 8 feet of clearance shall be provided between the lowest part of an awning or canopy and the grade below. See Figure 3-19 (Height of Awning). 3) The design and construction of awning and canopy signs shall be compatible with the predominant architectural and visual elements of the structure. 4) Awnings and canopies shall conform to the size and shape of the window or door they are above. 5) Signs shall be uniform in color and design for all tenant identification within the center. 5) Awnings and canopies shall not be patched with fabric or painted over to revise sign content.
f. Marquee Signs	1) 1 per business 2) Marquees signs are only permitted in	1) The sign area for an individual sign shall be limited to 1 sf of length of the marquee to which	1) No marquee sign shall extend more than 2 ft. above any marquee to which it is attached.	Marquee signs shall be mounted substantially parallel with the face of the marquee.	1) Any lighting of marquee signs shall comply with the electrical code and shall not cause disturbing glare	

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Table 3-13
Regulation of Sign Type by Zone

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
	association with theaters and similar business	the sign is attached, or the length of each ground floor or second-floor occupancy as applicable, whichever is least, provided the total area does not exceed 100 square feet. 2) The area of the aggregate of all marquee signs on a building shall not exceed 4 sf per foot of length of the marquee to which the signs are attached or the length of each ground floor occupancy, whichever is least, provided the area does not exceed 300 square feet.	2) Marquee signs shall not extend beyond the ends or extremities of the marquee to which they are attached, except as provided above.		onto any adjacent areas due to excessive brightness or method of illumination. 2) Any devices or structures used in conjunction with direct illumination of marquee signs shall either be concealed from general view, recessed into a building or structure, or function as a decorative element in keeping with the character of the sign and the building to which it is attached. 3) The direct illumination of marquee signs shall be subject to approval by the Director.	
g. Name Plate (occupant identification)	1 per business	2 sf per sign face	N/A	At exterior entrance to tenant space	May be internally or indirectly illuminated	Intended for office uses only. No sign permit required.
h. Ground-mounted On-site Directional Signs	As approved through a Comprehensive Sign Program	4 sf per sign face	4 ft. high	May be placed anywhere that does not interfere with pedestrian or vehicular movement	May be internally or indirectly illuminated	

Notes: 1. Cabinet signs are prohibited.

Figure 3-19
Height of Awning

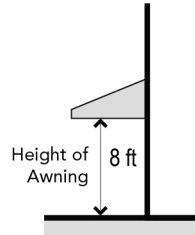


Figure 3-20
Monument Sign Proportions

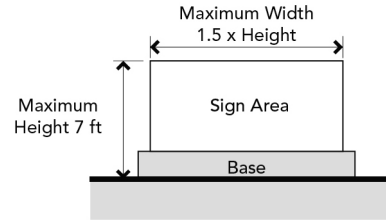


Figure 3-21
Appropriate Wall Sign

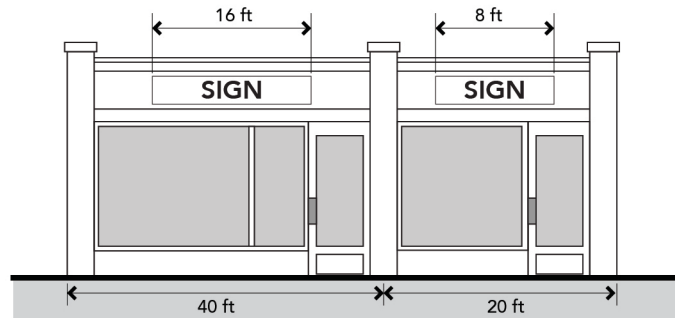


Figure 3-22
Blade Sign at Building Corner

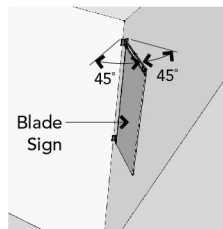


Figure 3-23
Blade Sign Height

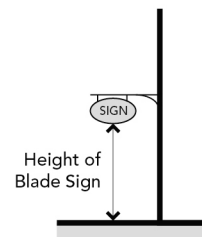
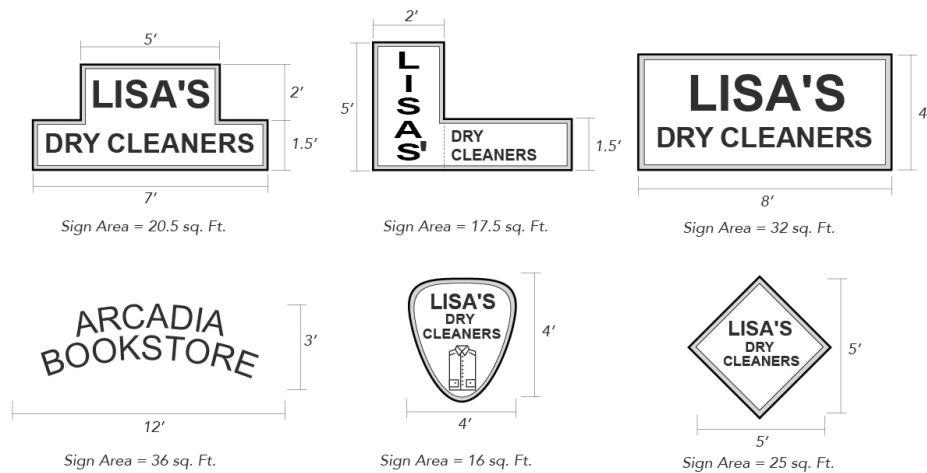


Figure 3-24
Sign Measurement



9103.11.080 Regulations Specific to Types of Permanent Signs

A. Changeable Copy Sign - Electronic. Electronic changeable message signs shall only be allowed for institutional uses, gas station price signs, and Chamber of Commerce signs. All such signs shall be required to comply with the following regulations.

1. Display

- Sign images shall not change more often than as permitted by the permit or other entitlement issued for the sign.
- The images shall change instantaneously, with no special effects or video.
- Any form of moving, animated, scrolling, oscillating, or rotating images, or any other design intended to attract attention through movement or the semblance of movement on the whole or any part of the sign, or any other method or device that suggests movement, is prohibited.

2. Design

- Signs shall have a photometric sensor that will adjust the intensity of the sign for daytime and nighttime viewing. The nighttime intensity shall be limited to 0.3 foot candles (over ambient levels) as measured at a height of five feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign, and aimed at the sign.
- The City may modify or further restrict the intensity of any electronic changeable copy sign shall the lighting create a distraction to drivers.
- Each sign structure shall, at all times, include a facing of proper dimensions to conceal back bracing and framework of structural members and/or any electrical equipment. During periods of repair or alteration, such facing may be removed for a maximum period of 48 consecutive hours.

B. Channel Letter Signs

1. Design

- a. Only translucent faces, reverse lit channel letters, or push-through acrylic panels are allowed.
- b. Exposed raceways and wireways are prohibited unless necessitated by structural considerations, as determined by the Building Official.

2. Lighting

- a. Channel letter signs may only be internally illuminated. No open-face channel letters are allowed, whereas the method of illumination is exposed.
- b. The light source of illuminated channel letter signs shall not be visible from or cast into the right-of-way nor cause glare hazards to passersby or adjacent properties.
- c. Light sources shall not be mounted to any part of the sign.

- C. Murals.** Murals may only be installed and maintained through approval by the Director. Murals may only be located in nonresidential zones.

9103.11.090 Signs for Specific Uses

- A. Drive-through Establishments.** In addition to the signs allowed in Section 9103.11.070 (Permanent Signs by Zone – Locations and Allowed Sign Area), drive-through food service establishments shall be allowed the following signs:

1. Up to two freestanding menu boards per allowed drive-through lane, with copy on a single face and total sign face not to exceed 50 square feet in sign area and seven feet in height, located immediately adjacent to the drive-through lane, and readable only on site.
2. One wall-mounted board not to exceed 12 square feet, located in the immediate area of the drive-through lane only, and readable only on-site.
3. Directional signs shall be the least number to provide adequate directional information and to ensure safe circulation, as determined through the Site Plan and Design Review process.

- B. Home Occupations.** No signage shall be allowed or erected in association with any home occupation use.

- C. Multi-tenant Buildings.** Multi-tenant buildings are allowed tenant directory signs, each with a maximum area of eight square feet. These business directory signs shall not count towards the maximum allowable sign area for a site.

- D. Places of Assembly.** In addition to signs allowed in Section 9103.11.070 (Permanent Signs by Zone – Locations and Allowed Sign Area), facilities whose activities and events change on a regular basis (e.g., places of religious assembly, skate rinks, theaters, stadiums, etc.) shall be allowed the following additional signs:

1. Canopy sign, one for each street frontage, either wall-mounted or freestanding, in which the area shall not exceed 50 percent of the allowable sign area for each sign type.
2. Theaters with three or more screens shall be allowed an additional 10 square feet of sign area for each screen.
3. Glass encasements for special advertisements shall be allowed to be affixed to the primary building. Encasements shall not exceed a width of three feet or a height of four feet, the number of which shall be approved by the Director.

E. Service Stations. In addition to the signs allowed in Section 9103.11.070 (Permanent Signs by Zone – Locations and Allowed Sign Area), service stations shall be allowed the following signs:

1. Service stations shall be allowed one wall or monument sign for each street frontage. A combination of wall and monument signs may be used, but no more than a total of four signs.
2. Wall signs shall not exceed 10 percent of the building face, with a maximum size of 30 square feet, and not exceed past the roofline or 20 feet above finish grade, whichever is less. A maximum of two wall signs are allowed per service station.
2. A maximum of two monument signs are allowed per service station. Monument signs shall be designed to include the identification of the station and gasoline prices. No other price signs are allowed.
3. Additional special service signs are allowed up to a maximum of two per each service island, provided that the signs are located at the site of the service provided (e.g., air/water, lube, brakes, etc.) and that each sign does not exceed three square feet.
4. Instructional and warning signs and signs required or authorized by State or Federal law shall be exempt from the provisions of this Subsection.

9103.11.100 Temporary Signs

Amended by Ord. No. 2375

The following types of temporary signs are allowed subject to the standards of this section. A Temporary Sign Permit shall be obtained from the Director prior to displaying temporary signs, unless specified in Section 9103.11.404 (Exempt Signs).

A. Temporary Signs

1. **General.** The following signs described in this Section shall be allowed on a temporary basis in the zones indicated. If a wall or hedge prevents a sign from being located as provided in this Section, the sign may be placed immediately adjacent to the wall or hedge. No sign shall be placed in a location that interferes with the visibility of vehicular ingress or egress to the property or adjoining properties as per the standards provided in Subsection 9103.01.070 (Vehicular Visibility Standards) or where such signs may interfere with or be confused with any traffic signal or device.
2. **Restriction on Placement.**
 - a. Temporary signs shall not be placed on awnings or canopies.
 - b. Temporary signs shall not be placed in public rights-of-way.
3. **Residential Zones**
 - a. Table 3-14 identifies allowed temporary signs in residential zones.
 - b. Within residential zones, allowable temporary signs shall be located at least 10 feet from adjoining premises and at least five feet from a paved roadway. Where any sidewalk exists, the location shall be at least three feet from the sidewalk in the direction of the residence.

Table 3-14 Temporary Signs: Residential Zones	
Size Allowed	Not to exceed 3 ft high or 12 sf in area per face allowed Not to exceed 12 sf per face, mounted on post/arm 6 ft. maximum height
Duration	The temporary sign may be displayed as follows: 1) For an event lasting fewer than three days, the temporary sign may be erected up to seven days prior to the event and shall be removed within 48 hours following the conclusion of the event. 2) For an event lasting more than three days, the temporary sign may be erected up to 14 days prior to the event and shall be removed within 48 hours following the conclusion of the event. 3) For Federal, State, and local government elections, temporary signs may be erected up to 90 days prior to the election and shall be removed within seven days following the election.
Allowable Sign Types	Portable. All other sign types shall be prohibited.
Allowable Sign Placement	On private property At least 10 ft from adjoining premises, 3 ft from the sidewalk in the direction of the residence, or at least 5 ft from a paved road (if no sidewalk exists)
Materials	Non-illuminated, non-reflective surface. Signs may not be made of canvas, fabric, vinyl plastic, or other similar material.
Installation	Temporary signs may only be ground-mounted or attached to a fence.

4. Nonresidential Zones

Table 3-15 Temporary Signs: Non-Residential Zones	
Number and Size Allowed	Not to exceed 16 sf in area per face allowed
Duration	The temporary sign may be displayed as follows: 1) For an event lasting fewer than three days, the temporary sign may be erected up to seven days prior to the event and shall be removed within 48 hours following the conclusion of the event. 2) For an event lasting more than three days, the temporary sign may be erected up to 14 days prior to the event and shall be removed within 48 hours following the conclusion of the event. 3) For Federal, State, and local government elections, temporary signs may be erected up to 90 days prior to the election and shall be removed within seven days following the election.
Allowable Sign Types	Freestanding, banner, and portable. All other sign types shall be prohibited. See Subsection 9103.11.100.B (Temporary Banners) for regulations specific to temporary banners.
Allowable Sign Placement	On private property, except as allowed in Subsection 9103.11.100.C (Portable and A-Frame Signs). At least 10 ft from adjoining premises and in conformance with Subsection 9103.01.070 (Vehicular Visibility Standards).

Table 3-15 Temporary Signs: Non-Residential Zones	
Materials	Non-illuminated, non-reflective surface. Signs may not be made of canvas, fabric, vinyl plastic, or other similar material.
Installation	Temporary signs may be mounted on a pole, flush on building wall, attached to a fence, or on metal stands.

5. **Additional Conditions.** Temporary window signs that exceed the allowable maximum sign area shall be allowed to advertise special events, provided a business shall not use such temporary window signs for more than 60 cumulative days in any one calendar year. A Temporary Sign Permit shall be obtained from the Planning Division before the painting, posting, or affixing of any temporary sign. Exception: A Temporary Sign Permit is not required for temporary signs associated with Federal, State, and local government elections.

B. Temporary Banners

1. Temporary banners shall only be allowed in C-O, C-G, C-M, CBD, DMU, MU, M-1, and SP zones. Exceptions shall be made for allowed institutional and public assembly uses within residential zones subject to Director approval.
2. Aside from any other section of the Municipal Code, the owner or person who installs or displays a banner in violation of this Section shall remove the banner upon order of the Director or designee. For the purpose of this Section, any portion of any day in which a banner is or remains installed or displayed shall be counted as one full day.
3. No banners shall be allowed other than temporary banners. The following regulations shall apply to temporary banners:

Table 3-16 Temporary Banners in Nonresidential Zones	
Number and Size	a) Max of 2 temporary banners at any time b) Maximum total surface area shall not exceed 32 sf
Location	a) Flush against the surface of the building in which the business displaying the banner(s) is located b) Freestanding and roof-mounted banners are prohibited
Timeframe	a) Total of 60 days maximum per year b) Single display period not to exceed 30 consecutive days c) Minimum 2 week intervals between approved banner display periods
Exceptions	a) Temporary banners for events or activities sponsored by nonprofit organizations may be authorized for an additional 30 cumulative days in any calendar year b) Future tenants and existing tenants whose permanent lawful signs are removed for remodeling or maintenance work may display a banner(s) advertising the name of the business for up to 60 continuous calendar days. Such banners shall be removed before installation of a permanent sign and shall be exempt from the time limits as described in timeframe above.

- C. Portable and A-Frame Signs.** The use of small, pedestrian-oriented, portable signs is allowed in all non-residential zones on private properties subject to the approval of a Sign Permit and the following standards:

1. Only businesses with street frontage are allowed to have portable signs. Businesses that are located along pedestrian arcades/walkways having access to the street may also use portable signs, but shall not locate such signs within the public right-of-way unless an Encroachment Permit has been issued by the Engineering Division. In addition, each group of businesses located along an arcade/walkway may use one portable directory sign listing all businesses along the arcade/walkway, which may be located within the public right-of-way.
2. No business shall be allowed to have more than one portable sign.
3. Portable signs shall be utilized only during regular business hours and shall be removed during non-business hours.

4. Portable signs shall have a maximum sign area of six square feet per face. The maximum height from ground level shall be four feet and the maximum width shall be two feet.
 5. Portable signs may be located on private property, provided they do not interfere with pedestrian movement or wheelchair access to, through, and around the site. A minimum access width of five feet shall be maintained along all sidewalks and building entrances accessible to the public.
 6. Portable signs shall not encroach into required off-street parking areas, public roadways, or alleys, and may not be arranged so as to create site distance conflicts or other traffic hazards. Portable signs shall not be placed within the corner curb return areas of intersections.
 7. Portable signs shall have a weighted base or comparable feature capable of keeping the sign upright in a moderate wind.
 8. Materials for portable signs shall be of a permanent nature. Signs shall be constructed of durable, weather-resistant materials and not be subject to fading or damage from weather. The use of paper or cloth is not allowed unless located within a glass or plastic enclosure.
 9. No lighting shall be allowed on or for portable signs.
 10. Portable signs shall be professionally designed in an attractive manner meeting the approval of the Director or designee subject to a Sign Permit, and present an image of quality and creativity.
- D. Flags.** Flags of the United States, the State of California, and other government entities shall be allowed in zones within subject to the following regulations:
1. Flags mounted on a building shall allow for a minimum clearance of seven feet over a pedestrian right-of-way and 15 feet over a vehicular way.
 2. A maximum of three flags shall be allowed on one flag pole in residentially zoned properties.
 3. A flag shall not exceed 15 square feet per flag for residential zones.
 4. The maximum height of a flagpole shall conform to Subsection 9103.01.050.C.1 (Exceptions to Height Limits in All Zones – Flagpoles).
- E. Developer-Contractor signs.** A temporary sign that provides information about the project and the developer managing construction site.
1. Only one (1) developer-contractor sign is permitted on a residential property and up to two (2) on a commercial site
 2. Each sign shall be a maximum of 16 square feet in area and six (6) feet in height.
 3. Signs shall be set back a minimum of 10 feet from adjoining properties, and shall be placed on private property and/or directly adjacent to approved construction fencing installed parallel to a public street. Signs shall not overhang or obstruct a public sidewalk, and shall be placed in a location that does not interfere with vehicular visibility at intersections or driveways per the standards on file with Planning Services.

9103.11.110 Iconic Signs

A. Purpose. The purpose of this Section is to:

1. Preserve the City's unique character (including special places and features such as a vibrant Downtown, the urban forest, attractive streetscapes, diverse parks, historic buildings and places, and entertainment destinations), history, and identity, as it may be reflected in iconic signs;
2. Preserve the historical sign vernacular existing as stand-alone features and in areas of the City with concentrations of surviving period signage; and

3. Protect the community from inappropriate reuse of nonconforming and/or illegal signs.

B. Applicability. This Section applies to legally established existing signs in the City that can be characterized as follows, as determined by the Director.

1. Iconic signs shall conform to all of the following technical features:
 - a. The sign uses materials and technology representative of its period of construction.
 - b. The sign is detached, projecting, or roof mounted.
 - c. The sign is structurally safe or can be made safe without substantially altering its original appearance.
2. Iconic signs shall conform to two or more of the following cultural or vernacular design features:
 - a. The sign exemplifies the cultural, economic, or period heritage of Arcadia.
 - b. The sign exhibits extraordinary aesthetic quality, creativity, or innovation.
 - c. The sign is unique; the sign is obsolete sign copy that is originally associated with a chain or franchise business that it either local or regional chain or franchise only found in Arcadia or the western United States; or there is scholarly documentation to support its preservation; or it is a rare surviving example of a once common type.
 - d. The sign retains the majority of its character-defining features. If character-defining features have been altered or removed, the majority are potentially restorable to their original function and appearance.
 - e. The sign is at least 50 years old.

C. Where Allowed

1. Iconic signs are allowed in all non-residential zones when conforming to the requirements of this Section 9103.11.110.
2. Relocation of an iconic sign shall be permitted through an approved Sign Permit, provided the following requirements are met:
 - a. Relocation shall be to a location within the original premises or to a location within the specific district in which it is located.
 - b. If relocated to another premise, the sign shall display a conspicuous text or a plaque, using a template provided by the City, that indicates that the sign has been relocated, the date of relocation, and the original location.
3. Iconic signs are exempt from the provisions of Subsection 9103.11.170 B. (Removal of Abandoned Signs) and Section 9103.11.160 (Nonconforming Signs). Any alteration, modification, or relocation of an existing iconic sign shall be subject to the provisions of Section 9103.11.130 (Comprehensive Sign Program).

D. Maintenance and Modifications. Iconic signs shall be structurally sound and comply with the requirements of Section 9103.11.140 (Sign Maintenance), or will be brought into conformance with such requirements within a reasonable and specified time.

E. Change in Sign Copy

1. Text changes shall not result in changes to character-defining text, as determined by the Director.
2. Text changes shall match or be compatible with existing text in material(s), letter size, font/typography, and color, as determined by the Director.

9103.11.120 Procedures for Sign Permits, Exemptions, and Revocations

A. Sign Permits

1. Sign Permit Required (including Temporary Signs)

- a. To ensure compliance with the regulations contained in this Section, a Sign Permit shall be required to erect, move, alter, or reconstruct any permanent or temporary sign or sign structure, except for signs exempt from permits in compliance with Subsection B, below. Sign Permits are also required for signs approved through a Comprehensive Sign Program, as provided in Section 9103.11.130 (Comprehensive Sign Program).
- b. An application for a Sign Permit shall be made in writing on forms provided by the Planning Division.

2. Approving Authority

- a. The Director shall review all Sign Permit applications for conformance with the provisions of this Section. The Director shall approve or deny the permit application within 30 days from the receipt of a complete application and the applicable fees.
- b. If the application is denied, the Director shall notify the applicant with the reason(s) stated for denial. Notification shall be sent to the address provided on the application, which shall be considered the correct address. Each applicant has the burden to furnish any change of address to the Director.
- c. In the event an application is denied, the applicant may appeal the Director's decision in compliance with Section 9108.07 (Appeals).

B. Exemptions from Sign Permit Requirements. Sign Permits shall not be required for the signs listed as exempt in this Subsection. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site or project. However, exempt signs shall be required to adhere to the regulations established for each sign type. Signs erected without complying with the applicable regulations are considered illegal and shall be removed in compliance with Section 9103.11.180 (Illegal Signs). An exempt sign may still require a Building Permit, subject to the provisions of Municipal Code Article VIII, Chapter 1 (Building Code).

1. **Routine Maintenance.** The painting, repainting, or cleaning of a sign shall not be considered erecting or altering a sign and shall not require a Sign Permit unless structural changes are made.
2. **On-site, Non-illuminated Signs.** The following on-site, non-illuminated signs shall not require issuance of a Sign Permit:
 - a. **Incidental Signs.** Signs or notices that are incidental to an establishment (e.g., hours of operation, menu, credit card information, emergency contact information, etc.), provided that the signs do not exceed four square feet in area for all of the signs combined. Incidental window signs shall not be included in permanent window sign area calculations unless such signs are illuminated.
 - b. **Building and Civic Markers.** Memorial signs, plaques, and associated displays installed by civic organizations recognized by the City.
 - c. **Bulletin Boards.** Bulletin boards for any legal, noncommercial establishment when located on the premises of the establishment and not over 12 square feet in area.
 - d. **Change of Copy.** Changing the copy in approved changeable copy signs in existence as of the date of adoption of this Section, or approved through a Comprehensive Sign Program (Section 9103.11.130).
 - e. **Flags.** Flags of any nation, State, City, or other government entity when displayed in compliance with the Flag Code (36 USC, Section 173 et seq.).

- f. **Garage Sale Signs.** See Municipal Code Article VI, Chapter 4, Section 6437 (Patio, Garage, and/or Backyard Sales).
 - g. **Government Signs.** A sign erected by a Federal, State, County, agency, or the City.
 - h. **Holiday Window Painting.** Signs and decorations painted on or applied to windows pertaining to holidays and seasonal events. All signs and decorations shall be removed within 10 days following the applicable holiday.
 - i. **Interior Signs.** Interior signs, as defined in Section 9103.11.190 (Definitions).
 - j. **Official Signs.** Official and legal notices or signs issued or placed by a court or government agency.
 - k. **Noncommercial Message Signs.** Subject to the provisions of Section 9103.11.100 (Temporary Signs).
 - l. **Portable Parking Lot and Valet Parking Signs.** One freestanding portable sign at each parking lot entrance limited to 10 square feet (two feet by five feet) in area. A valet parking plan approved by the Director shall indicate the location of the sign to ensure that the sign does not interfere with driver visibility or pedestrian movement.
 - m. **Public Service Signs.** Public service signs authorized by Federal, State, or municipal agencies.
 - n. **Site Address.** Subject to the provisions of Article III (Public Safety) of the Municipal Code.
 - o. **Vehicle Signs.** Signs attached to vehicles that do not meet the criteria of “vehicle sign,” as defined in Section 9103.11.190 (Definitions). Signs that do meet the criteria of vehicle sign are prohibited as provided in Section 9103.11.050 (Prohibited Signs).
 - p. **Other Features.** Other features that do not fall within the meaning of sign, as defined in Section 9103.11.190 (Definitions).
- C. Change of Copy for Identification Signs.** No person shall construct, install, alter, or maintain any sign in violation of the regulations outlined in this Section. Copy changes to existing signs, or similar alterations, shall be preceded by a submittal of plans to be filed with the Director for review of the identification requirements outlined in this Section. If the Director determines that the proposed sign in Roman alphabet is inadequate for appropriate identification, consistent with the intent and purpose of the ordinance from which this Section derives, the City may require supplementary wording or identification on the sign.
- D. Expiration and Extension of Sign Permit**
- 1. An approved Sign Permit shall expire 12 months from the date of approval unless the sign has been installed or a different expiration date is stipulated at the time of approval. Before the expiration of a Sign Permit, the applicant may apply to the Director for an extension of an additional 12 months from the original date of expiration. In response to an extension request, the review authority may make minor modifications, or deny further extensions.
 - 2. The expiration date of the Sign Permit shall be automatically extended to concur with the expiration date of the companion Building Permit or other applicable permits.
- E. Revisions to Sign Permit.** The Director may approve minor changes to an approved Sign Permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new/revised Sign Permit by the Director.
- F. Revocation of Sign Permit.**
- 1. The Director may, in writing, suspend or revoke a Sign Permit if the permit was issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any of the provisions of this Chapter, or if the allowed sign violates any applicable law.
 - 2. Within 15 days after issuance of the written notice, any sign authorized by the revoked Sign Permit shall be removed.

3. Failure to remove the sign display within the 15-day period shall be a violation of this Development Code, and the sign shall be deemed a public nuisance.

G. Appeals. The applicant may appeal the denial of a Sign Permit application in compliance with Section 9108.07 (Appeals).

H. Modifications. Modifications to the provisions of this Section require the granting of an Administrative Modification pursuant to the provisions of Section 9107.05 (Administrative Modifications).

9103.11.130 Comprehensive Sign Program

A. Purpose. The purpose of a Comprehensive Sign Program is to provide for the integration of all signs of a development project with the overall site design and the development's design into a unified architectural statement. A Comprehensive Sign Program provides a means for the flexible application of sign regulations for projects that require multiple signs in order to provide latitude in the design and display of multiple signs and to achieve, not circumvent, the purpose of this Section.

B. When Required. The approval of a Sign Permit for a Comprehensive Sign Program shall be required whenever any of the following circumstances exist.

1. A project is located within the Commercial Regional (C-R) zone.
2. Whenever three or more separate tenant spaces are present on the same parcel or on multiple parcels that are part of a unified shopping center or similar business center.
3. Whenever a combination of residential and commercial uses is proposed for the same site or development proposal.
4. Whenever five or more non-exempt signs are proposed for a single-tenant development.
5. Whenever a project or parcel has more than 300 linear feet of frontage on a public street.
6. Whenever an existing multi-tenant development of three or more tenants is being remodeled or rehabilitated to the extent that the value of the work will be greater than 20 percent of the replacement cost of the structure(s), as determined by the Director.
7. A Comprehensive Sign Program for a theater or cinema use may be applied to authorize signs that deviate from the standards of this Section. The Comprehensive Sign Program may allow marquee signs, brighter lights, and design features not otherwise authorized by this Section if the sign(s) is/are generally consistent with the purposes of this Section.
8. Whenever the Director determines that a Comprehensive Sign Program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes, etc.).

C. Limitations. A Comprehensive Sign Program shall not be used to override the prohibition on new off-site commercial signs in Subsection 9103.11.050.C (Off-site Commercial Signs [Billboards]).

D. Review Authority. The Director shall be the review authority for a Comprehensive Sign Program.

E. Application Requirements. A Sign Permit application for a Comprehensive Sign Program shall include all of the information and materials required by the Director and the filing fee set by the City's Planning Fee Schedule. The following minimum information shall be included with the application:

1. Sign details indicating sign area, dimensions, colors, materials, letter style, proposed copy letter height and method of illumination.
2. Site plan indicating the location of all existing and proposed signs.

3. Building elevation(s) with sign location depicted and dimensioned.

F. Standards. A Comprehensive Sign Program shall comply with the following standards:

1. The proposed sign program shall comply with the purpose and intent of this Section, any adopted sign design guidelines, and the overall purpose and intent of this Section.
2. The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Program, to the structures and developments they identify, and to surrounding development when applicable.
3. The sign program shall include all signs, including permanent, temporary, and exempt signs.
4. The sign program shall accommodate future revisions that may be required because of changes in use or tenants.
5. The sign program shall comply with the standards of this Section, except that deviations are allowed with regard to sign area, total number, location, and height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Section.
6. Approval of a Comprehensive Sign Program shall not authorize the use of signs listed as prohibited by this Section.
7. Review and approval of a Comprehensive Sign Program shall not consider any signs' proposed message content.

9103.11.140 Sign Maintenance

A. Maintenance Required. Signs shall be maintained in a safe, presentable, and structurally sound condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other maintenance activities. Failure to comply with these requirements may cause the sign to be declared a public nuisance, which shall be removed in compliance with this Section.

B. Administrative Procedures for Improperly Maintained Signs. Improperly maintained signs shall be subject to the following administrative procedures:

1. Notice of violation shall be sent to the last-known address of sign owner and property owner, informing the owner(s) of the time in which removal of sign or repair of condition shall be accomplished.
2. If the owner(s) fail(s) to remove the sign or repair the condition, the City shall send final notice notifying the owner(s) that failure to remove or repair the sign within 30 days shall result in the issuance of a citation in compliance with the Municipal Code.
3. If the owner(s) do(es) not remove the sign or repair the condition within the 30-day period, the City may apply the remedies identified in Municipal Code Article I, Chapter 2 (Penalty Provisions), in addition to any remedies otherwise available at law or in equity.

C. Hazardous Signs. If a sign is damaged or not properly maintained to a degree that causes it to pose a physical danger to persons or property, the following provisions shall apply:

1. **Hazardous Signs Identified.** A hazardous sign is a sign that poses a danger to the public or that could create a potential hazard. Hazardous signs are declared to be a public nuisance in compliance with Municipal Code Section 1201 (Abatement of Nuisance). The determination that a sign has become hazardous or unsafe shall consider only the physical condition and characteristics of the sign, and shall not consider the sign's message.
2. **Removal of Hazardous Signs.** Upon discovering a hazardous condition, the City may cause the immediate removal of a sign(s) that is a danger to the public due to unsafe conditions. No hearing shall be required before the removal of any hazardous sign. The City is not required to give notice of intent to remove the sign(s) before removal, but shall endeavor

to do so and shall inform the property, business, and sign owner(s) that the hazardous sign has been removed within three days following removal. See Municipal Code Section 1201 (Abatement of Nuisance).

9103.11.150 Enforcement

The City may withhold the issuance of Business Licenses, Building Permits, Grading Permits, Certificates of Occupancy, and other land use entitlements and may issue stop work orders for a development project failing to comply with the provisions of this Section. If any improvements or programs required by this Section are either rendered unusable or discontinued, the property owner, employer, and tenant may be subject to enforcement procedures in compliance with Municipal Code Article I, Chapter 2 (Penalty Provisions).

9103.11. 160 Nonconforming Signs

- A. Continuance of Nonconforming Signs.** Except as provided in Subsection 9103.11.160 D., below, a legal nonconforming sign may be continued and shall be maintained in good condition as required by Section 9103.11.140 (Sign Maintenance), but it shall not be:
1. Structurally changed to another nonconforming sign, although its copy and pictorial content may be changed; or
 2. Structurally altered to prolong the life of the sign, except to meet safety requirements; or
 3. Expanded or altered in any manner that increases the degree of nonconformity.
- B. Repair and Maintenance.** Nonconforming signs shall only be painted and repaired in place and shall not be removed from their existing location unless removal of the sign for painting or repair is part of the sign's customary maintenance and repair.
- C. Change of Business Type or Ownership.** Upon a change of ownership or business type, the new owner of a nonconforming sign may change the name(s) on the sign so long as there is no change in the structure or configuration of the sign.
- D. Removal of Nonconforming Signs.** Nonconforming signs shall be removed if:
1. The nonconforming sign is more than 50 percent destroyed and the destruction is other than facial copy replacement. A nonconforming sign shall be deemed to be more than 50 percent destroyed if the estimated cost of reconstruction and repair exceeds 50 percent of the replacement cost, as determined by the Building Official.
 2. The nonconforming sign is remodeled, unless the sign is remodeled to comply with the provisions of this Section.
 3. Nonconforming signs shall be removed when a property is further developed in compliance with this Development Code.
 4. Nonconforming signs shall be removed before the installation of new signs advertising the same business or any new business on the site.
 5. Existing legal off-site signs (i.e., billboards) shall be removed when the property on which the sign is located is further developed.
 6. The nonconforming sign is located on a structure that is to be enlarged or expanded, if the nonconforming sign is affected by the construction, enlargement, remodel, or expansion. An enlargement, remodel, or expansion of the portion of the structure upon which the nonconforming sign is located or that is more than 50 percent of the structure area shall be deemed to affect the nonconforming sign.
 7. The nonconforming sign is temporary.

9103.11.170 Abandoned Signs

A. Determination of Abandonment. Conforming and nonconforming signs shall be presumed abandoned under any of the following circumstances:

1. The sign identifies or advertises a business that has ceased for more than 90 days;
2. The sign is located upon a structure that has been abandoned by its owner for more than 90 days;
3. The sign pertains to a bona fide business, lessor, service, owner, or product that has been unavailable upon the site for more than 90 days; or
4. The sign has not been removed after the occurrence of a temporary event or activity with an approved Temporary Use Permit in compliance with Section 9107.23 (Temporary Use Permits).
5. The sign is a hazardous sign that has been removed by the City and has not been recovered by the owner within the time period specified in Subsection 9103.11.140 (Sign Maintenance).

B. Removal of Abandoned Signs

1. An abandoned sign or an abandoned nonconforming sign shall be immediately removed by the owner or lessee of the premises upon which the sign is located or by a person, organization, or other entity that directly or indirectly receives a benefit from the information contained on the sign.
2. A sign frame or structure that has been abandoned shall be immediately removed by the owner or lessee of the premises upon which the sign frame or structure is located.

C. Abandoned Signs for Closed Businesses. Abandoned signs shall be promptly removed by the property owner or person responsible for its installation and/or maintenance. The City may declare such signs to be a public nuisance and abate it pursuant to Business and Professions Code Sections 5499.2 et seq. or City law on abatement of nuisances.

9103.11.180 Illegal Signs

A. Strict Liability. Violations of this Section shall be treated as a strict liability offense regardless of intent.

B. Illegal Signs Identified. The following signs are illegal, declared to be a public nuisance, and shall be subject to the enforcement procedures, as well as the procedures and remedies in Municipal Code Section 1201 (Abatement of Nuisance).

1. A sign erected, placed, posted, constructed, reconstructed, altered, maintained, or moved after the effective date of this Section that does not comply with all applicable provisions of this Section.
2. A sign erected, placed, posted, constructed, reconstructed, altered, maintained, or moved before the effective date of this Section or before annexation to the City that failed to comply with all regulations in effect at the time the sign was erected, placed, posted, constructed, reconstructed, altered, maintained, or moved.
3. A nonconforming sign that is required to be removed or altered by Subsection 9103.11.160.D (Removal of Nonconforming Signs) and that is not removed or altered as required.
4. Signs with flashing elements that are not deactivated in compliance with Section 9103.11.160 (Nonconforming Signs).
5. An abandoned nonconforming sign.
6. An abandoned sign.

9103.11.190 Definitions

A-Frame Sign. A portable freestanding sign that is hinged, folded, or otherwise angled at the top and widens at the bottom to form a shape similar to the letter “A.” They are also referred to as portable signs.

Abandoned Nonconforming Sign. A nonconforming sign that is advertising a use that has ceased, or is located upon a structure that has been abandoned for more than 90 days. See “Abandoned Sign.” For the purposes of this definition, abandonment for the applicable 90-day period shall be deemed conclusive evidence of abandonment irrespective of the property, sign, or business owner’s intent.

Abandoned Sign. A sign that is advertising a use that has ceased; is located upon a structure that has been abandoned by its owner; does not identify or advertise a current bona fide business, lessor, service, owner, or product available upon the site; or that identifies or advertises an event or activity that has previously occurred. See Subsection 9103.11.170 (Abandoned Signs) for timelines for determining abandonment.

Accessory Sign. See “Incidental Sign.”

Address Sign. The numeric reference of a structure or use to a street included as part of a sign.

Advertising Area. That portion of a sign structure on which a commercial message is placed consistent with the standards of this Section.

Advertising Structure. A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever, including statuary, may be placed for advertising purposes. “Advertising structure” does not include:

- A structure for official notices issued by any court or public body or officer;
- A structure upon which notices are posted by any public officer in performance of a public duty or by any person in giving legal notices;
- A structure for directional, warning, or informational signs and/or notices, required or authorized by law or by federal, State, county, or City authority;
- A structure erected near the City or within the City which contains the name City of Arcadia and the names of, or any other information regarding, civic, fraternal, or religious organizations located within the City.

Animated Sign. A sign that uses movement, lighting, or special materials to depict action or create a special effect or scene. This classification includes wind-actuated and other elements (e.g., balloons, bunting, pennants, streamers, whirligigs) or other similar devices.

Awning. A roof-like structure usually covered in fabric (e.g., canvas) that projects from the wall of a structure for the purpose of shielding a doorway or window from the elements.

Awning Sign. A sign painted on, printed on, or attached to the surface of an awning. See also Canopy Sign.
Figure 3-25
Awning Sign



Backer Panel Sign. A sign consisting of a flat panel onto which channel letters are mounted, whereby the panel is used to provide a contrasting background color for the sign or to allow for a more aesthetic treatment on a building façade.

Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework and attached to any structure, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Beacon Lighting. Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than illuminate any particular sign, structure, or other object.

Billboard. A permanent structure used for the display of off-site commercial messages (see “Off-Site Signs”).

Blade/Bracket Sign. A small, pedestrian-oriented sign that projects perpendicular from a structure (blade sign) or is hung beneath a canopy (bracket sign). See also Projecting Sign.

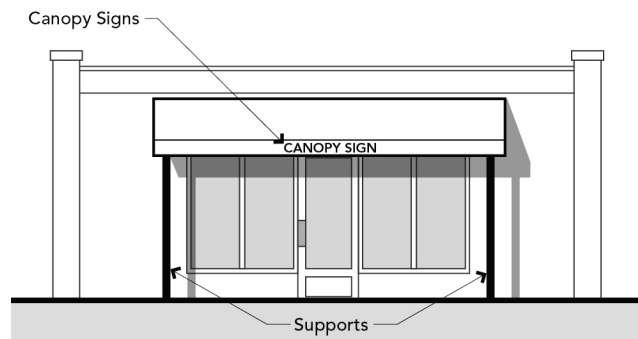
Building Marker. A sign indicating the name of a building and date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

Cabinet Sign. A sign that has one or more plastic, acrylic, or similar material faces (panels) that may or may not be internally illuminated. The sign panels may be either flat or shaped (“pan face”) and are attached to a metal frame (cabinet).

Canopy. A permanent roof-like structure of rigid or fabric materials extending from the main entrance of a structure and typically supported by posts at the corners furthest from where the canopy attaches to the structure. See also “Awning.”

Canopy Sign. A sign located on a permanent roof-like structure or canopy of rigid or fabric materials extending from the main entrance of a structure, or posts affixed to the ground.

Figure 3-26
Canopy Sign



Changeable Copy Sign (electronic). A sign with changeable copy that is changed by incorporating video display, flip-disks, incandescent lamps, fluorescent lamps, fiber optics, light-emitting diodes (LED), liquid crystal displays, plasma-displays, field emission displays, or any other mechanical or light-emitting matrix to convey changing copy or images. Also considered an animated sign.

Changeable Copy Sign (manual). A sign with changeable copy that is manually changed, regardless of method of attachment or materials of construction. This classification includes bulletin boards and changeable copy signs on marquees. Does not include electronic message boards with lighted displays.

Figure 3-27
Changeable Copy Signs



Channel Lettering. Three-dimensional sign face lettering or logos such that the sign is on a different plane than the sign backing or structure.

Clearance. The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Combination Sign. A sign that is a combination of any two or more types of signs.

Commercial Mascot. Humans or animals used as advertising devices for commercial establishments, typically by the holding or wearing of signs, insignia, masks, or costumes associated with or advertising the commercial establishment. Includes sign twirlers, sign clowns, etc., including any mannequin intending to resemble a human or animal.

Commercial Message. A message displayed on a sign that relates primarily to economic interests (e.g., the exchange or sale of goods or services). This definition shall automatically incorporate court rulings defining the term “commercial speech.”

Copy. The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Department. The Development Services Department of the City.

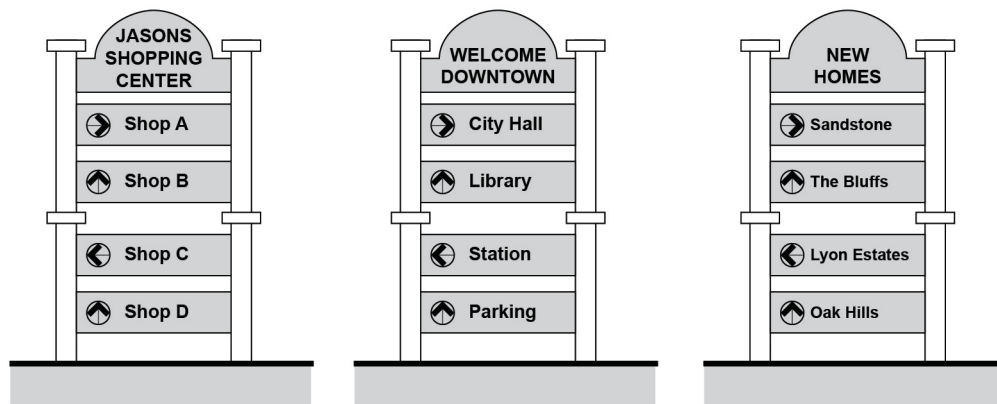
Digital Sign. The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but not limited to LCD, LED, or plasma displays.

Directional Sign.

On-Site Directional Sign. An on-site sign giving directions for traffic, instructions, or facility information of an establishment but with no advertising copy (e.g., stop signs, parking, or exit and entrance signs).

Off-Site Directional Sign. An off-site sign giving directions to businesses, sales offices, model home complexes, or points of interest, etc., but with no advertising copy. An off-site sign that is proposed to be located 500 yards or more from the property at which the use or establishment is located shall be presumed to not qualify as an “off-site directional sign.”

Figure 3-28
Directional Signs



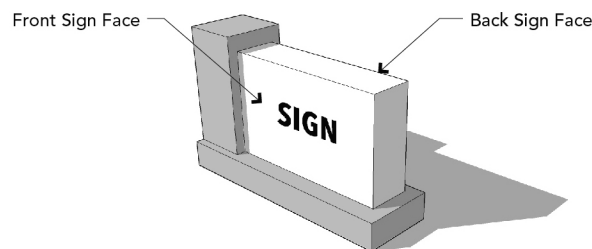
Director. The Planning Director of the City's Development Services Department, or the Planning Director's designee.

Directory Sign. A sign listing the tenants or occupants of a building or building complex.

Display Surface. The area made available by the sign structure for the purpose of displaying the advertising message.

Double-Faced Sign. A sign designed with the intent of providing copy on both sides.

Figure 3-29
Double-Faced Sign



Embedded Plaque/Sign. Commemorative or decorative plaques, dates of construction, and the like when carved in stone, concrete, or similar material or made of bronze, aluminum, or other similar permanent material.

Establishment. A legal, nonresidential use of land to conduct a commercial or noncommercial activity. By way of example and not limitation, “establishment” includes stores, offices, places of worship, hospitals, manufacturing facilities, etc. Does not include home-based occupations or hobbies.

Façade. The entire building elevation, including the parapet.

Face of Sign. The area of a sign on which the copy is placed.

Fascia. Typically, the smooth wall surface between a window and the parapet.

Flag. A rectangular or cylindrical piece of fabric of distinctive design that is used as a symbol, as a sign device, or as a decoration and attached to a pole or anchored along only one edge or supported or anchored at only two corners.

Flashing Sign. A sign that displays an intermittent or sequential flashing light source.

Foot-candle. A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) footcandle is equal to one (1) lumen per square foot.

Foot-lambert. A unit of emitted light (from a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) foot-lambert is equal to one (1) lumen per square foot.

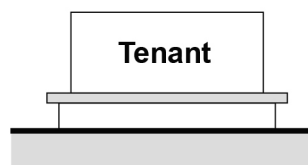
Freestanding Sign. A sign supported permanently upon the ground by a structure and not attached to a building. This includes monument signs and pylon signs. See “Monument Sign” and “Pylon Sign.” The following are freestanding signs:

- Monument Sign – A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building.
- Pole Sign - A freestanding sign that is permanently supported in a fixed location by a structure of a single pole and not supported by a building or a base of the structure,
- Pylon Sign – A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base of the structure, and for which the support components are well integrated into the overall design and materials on the sign.

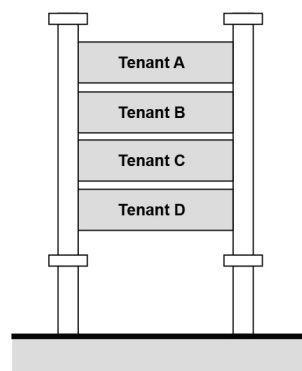
Figure 3-30

Types of Freestanding Signs

Freestanding Monument Sign



Freestanding Pylon Sign



Frontage.

Building Frontage. The structure elevation that fronts on a street, alley, driveway, parking area, pedestrian plaza, walkway, courtyard, or arcade.

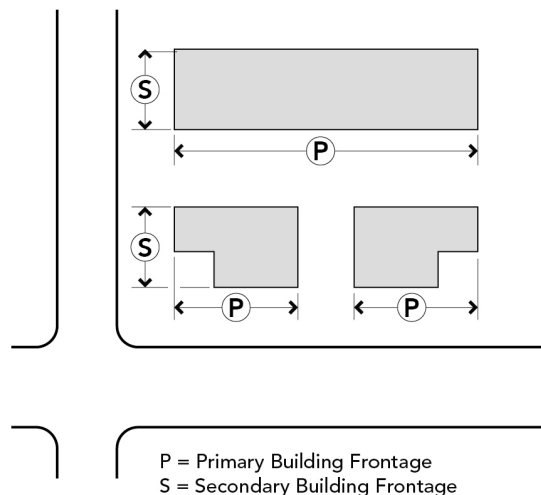
Building Frontage, Primary. The side or façade of a structure that abuts the front setback of the parcel on which the structure is located.

Building Frontage, Secondary. The side or façade of a structure that abuts the street side setback of the parcel on which the structure is located.

Street Frontage. The length of the property line of a parcel along a right-of-way on which it borders.

Tenant Frontage. That portion of a multi-tenant building façade that is devoted to a single tenant.

**Figure 3-31
Signage Frontages**



Gas Station Canopy Signs. Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered a canopy sign.

Governmental/Civic Sign. Any temporary or permanent sign erected and maintained by or required by the City, county, State, federal, or other government entity for traffic direction, entrance or directions to a government facility, or for designation to any school, hospital, historical site, or public service property or facility.

Halo-lit Letter Sign. See “Reverse Channel Letters Sign.”

Height. The vertical dimension of a sign, as measured from the finished grade at the base of the sign to the topmost portion of the sign.

Illegal Sign. A sign installed without issuance of a Sign Permit, not in compliance with this Chapter, and/or not a legal nonconforming sign.

Illuminated Sign. A sign lighted with an artificial light source for the purpose of decorating, outlining, accentuating, or brightening the sign area.

Externally Illuminated Sign. A sign illuminated from an exterior light source.

Indirectly Illuminated Sign. A sign whose illumination is derived entirely from an external artificial source that is arranged to illuminate the sign area only.

Internally Illuminated Sign. A sign illuminated from an interior light source contained within the sign cabinet.

Incidental Sign. A small sign, emblem, or decal informing the public of the facilities, trade affiliation, or services available on the premises (e.g., a credit card sign or a sign indicating hours of business or presence of parking).

Inflated Display Sign. A three-dimensional object filled or activated by moving or non-moving air or other gas that is located, attached, or tethered to the ground, site, merchandise, structure, or roof and used as a sign or to attract attention. This definition does not include inflated gymnasium-type jumping or sliding devices used temporarily for a non-advertising activity (e.g., children's parties, etc.).

LED (Light-emitting diode) Sign. A sign consisting of a flat display panel which uses an array of light-emitting diodes as pixels for a video display. Such signs are capable of having rapidly changing messages.

Legibility. The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Logo. An established trademark or symbol associated with a business or corporation.

Luminous Tube Signs. A sign that consists of or is illuminated by exposed electrically charged gas-filled tubing (e.g., neon and argon signs) or by fiber optics.

Marquee. A permanent roofed structure attached to and supported by the building and projecting from the building face and generally used to post or otherwise display copy associated with the on-site business.

Marquee/Under Canopy Sign. An accessory sign attached to a marquee or canopy.

Menu Board. A permanently mounted sign displaying the bill of fare for a drive-through restaurant.

Menu Sign. Menu displayed on the exterior premises of a restaurant and sometimes visible from a public right-of-way.

Monument Sign. A freestanding sign, the structure of which is supported from finished grade, giving the appearance of having a solid base. See "Freestanding Sign."

Moving Sign. A sign which has an actual or apparent moving, revolving, or rotating part, activated by electrical, mechanical, or other devices or by wind movement. For the purposes of this Section, time and temperature displays and traditional barber poles are not considered moving signs.

Mural. An artistic image or design painted or affixed to the exterior surface of a wall that does not contain any commercial text or message nor relates to the business upon whose premises it is painted.

Nonconforming Sign.

Legal Nonconforming Sign. A legal sign that lawfully existed before the effective date of this Development Code or amendment, and that does not comply with the minimum sign regulations of this Development Code. This also includes legal signs lawfully located on sites annexed into the City after the adoption of these Zoning Regulations.

Illegal Nonconforming Sign. See Section 9103.11.180 (Illegal Signs).

Noncommercial Message. A sign message that is not commercial in nature. This definition shall automatically incorporate court rulings defining the term "noncommercial speech."

Off-Site Sign. A sign erected on a parcel that is not the location of the business or use that the sign is advertising.

Off-Site Message. A message on a sign that advertises a business, accommodation, service, or activity not provided on the premises on which the sign is located. This classification includes billboards.

On-Site Message. A message on a sign that advertises a business, accommodation, service, or activity provided on the premises on which the sign is located.

Panel Sign. A sign consisting of a flat panel, usually consisting of wood or aluminum, that can be installed on walls, fences, or staked poles.

Parapet. The extension of a false front or wall above a roofline.

Pedestrian-Oriented Sign. A sign designed for and directed toward pedestrians so that the pedestrians can easily and comfortably read the sign as they stand adjacent to it. A pedestrian-oriented sign is usually read from a distance of 15 to 20 feet.

Permanent Sign. A sign designed with durable materials and intended to be used in excess of 60 days per calendar year.

Personal Expression Sign. An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Pole Sign. A sign supported by a single pole or similar support structure so that the bottom edge of the sign is one foot or more above grade.

Political Sign. A temporary sign directly associated with national, State, or local elections.

Portable Sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Projecting Sign. A sign that projects from and is supported by a wall of a building. Also known as a Blade Sign.

Public Service Sign. Signs of utilities or other publicly regulated service providers indicating danger and similar aids to service or safety, including official advisory and signal flags.

Push-through Letters Sign. A sign whereby the letters or images are routed out of aluminum or other sign material and then pushed through the routed area to provide depth.

Pylon Sign. See “Freestanding Sign.”

Raceway. A channel for protecting and holding electrical wires and cables, typically a rectangular metal box for the electrical components of an illuminated sign consisting of channel letters. Pre-wired channel letters are mounted to the raceway, which in turn is mounted to a building wall. One set of wiring is then connected to the main circuit. The rectangular box (raceway) sets behind the attached letters and is not designed as an architectural feature.

Reverse Channel Letters Sign. A sign that utilizes back-lit letters mounted away from a wall to create a halo effect.

Roof Line. The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, and minor projections.

Roof Sign. A sign erected, constructed, or placed on or over the roof of a structure, to include a mansard roof, and that is partially or totally supported by the structure.

Security Sign. An on-premises sign regulating the use of the premises, such as “no trespassing” or “no soliciting” sign. Also known as warning signs.

Service Station. For purposes of this Section, a commercial facility that sells gasoline, diesel, or alternative fuel for the on-site fueling of individual vehicles.

Sign. Any device, fixture, placard or structure, including its component parts, that draws attention to an object, product, place, activity, opinion, person, establishment, institution, organization, or place of business, or that identifies or promotes the interests of any person and that is to be viewed from any public street, road, highway, right-of-way or parking area. Does not include signs that are internal to a development (e.g., within a mall, office building, or multifamily building, etc.) and not visible from the public right-of-way.

The following are not within the definition of “sign” for regulatory purposes of this Section:

- a. Architectural features. Decorative or architectural features of buildings (not including lettering, logos, trademarks, or moving parts).
- b. Fireworks and other lights. The legal use of fireworks, spotlights, candles and artificial lighting not otherwise regulated by this Section.
- c. Interior signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior or located at least five feet inward from the interior face of the window, provided the building or enclosed structure is otherwise legal.
- d. Legally required information (e.g., public notices, registration or licensing information, etc.).
- e. Manufacturers’ marks. Marks on tangible products that identify the maker, seller, provider, or product, and that customarily remain attached to the product even after sale.
- f. Murals. A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.
- g. Newsracks or newsstands.
- h. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when they are permanently integrated into the structure or a permanent building that is otherwise legal; also includes foundation stones, corner stones, and similar devices.

Sign Area. See Section 9103.11.070 (Specific Types of Permanent Signs). The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See Figure 3-24 (Sign Measurement) for measuring sign area.

Sign Face. The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

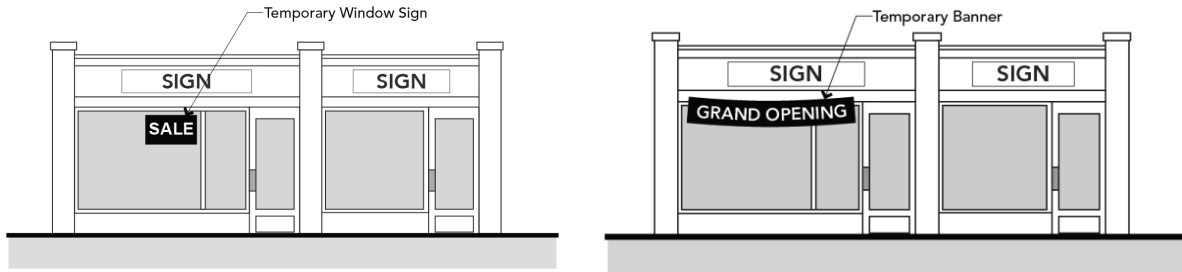
Sign Program. See Section 9103.11.130 (Comprehensive Sign Program).

Sign Structure. The sign and the supports, uprights, braces, and framework of the sign.

Temporary Sign. A sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, fabric, cardboard, wall board, or other light nondurable materials, with or without frames, designed to be displayed for a limited period of time, generally fewer than 60 days in a calendar year.

**Figure 3-32
Temporary Signs**

**Figure 3-33
Temporary Banners**



Time/Temperature Sign. An electronic or mechanical device that shows time or temperature but contains no business identification or advertising.

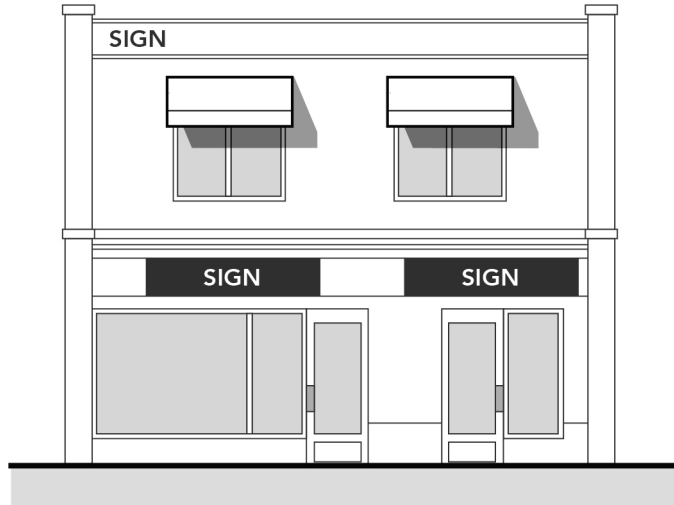
Trademark. A word, name or symbol which, with a distinctive type or letter style is associated with a business or business entity in the conduct of business.

Vehicle Sign. A sign painted, affixed, or placed upon a vehicle or upon a trailer designed to be towed behind a vehicle. On street legal vehicles, the following insignia are not considered to be “Vehicle Signs,” and are not regulated as Vehicle Signs:

- a. License plates.
- b. License plate frames.
- c. Registration insignia.
- d. Noncommercial messages painted on or otherwise attached in a manner so that the vehicle can be legally operated on public rights-of-way, or any noncommercial message that does not exceed a total of three square feet in size.
- e. Messages on a vehicle the primary purpose of which is to be used in the regular course of business to transport the personnel or products, or to provide the services (not including general advertising) that are advertised by the messages on the vehicle, provided that the messages are painted or otherwise attached in a manner so that the vehicle can be operated on public rights-of-way.
- f. Commercial messages that do not exceed a total of three square feet in size.
- g. Commercial messages on duly licensed mass transit vehicles that pass through the City.

Wall Sign. A sign attached to, erected against, painted on, or fastened to a wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall and that does not project more than 12 inches from the building or structure. A wall sign shall be limited to channel or painted lettering, with a hidden raceway, or a cabinet (“Cabinet Sign”). See Figure 3-34 (Wall Sign.)

Figure 3-34
Wall Sign



Window Sign. Any sign, whether or not temporary in nature, which is applied or attached to a window, or located within five feet of the inside of a window in a manner that it is visible from the exterior of the structure.

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Section 9103.12 - Outdoor Displays

9103.12.010 Regulations for the C-G, C-R, C-M, CBD, DMU, and MU Zones

- A. Restricted.** In the C-G, C-R, C-M, CBD, DMU, and DU zones, all merchandise shall be displayed within a completely enclosed building except as otherwise provided in this Section.
- B. On Private Property.** Outdoor displays of merchandise on private property is permitted during hours that a business is open subject to the following regulations:
1. Outdoor displays are allowed only where they do not interfere with pedestrian movement or wheelchair access to, through, and around the site.
 2. Outdoor displays shall not include merchandise typically for sale on the premises, except for service stations, florist shops, and antique shops.
 3. Sales tags showing the cost of the merchandise shall be prohibited.
- C. On Public Property.** Outdoor display of merchandise on public property shall be permitted only with approval of a Minor Use Permit pursuant to Section 9107.09 (Conditional Use Permits and Minor Use Permits) and subject to the following conditions:
1. A minimum access width of five feet shall be maintained along all sidewalks and building entrances accessible to the public.
 2. Owners of the business shall provide public liability insurance in an amount approved by the City Attorney.
 3. The placement and arrangement of outdoor displays may be conditioned part of the Minor Use Permit.
- D. Temporary Outdoor Sales.** Temporary outdoor sales/promotional events may be allowed on the public right-of-way through the approval of a Temporary Use Permit pursuant to permit as outlined in Section 9107.23 (Temporary Use Permits).
- E. Exception.** Temporary outdoor sales/promotional events, including only merchandise typically for sale on the premises, may be allowed on the public right-of-way in conjunction with a farmers' market or other City or downtown business association sponsored event.

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Section 9103.13 – Performance Standards

Subsections:

- 9103.13.010 Purpose and Intent
- 9103.13.020 Dust and Dirt
- 9103.13.030 Smoke
- 9103.13.040 Electromagnetic Disturbances and Radiation
- 9103.13.050 Hazardous Materials
- 9103.13.060 Heat and Humidity
- 9103.13.070 Light and Glare
- 9103.13.080 Vibration
- 9103.13.090 Odors

9103.13.010 Purpose and Intent

- A. This Section establishes performance standards to protect against the use of any property or structure in any zone in any manner which would create any dangerous, injurious, noxious, or otherwise objectionable challenge to local health, safety, and general welfare of the public and the surrounding area or adjoining premises. These performance standards shall apply to all uses in all zones, except for legal nonconforming uses, which, based on a written opinion of the City Attorney, have an established right not to comply with the provisions of this Chapter.
- B. Compliance with this Section may be waived by the Council if a condition created under prior ordinances physically precludes the reasonable application of the standards. Additional categorical exemptions from compliance with the performance standards are as follows.
 - 1. Temporary activity festivals and other special events with approved Temporary Use Permits or other required permits, where such activities otherwise comply with other applicable provisions of this Development Code.
 - 2. Any emergency activity on the part of the City or a private party.
 - 3. Temporary construction activity is exempted except where such activity is explicitly regulated by other regulations of the Municipal Code.

9103.13.020 Dust and Dirt

No existing or proposed use, activity, or process or portion thereof shall from any single or combined source of emission whatsoever discharge into the atmosphere dust, dirt, or ash, except as may be permitted by the South Coast Air Quality Management District.

9103.13.030 Smoke

No existing or proposed use, activity, or process or portion thereof shall from any source whatsoever discharge smoke or other particulate matter into the atmosphere, except as may be permitted by the South Coast Air Quality Management District.

9103.13.040 Electromagnetic Disturbances and Radiation

No existing or proposed use, activity, or process or portion thereof shall produce electromagnetic disturbances or radioactive emanations which interfere with normal radio or television reception in residential or commercial zones or which constitute a nuisance or hazard to adjacent properties.

9103.13.050 Hazardous Materials

No existing or proposed use, activity, or process or portion thereof shall discharge from any source whatsoever such quantities of odorous gases or other odorous matter which would cause injury to the public or endanger the comfort, repose, health, and safety of any persons, or would cause or have a natural tendency to cause injury or damage to business or property.

9103.13.060 Heat and Humidity

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

9103.13.070 Light and Glare

Every existing or proposed use, activity, or process or portion thereof producing glare shall be shielded in such a manner that the glare is not perceptible at or beyond any property line.

9103.13.080 Vibration

No existing or proposed use, activity, or process or portion thereof shall cause or create a steady state or impact vibration on or beyond any property line with a vibration displacement by frequency bands in excess of that indicated in the Table 3-17 (Vibration Limits).

Table 3-17 Vibration Limits		
Frequency	Vibration Displacement (in inches)	
Cycles per Second	Steady State	Impact
Under 10	.0005	.0010
10-19	.0004	.0008
20-29	.0003	.0006
30-39	.0002	.0004
40 and Over	.0001	.0002

9103.13.090 Odors

No existing or proposed use, activity, or process or portion thereof shall discharge from any source whatsoever such quantities of odorous gases or other odorous matter which would cause injury to the public or endanger the comfort, repose, health, and safety of any persons, or would cause or have a natural tendency to cause injury or damage to business or property.

Section 9103.15 – Density Bonuses for Affordable and Senior Housing

Subsections:

9103.15.010 Purpose and Applicability
9103.15.020 Density Bonus
9103.15.030 Incentives and Concessions
9103.15.040 Findings
9103.15.050 Application Requirements
9103.15.060 Location and Type of Designated Uses

9103.15.010 Purpose and Applicability

Amended by Ord. No. 2390

This Section is intended to implement the housing element of the general plan and the requirements of Government Code Sections 65915 through 65918, offering incentives for the development of affordable housing for low-income, moderate-income, and senior citizen households, as well as housing developments for foster youth, disabled veterans, homeless persons, and college students. Where regulations are not specifically addressed in this Section or where conflicts exist between these provisions and the provisions of Government Code Sections 65915 through 65918, the provisions of the Government Code, as they may be amended over time, shall apply.

9103.15.020 Density Bonus

Amended by Ord. No. 2390

Amended by Ord. No. 2400

Density bonus refers to a density increase over the otherwise maximum allowable residential density established by this Development Code and in the Land Use and Community Design Element of the General Plan as of the date of application by the developer, and is in accordance with the affordability levels proposed in the project, consistent with density bonus law provisions contained in Government Code Sections 65915-65918.

In order to be eligible for a density bonus and other incentives as provided by this Section, a proposed housing development shall comply with the eligibility requirements specified in Government Code Sections 65915 through 65918. A density bonus and applicable incentives or concessions shall be granted if an applicant for a housing development seeks and agrees to construct a development that contains low-income, very low-income, moderate-income, and/or senior housing units, and it is consistent with one of the following as the required percentages of which are outlined set forth in Government Code Section 65915(b)(1):

- At least 5% of the for-sale or rental housing units are restricted to very low-income residents.
- At least 10% of the for-sale or rental housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale development are restricted to moderate income residents.
- At least 33% of the housing units in a proposed condominium project (from an apartment conversion) are restricted to low or moderate income residents, or at least 15% of the housing units are restricted to lower income residents.
- 100% of the housing units (other than manager's units) are restricted to very low, lower and moderate-income residents (with a maximum of 20% moderate).
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low-income level. The ten percent shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.
- At least 20% of the housing units are for lower-income students in housing dedicated for full-time students at accredited colleges. "Lower-income students" is defined in Government Code Section 65915(o)(4).
- The project donates at least one acre of land to the city or county for very low-income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development of at least 35 units (no affordable units required).
- The project is a mobile home park age-restricted to senior citizens (no affordable units required).

Replacement Housing. Developers obtaining a density bonus are required to replace existing units which are occupied by very low- or lower-income households, at the time of the density bonus application. Developers are also required to replace existing units which were occupied by very low- or lower-income households that have been demolished or vacated within a five-year period preceding the density bonus application. The housing development must also meet the applicable affordable housing standards, including the replacement units.

9103.15.030 Incentives and Concessions

Amended By Ord. No. 2390

Amended By Ord. No. 2400

A. Determination of Density Bonus. The amount of a density bonus and the extent of other incentives allowed for a proposed housing development shall be determined by the Council in compliance with Government Code Section 65915. If a density bonus or other incentives cannot be accommodated on a site due to strict compliance with the provisions of this Development Code, the Council may modify or waive other development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled.

B. Calculating Density Bonus. The calculation of a density bonus in compliance with this subsection that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purposes of calculating a bonus, the residential units do not have to be based upon individual subdivision maps or lots. A minimum density bonus of 20% and up to 80% above the maximum density will be calculated as follows:

<u>Affordable Unit Percentage</u>	<u>Very Low Income Density Bonus</u>	<u>Low Income Density Bonus</u>	<u>Moderate Income Density Bonus</u>	<u>Land Donation Density Bonus</u>	<u>Senior Housing*</u>	<u>Foster Youth/ Disabled Veterans/ Homeless</u>	<u>College Students</u>
5%	20%	-	-	-	20%	-	-
6%	22.5%	-	-	-	20%	-	-
7%	25%	-	-	-	20%	-	-
8%	27.5%	-	-	-	20%	-	-
9%	30%	-	-	-	20%	-	-
10%	32.5%	20%	5%	15%	20%	20%	-
11%	35%	21.5%	6%	16%	20%	20%	-
12%	38.75%	23%	7%	17%	20%	20%	-
13%	42.5%	24.5%	8%	18%	20%	20%	-
14%	46.25%	26%	9%	19%	20%	20%	-
15%	50%	27.5%	10%	20%	20%	20%	-
16%	50%	29%	11%	21%	20%	20%	-
17%	50%	30.5%	12%	22%	20%	20%	-
18%	50%	32%	13%	23%	20%	20%	-
19%	50%	33.5%	14%	24%	20%	20%	-
20%	50%	35%	15%	25%	20%	20%	35%
21%	50%	38.75%	16%	26%	20%	20%	35%
22%	50%	42.5%	17%	27%	20%	20%	35%
23%	50%	46.25%	18%	28%	20%	20%	35%
24%	50%	50%	19%	29%	20%	20%	35%

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CHAPTER 1: DEVELOPMENT CODE

25%	50%	50%	20%	30%	20%	20%	35%
26%	50%	50%	21%	31%	20%	20%	35%
27%	50%	50%	22%	32%	20%	20%	35%
28%	50%	50%	23%	33%	20%	20%	35%
29%	50%	50%	24%	34%	20%	20%	35%
30%	50%	50%	25%	35%	20%	20%	35%
31%	50%	50%	26%	35%	20%	20%	35%
32%	50%	50%	27%	35%	20%	20%	35%
33%	50%	50%	28%	35%	20%	20%	35%
34%	50%	50%	29%	35%	20%	20%	35%
35%	50%	50%	30%	35%	20%	20%	35%
36%	50%	50%	31%	35%	20%	20%	35%
37%	50%	50%	32%	35%	20%	20%	35%
38%	50%	50%	33%	35%	20%	20%	35%
39%	50%	50%	34%	35%	20%	20%	35%
40%	50%	50%	35%	35%	20%	20%	35%
41%	50%	50%	38.75%	35%	20%	20%	35%
42%	50%	50%	42.5%	35%	20%	20%	35%
43%	50%	50%	46.25%	35%	20%	20%	35%
44%	50%	50%	50%	35%	20%	20%	35%
100%**	80%	80%	80%	35%	20%	20%	35%

* No affordable units are required for senior units.

** Applies when 100% of the total units (other than manager's units) are restricted to very low, lower and moderate income (maximum 20% moderate).

C. Density Bonus for Childcare

Housing development that provide a child care facility on the premises of, as part of, or adjacent to the project and conforms with Government Code Section 65915(b)(1) are eligible for a separate density bonus equal to the size of the childcare facility. The childcare facility must remain in operation for at least the length of the affordability covenants. A percentage of the childcare spaces shall be made available to low and moderate income families.

D. Density for Condominium Conversion

A condominium conversion is eligible for density bonus of up to 25% over the number of apartment units, where the additional dwellings are within the existing structure or structures, or other incentives of equivalent financial value, if the condominium conversion project provides at least 33% for the total units to low or moderate income households or 15% of the units to lower income households.

E. Other Incentives

- 1. Applicant-specified Concessions or Incentives.** An applicant may submit to the City a request for specific incentives or concessions in compliance with this Section.
- 2. Required Incentives or Concessions.** A qualifying project shall be entitled to one or more "incentives" or "concessions", depending on their proposed levels of affordability, as allowed by Government Code Section 65915, in addition to the density bonus allowed as follows:

Number of incentives or concessions	Extremely Low Income percentage	Very Low Income Percentage	Lower Income percentage	Moderate Income percentage	Lower Income Students (Student Housing Development)
1	5%	5%	10%	10%	20%
2	10%	10%	17%	20%	--
3	15%	15%	24%	30%	--
4*	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	--

*If the project is located within one-half mile of a major transit stop or is located in a very low vehicle traffic area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

Note: "Lower income households" includes very low income households, as defined in Government Code Section 50105, and extremely low income households, as defined in Government Code Section 50106.

3. Types of Available Concessions or Incentives. A qualifying project may request available incentives or concessions in addition to the density bonus from the following categories:

- a. Expedited review process for developers applying for Federal and State Tax Credits if a percentage of the units are designated to extremely low income households as shown in the table above; or
- b. Expedited permit processing, fee waivers and deferrals for projects targeted for persons with developmental disabilities; or
- c. Expedited review process, fee waivers and deferrals, or other regulatory incentives or concessions proposed by the developers for the development of senior housing and services at the discretion of the Reviewing Authority; or
- d. A reduction in the site development standards of this Development Code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements); or
- e. Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable and actual cost reductions.

4. Additional Concessions or Incentives. The Council shall have the discretion to approve additional concessions or incentives to a qualifying project based on the superior merits of that particular project, as determined by the Council. If a development standard would physically prevent the project from being constructed at the permitted density even with approved concessions and incentives, a developer may propose to have that standard waived or reduced. A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled to per Section 2 above, unless the concession is to the development standards.

5. Required Findings to Reject Concession or Incentive. The Council shall grant the concession or incentive requested by the applicant unless the Council makes a written finding, based upon substantial evidence, of any of the following:

- a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set in compliance with Government Code Section 65915(c); or
- b. The concession or incentive would have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or on any real property listed in the

California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

- c. The concession or incentive would be contrary to state or federal law.

F. Effect of Incentive or Concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

G. Maximum Parking Requirements. Affordable housing projects benefit from parking standards that require fewer parking spaces than typical market-rate housing projects. Upon the developer's request, the City shall not require a vehicular parking ratio, inclusive of accessible and guest parking, that exceed the following ratios:

1. Studio to one-bedroom: 1 parking space per unit.
2. Two to three bedrooms: 1.5 parking spaces per unit.
3. Four or more bedrooms: 2.5 parking spaces per unit.

If total parking calculations result in a number other than a whole number, then parking calculations shall be rounded up to the nearest whole number. Requesting these parking standards does not count as an incentive or concession. An applicant may request additional parking incentives beyond those included in this section. A waiver of reduction of certain development fees, or modifications of parking standards may be requested to promote the development of affordable housing. Onsite spaces may be provided through tandem or uncovered parking, but not on-street parking.

- 1. Other Parking Requirements.** Lower parking ratios apply to specified projects (although the City may require higher parking ratios if supported by a specified parking study):

Project Type	Parking Required	Spaces
Rental/for sale projects with at least 11% very low income or 20% lower income units within ½ mile of an accessible major transit stop	0.5 spaces per unit	
For sale projects with at least 40% moderate income units within ½ mile of an accessible major transit stop	0.5 spaces per bedroom	
Rental projects 100% affordable to lower income within ½ mile of an accessible major transit stop	0 spaces per unit	
Rental senior projects 100% affordable to lower income households, either with paratransit service or within ½ mile of an accessible bus route (operating at least 8 times per day)	0 spaces per unit	
Rental special needs projects 100% affordable to lower income households, either with paratransit service or within ½ mile of an accessible bus route (operating at least 8 times per day)	0 spaces per unit	
Rental supportive housing developments 100% affordable to lower income households	0 spaces per unit	

H. Housing Restrictions

- 1. Rental Units** – Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for that unit. The income and rent restrictions must remain in place for a 55 year term for very low or lower income units.
- 2. For Sale Units** – Affordable units for sale must be sold at an affordable housing cost to a person or family of very low, low or moderate income, as required, and is subject to an equity sharing agreement pursuant to Government Code Section 65915(c)(2).

9103.15.040 Findings
Amended by Ord. No. 2390

In addition to the findings required for the approval of Site Plan and Design Review and any discretionary permit required for the project, the approval of a density bonus shall require that the Planning Commission makes a recommendation to the City Council. The City Council will make all of the following findings and will decide all Density Bonus applications.

- A. The project will be consistent with the General Plan, except as provided by this Section with regard to maximum density, density bonuses, and other incentives and concessions;
- B. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities;
- C. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this Section;
- D. In the event that the City does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c); and
- E. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

9103.15.050 Application Requirements
Amended by Ord. No. 2390

- A. **Site Plan and Design Review.** An application for Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review) of this Code shall be required for any density bonus request.
- B. **Continued Availability.** The application for the density bonus project shall include the procedures proposed by the developer to maintain the continued affordability of the designated lower-income units as follows. These provisions shall apply to both rental and for-sale ownership units.
 - 1. **Development Projects with Public Funding.** A project that receives a direct financial contribution or other financial incentives from a public source (including the City, the Department of Housing and Urban Development, or State tax credit program), and a density bonus in compliance with this Section, shall maintain the availability of the designated lower-income units for a minimum of 55 years, as required by Government Code Sections 65915(c).
 - 2. **Private Development Projects—Density Bonus Only.** Privately financed projects that receive a density bonus from the City shall maintain the availability of the designated lower-income units for a minimum of 55 years. Privately financed projects that receive a density bonus from the City and include for-sale units shall maintain the availability of any lower-income or moderate-income units for a minimum of 45 years.

9103.15.060 Location and Type of Designated Uses

- A. **Location/Dispersal of Units.** The designated units shall be reasonably dispersed throughout the project to the maximum extent feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finished quality.
- B. **Phasing.** If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the City.

Section 9103.16 – Inclusionary Housing

Subsections:

- 9103.16.010 Purpose and Intent
- 9103.16.020 Applicability
- 9103.16.030 Definitions
- 9103.16.040 Affordable Unit Requirements
- 9103.16.050 Alternatives
- 9103.16.060 Incentives
- 9103.16.070 Exemptions
- 9103.16.080 Standards and Procedures
- 9103.16.090 Affordable Housing Plan and Agreement
- 9103.16.100 Enforcement
- 9103.16.110 Affordable Housing Trust Fund

9103.16.010 Purpose and Intent

The purpose of this Chapter is to require and facilitate the construction of below market-rate housing to provide a variety of housing types and opportunities for extremely low, very low, low- and moderate-income households in Arcadia. The goal of this Chapter is to expand the affordable housing stock in proportion with the overall increase in residential units by establishing standards and procedures that encourage the development of extremely low to moderate-income housing and to assist in meeting the City's regional share of housing needs and implementing the goals and objectives of the general plan, including the Housing Element and any applicable specific plans.

9103.16.020 Applicability

- A. The requirements of this Chapter shall apply to any new mixed-use or multi-family development project or condominium conversion projects comprised of ten or more dwelling units. All affordable units required by this Chapter shall be sold or rented in compliance with this Chapter.
- B. The total number of dwelling units shall be used to determine applicability for multi-phased residential projects and any development project that is comprised of less than ten dwelling units but appears to be a part of a larger residential project.

9103.16.030 Definitions

Adjusted for Household Size Appropriate for Unit. A household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, five persons in the case of a four-bedroom unit, six persons in the case of a five-bedroom unit, and seven persons in the case of a six-bedroom unit.

Affordable Housing Costs. The maximum costs that can be paid by a qualifying household based on the requirements imposed by California Health and Safety Code Section 50052.5 for owner-occupied housing, and the affordable rent for rental units as defined by California Health and Safety Code Section 50053, as applicable.

Affordable Housing Trust Fund. Any in-lieu fees or equity share payment collected as a result of requirements of this Chapter shall be deposited in the City's Affordable Housing Trust Fund to be used exclusively to develop and retain the supply of housing affordable to extremely low, very low, low, and moderate-income households.

Affordable Unit. A dwelling unit that will be offered for sale or rent to an extremely low-income household, a very low-income household, a low-income household, or a moderate-income household, at an affordable housing cost, in compliance with this Chapter.

Area Median Income (AMI). The annual median gross income adjusted for household size in Los Angeles County as determined by the United States Department of Housing and Urban Development (HUD) and published by the California Department of Housing & Community Development (HCD), in the California Code of Regulations, Title 25, Section 6932.

Condominium Conversion. Converting an existing market rate condominium and apartments into affordable housing. Converted condominiums and apartments shall be offered for sale or rent to an extremely low-income household, a very low-income household, a low-income household, moderate-income household, or workforce household at an affordable housing cost, in compliance with this Chapter.

Density Bonus. As defined in California Government Code Section 65915 et seq.

Equity Share Agreement. An agreement by which appreciation on the value of an inclusionary unit from the time of the original purchase at an affordable price to the time of resale shall be shared between the purchaser of the inclusionary unit and the City. Such an agreement shall be a condition of sale of the inclusionary unit.

Low-Income Household. As published and periodically updated by HCD pursuant to Health and Safety Code Section 50079.5.

Market Rate Unit. Dwelling unit in a residential development that can be purchased or rented at market rates. These units are not considered to be affordable units.

Moderate-Income Household. As published and periodically updated by HCD pursuant to Health and Safety Code Section 50093.

Offsite Construction. The development of required number of affordable units at a site different than the site of the residential project.

Phasing Plan. A detailed plan provided by a developer that outlines each segment or phase of construction including housing units and site improvements to be developed in a new residential project.

Residential Project. A subdivision, a development project, and/or a condominium conversion project resulting in the creation of ten (10) or more residential lots or ten (10) or more residential dwelling units.

Rehabilitation. Improvement of a unit in substandard condition to a decent, safe, and sanitary level. Units are in substandard condition when, while they may be structurally sound, they do not provide safe and adequate shelter, and in their present condition endanger the health, safety, or well-being of the occupants.

Total Housing Costs. The total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs shall include the monthly rent payment and utilities paid by the tenant (excluding telephone and television). For an ownership unit, total housing costs shall include the mortgage payment (principal and interest), insurance, homeowners' association dues (if applicable), private mortgage insurance (if applicable), taxes, maintenance costs, and utilities.

Very Low-Income Household. As published and periodically updated by HCD pursuant to Health and Safety Code Section 50105.

9103.16.040 Inclusionary Unit Requirement

- A.** The commonly used income categories are approximately as follows, as published and periodically updated by HCD pursuant to Health and Safety Code Sections 50105, 50079.5, and 50093, respectively. Income categories are subject to variations for household size and other factors:
- Very low income: 30% to 50% of AMI
 - Low income: 50% to 80% of AMI
 - Moderate income: 80% to 120% of AMI
- B.** All residential projects subject to requirements of this Chapter shall provide affordable units as shown in Table 3-18.

Table 3-18 Affordable Unit Requirements for Residential Projects	
Total Percentage of Affordable Units Required (minimum) ⁽¹⁾	Minimum Affordability Level of Required Units
Ownership Units	
5%	All required affordable units shall be sold to moderate-income households, at a cost affordable to such household.
Rental Units	
9%	All required affordable units shall be rented to very low-income households, at a cost affordable to such household.
11%	At least 5% of the total number of units in the residential project shall be rented to very low-income households, at a cost affordable to such household. The remaining 6% shall be rented to low-income households, at a cost affordable to such household.
14%	At least 14% of the total number of units in the residential project shall be rented to low-income households, at a cost affordable to such household.
20%	All required affordable units shall be rented to moderate-income households, at a cost affordable to such household.

Notes:

(1) of the total number of units in the residential project.

- C. An applicant may request to deviate from the number and affordability level provisions required by this Chapter if the proposed deviation provides the same or greater level of affordability required and the same or greater number of affordable units required by this Chapter. Such request requires an approval of the Director subject to the provisions of Section 9103.16.040 of this Chapter.
- D. When a residential development includes both ownership and rental units, the provisions of this Chapter that apply to ownership residential development shall apply to that portion of the development that consists of ownership dwelling units, while the provisions of this Chapter that apply to rental residential development shall apply to that portion of the development that consists of rental dwelling units.
- E. Affordable units required by this Chapter can be used to qualify for a density bonus under California Government Code Section 65915 (State Density Bonus).
- F. Notwithstanding any other provision of this Chapter, any residential project subject to this Chapter that results in the displacement of existing affordable unit(s) shall be required to replace each displaced affordable unit at the same or greater level of affordability of the existing unit, in addition to providing the number of affordable units required by this Chapter.

9103.16.050 Alternatives

An applicant may also satisfy the requirements of this Chapter through one of the following alternatives:

- A. **Offsite Construction.** An applicant may satisfy the requirements of this Chapter by developing the required number of affordable units at a site different than the site of the residential project. An applicant may develop the affordable units required by this Chapter if they satisfy the following conditions:
 1. The number of units to be developed offsite shall be consistent with the requirements of this Chapter.
 2. Offsite affordable units shall contain the same number of bedrooms, square footage, overall unit mix, appearance, finished quality, materials, and distribution as the non-affordable units in the project.
 3. Offsite affordable units shall be developed concurrently with the main project and certificate of occupancy will be

contingent on final approval and inspection of the affordable units.

4. Offsite affordable units shall be located within the City.
5. Offsite affordable units shall be subject to the same requirements, standards, and procedures as onsite affordable units.

B. In-Lieu Fees.

1. Ownership Units. Applicants with development proposals of ten (10) or more units may choose to comply with the requirements of this Chapter through payment of a fee, in-lieu of providing the required affordable units on site.
2. Rental Units. Applicants with development proposals between ten (10) and thirty (30) units may choose to comply with the requirements of this Chapter through payment of a fee, in-lieu of providing the required affordable units on site. Applicants with development proposals greater than thirty (30) units must comply with the requirements of this Chapter by providing the required affordable units on- or off-site.
3. The amount of the fee shall be calculated using the fee schedule established by resolution of the City Council.
4. One-half of the in-lieu fees shall be paid prior to the issuance of a building permit for the project with the remaining fees due prior to the issuance of a certificate of occupancy.
5. Any fractional unit resulting from the calculation of the inclusionary requirement referenced in this Chapter will be rounded up to the next whole number or the developer may elect to pay the appropriate in-lieu fee for the fractional unit.
6. Fees collected in-lieu of developing affordable units pursuant to this Chapter shall be placed in the City's Affordable Housing Trust Fund.

9103.16.060 Incentives

- A. An applicant that meets the requirements of this Chapter may request the incentives identified in Table 3-19 below. The number of incentives provided shall be at the City's discretion.

Table 3-19 Types of Incentives and Review Authority		
Incentives	Review Authority	Special Provisions
Streamlined Entitlement Plan Check Review and Building Plan Check Review	Director	May also include pre-application meetings.
Deferral of Developer Impact Fee Payments	Director	Such deferred impact fees shall be fully paid prior to the issuance of a certificate of occupancy.
Partial or full waiver of building permit fees	Director	-
Partial or full waiver of required development fees	Planning Commission	-
Reasonable alternatives	Planning Commission	City Council approval required if the requested alternative has budgetary implication to the City

- B. If the residential project subject to this Chapter is also utilizing State Density Bonus provisions, such project is eligible to request the number and types of incentives allowed in this Chapter and by State Density Bonus provisions.

- C. At the discretion of the City Council, the City may offer a financial incentive using funds from the Affordable Housing Trust Fund.

9103.16.070 Exemptions

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

- A. Residential developments with nine (9) or fewer units.
- B. Residential projects that obtain entitlement approvals prior to the adoption of this Chapter.
- C. Reconstruction of structures which have been damaged by fire, flood, wind, earthquake, or other unforeseen force, as determined by the Director or designee.
- D. Residential projects that are exempt from this Chapter by State law.
- E. Units approved as accessory dwelling units or junior accessory dwelling units.

9103.16.080 Standards and Procedures

The applicant of a project subject to the provisions of this Chapter must submit an Affordable Housing Plan which shall indicate the scheduling and phasing of construction of the required affordable units. The Affordable Housing Plan requirements can be found in Section 9103.16.090. Additionally, projects pursuant to this Chapter must comply with the following standards.

- A. All affordable units in a residential project or phases of a residential project shall be constructed prior to the issuance of a certificate of occupancy for the project or phase of the project
- B. All affordable units shall be reasonably dispersed throughout the project site unless approval for an off-site location has been granted.
- C. The affordable units shall contain the same number of bedrooms and bedroom size as the market rate units in the project. The unit mix for bedroom count shall be proportional to the unit mix of market rate units in the project.
- D. The materials and finished quality of the affordable units shall be comparable with the market rate units.
- E. Affordable units shall have the same access to amenities as the market-rate units, including common spaces, parking, laundry rooms, fitness centers, and other facilities in the residential development.
- F. Affordable units required under this Chapter shall be retained as affordable units as follows:
 - 1. For sale units: Cumulative forty-five (45) years or until sold or transferred with an equity share, whichever occurs first.
 - 2. Rental units: Cumulative fifty-five (55) years.
- G. The affordability period begins upon the initial sale or rental of the unit.
- H. An equity share agreement for any inclusionary units that are for-sale shall be in a form approved by the Director and City Attorney in conformance with this chapter.

9103.16.090 Affordable Housing Plan and Agreement

- A. Affordable Housing Plan.
 - 1. An application for a residential development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Chapter. The Director or their designee is the reviewing authority for reviewing and approving an Affordable Housing Plan. No application for a residential development may be deemed complete

unless an Affordable Housing Plan is submitted in conformance with this Chapter. The City has the ability to attach conditions of approval to an Affordable Housing Plan, if determined necessary.

2. An approved Affordable Housing Plan may be amended prior to issuance of any building permit for the residential development or project phase. A request for a minor modification may be granted by the Director or their designee if the modification is in substantial compliance with the original Affordable Housing Plan and conditions of approval. If significant modifications are requested, a new Affordable Housing Plan may be required.
3. An Affordable Housing Plan shall include, but not be limited to, the following:
 - a. The number of affordable units proposed, with calculations;
 - b. The proposed location of the affordable units;
 - c. Level of affordability for affordable units;
 - d. The unit square footage, and number of bedrooms for market rate and affordable units and tenure (ownership or rental);
 - e. Amenities and services provided, such as common spaces, parking, laundry rooms, fitness centers, and other facilities in the residential development;
 - f. Construction schedule for all units;
 - g. Alternatives requested, if applicable;
 - h. Incentives requested, if applicable; and
 - i. Evidence to justify any requested alternative or incentive, if applicable.

B. Affordable Housing Agreement.

1. An applicant shall enter into an Affordable Housing Agreement with the City. The Affordable Housing Agreement shall be approved by the City Attorney, and executed by the City Manager or their designee, to ensure that all the requirements of this Chapter are satisfied. The Affordable Housing Agreement shall be recorded against the residential development prior to final subdivision map approval, or, where a subdivision map is not being processed, prior to issuance of any building permits, with the exception of demolition permits for such parcels or units. The agreement shall be recorded with the office of the Los Angeles County Recorder. The Affordable Housing Agreement shall be binding on the applicant and all future owners and successors in interest thereof.
2. The Affordable Housing Agreement shall include all information requested in the Affordable Housing Plan and any other provisions necessary to ensure that the requirements of this Chapter are satisfied.
3. The Affordable Housing Agreement shall include the procedures for income verification of potential purchasers or renters.

9103.16.100 Enforcement

- A. The Director, or their designee, may suspend, revoke, or deny any building permit or other approval upon finding a violation of any provision of this Chapter. The provisions of this Chapter shall apply to all owners, agents, and successors of an applicant proposing a project. No entitlement approval, grading permit, building permit or certificate of occupancy shall be issued if it is found in noncompliance with the provisions of this Chapter.
- B. Any individual or entity who sells or rents an affordable unit in violation of the provisions of this Chapter shall be required to forfeit all monetary gains obtained through noncompliance. Recovered funds shall be deposited into the Affordable Housing Trust Fund.

- C. The City may use any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including but not limited to:
 - 1. Actions to revoke, suspend, or deny any grading permit, building permit, certificate of occupancy, or discretionary approval.
 - 2. Any other action, civil or criminal, authorized by law or by any regulatory document, restriction, or agreement in this Chapter.
- D. The City shall be entitled to recover its reasonable attorney's fees and costs.

9103.16.110 Affordable Housing Trust Fund

Any in-lieu fees or equity share payment collected as a result of requirements of this Chapter shall be deposited in the City's Affordable Housing Trust Fund to be used exclusively to develop and retain the supply of housing affordable to extremely low, very low, low, and moderate-income households. The City shall provide ongoing implementation programs utilizing funds deposited in the Affordable Housing Trust Fund for the benefit of extremely low, very low, low, and moderate-income households.

9103.17 – Historic Preservation

Subsections:

9103.17.010	Title
9103.17.020	Purpose
9103.17.030	Applicability
9103.17.040	Historic Preservation Commission
9103.17.050	Reserved
9103.17.060	Local Eligibility and Designation Criteria
9103.17.070	Designation Procedures
9103.17.080	Alterations to Historic Resources
9103.17.090	Certificates of Economic Hardship
9103.17.100	Incentives for Historic Preservation
9103.17.110	Appeals
9103.17.120	Duty to Keep in Good Repair
9103.17.130	Ordinary Maintenance and Repair
9103.17.140	Unsafe or Dangerous Conditions
9103.17.150	Enforcement Penalties
9103.17.160	Definitions

9103.17.010 Title

This Chapter shall be known as the Arcadia Historic Preservation Ordinance.

9103.17.020 Purpose

The Arcadia City Council acknowledges that the recognition, preservation, protection, and reuse of historic resources are required in the interests of the health, prosperity, safety, social and cultural enrichment, general welfare, and economic well-being of the people of Arcadia. The designation and preservation of historic resources, and the regulation of alterations, additions, repairs, removal, demolition, or new construction to perpetuate the historic character of historic resources, is declared to be a public purpose of the city.

Therefore, the purposes of this Chapter include the following:

- A. Enabling informed planning decisions regarding the treatment of properties that contribute to the city's character or reflect its historical and architectural development;
- B. Establishing priorities for preservation, restoration, and rehabilitation efforts within the city;
- C. Providing City planners with baseline information about potential historic resources from which to manage new development;
- D. Safeguarding Arcadia's heritage by protecting resources that reflect elements of the city's cultural, social, economic, architectural, and archaeological history;
- E. Deterring demolition, misuse, or neglect of designated historic landmarks, designated historic districts (and their contributing resources), and potential historic landmarks, which represent important links to the past of Arcadia, California, or the nation;
- F. Providing the public with a better understanding of and appreciation for the built environment as a tangible link to Arcadia's history;
- G. Promoting the use of historic resources, especially for the education, appreciation, and general welfare of the people of Arcadia;
- H. Protecting and enhancing the city's attractiveness to residents and visitors, and supporting economic development.

9103.17.030 Applicability

The provisions of this Chapter shall apply to all historic resources, including buildings, structures, objects, sites, and historic districts within the city.

9103.17.040 Historic Preservation Commission

The Arcadia Planning Commission is responsible for providing City Council with recommendations regarding the designation of historic resources, adoption of preservation policies, and approval of Mills Act applications. The Planning Commission, herein referred to as the Commission, is also responsible for reviewing and approving Certificates of Appropriateness in accordance with Section 9103.17.080(B) of this Chapter. The Commission shall have and exercise the powers, perform the duties, and maintain the qualifications pursuant to Part 5 (Planning Commission), Chapter 2, Article II of the Arcadia Municipal Code.

9103.17.050 Reserved

9103.17.060 Local Eligibility and Designation Criteria **Amended by Ord. No. 2375**

A. Criteria for Designation

Historic Landmark. On the recommendation of the Commission, the City Council may designate an individual resource (building, structure, object, or site) if it meets one or more of the following local eligibility criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of Arcadia's or California's history;
2. It is associated with the lives of persons important to local or California history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of master, or possesses high artistic values;
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the city or state.

In addition to the requirements listed as 1 through 4 above in this section, an individual resource must satisfy at least one of the following requirements:

5. It is listed on the National and/or California Register of Historic Places; or
6. It is an iconic property

Historic District. On the recommendation of the Commission, the City Council may designate a historic district if it meets one or more of the four criteria in Section 9103.17.060(A) and:

1. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
2. A minimum of 60 percent of the buildings within the proposed historic district contribute to the district's significance.

B. Automatic Consideration

Any property individually listed in the National Register of Historic Places or California Register of Historical Resources shall be automatically considered designated historic resource by the City.

C. Considerations for Evaluating Properties – Age

A resource considered for listing as a local historic landmark must be at least 45 years of age, unless it can be demonstrated that the resource has achieved exceptional importance within the last 45 years.

D. Consideration for Evaluating Properties – Integrity

In order for a resource to be eligible for designation as a local landmark or historic district, the resource must retain sufficient integrity. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics that existed during the time period within which the resource attained significance. Only after significance has been established should the issue of integrity be addressed. There are seven aspects of integrity, as defined by the National Register: location, design, setting, materials, workmanship, feeling, and association. Since significance thresholds associated with local listing are generally less rigid than those associated with listing at the state or national levels, a greater degree of flexibility shall be provided when evaluating the integrity of a locally eligible historic resource, as opposed to one eligible for listing in the National or California Registers. For this reason, it is possible that a historic resource may not retain sufficient integrity to be eligible for listing in the National or California Registers, but may still be eligible for listing at the local level. Integrity shall be determined with reference to the particular characteristics that support the resource's eligibility under the appropriate criteria of significance.

9103.17.070 Designation Procedures

A. Application for Nomination

1. Any person, or group, including the City, may request the designation of a historical resource as a historic landmark or district by submitting an application to the City.
2. All applications shall be completed using a form provided by the City and shall contain all required information, including the following:
 - a. For individual resources, a historic resource evaluation report completed by a qualified historic preservation consultant;
 - b. For historic districts, a historic resources survey report completed by a qualified historic preservation consultant;
 - c. Required fees per City's Fee Resolution;
 - d. The City may require the applicant to submit additional information regarding the historic significance of the resource, including but not limited to photographs, plans, deeds, permits, and any other materials that may provide pertinent information about the resource.

B. Initial Application Review

1. **Completeness Review.** Within 30 days of filing, City staff shall review all applications for completeness and accuracy before they are accepted as complete. The applicant shall be notified by letter whether the application is either complete and being processed or is incomplete and additional information, including but not limited to the information listed in Section A.2, must be provided. If an applicant fails to provide the additional information within 30 days following the date of the letter, or shorter time frame as determined by the Director or designee, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director or designee for good cause shown.

C. Owner Notification. City staff shall notify the owner(s) of record by letter that an application for designation has been submitted for their property within ten (10) days of deeming the application complete.

D. Owner Consent to Designation. Prior to scheduling the matter for consideration by the Commission, a written statement by the property owner in the case of historic landmark designation, or written statements by 75 percent of property owners in the case of historic district designation, including 100% of property owners of contributing resources, shall consent to such designation. In the case of an individual property, if the owner does not consent to the designation, the application shall be automatically withdrawn.

- E. Moratorium on Permits.** No alteration or demolition permits for an individually eligible historic resource or contributor to an eligible historic district shall be issued after an application for designation is submitted. The moratorium on permits shall continue through the process of historic landmark or district designation, until a final decision to adopt (or not adopt) the designation has been made by City Council.
- F. Commission Review.** Applications for approval of historic landmark and district nominations shall be reviewed by the Commission. The Commission shall hold a public meeting to determine if the property meets one or more of the criteria established in Section 9103.17.060(A) of this Chapter. The public hearing shall be noticed in accordance with Section 9108.13 (Public Notices and Hearings), Article IX of the Arcadia Municipal Code. After a determination is made regarding the proposed designation, the Commission shall submit a report and recommendation to the City Council that the application be approved or denied. Within ten (10) days of the public hearing, the Commission shall notify the applicant(s) and owner(s) of record by letter of its determination.
- G. City Council.** City Council has the sole authority to designate a historic resource as a historic landmark or district. Nominations recommended for approval by the Commission shall be reviewed by the Council at a public hearing. The hearing shall be noticed in accordance with Section 9108.13 (Public Notices and Hearings), Article IX of the Arcadia Municipal Code. At the hearing, the Council shall adopt or reject historic designation. Within ten (10) days of the hearing, the Council shall notify the applicant(s) and owner(s) of record by letter of the designation.
- H. Rescission of Designation.** Once a historic landmark or district has been designated, it shall not be repealed by the City Council, unless it is found that the evidence used to establish designation was erroneous, or the designated resource no longer meets the criteria set forth in Section 9103.17.060(A). A resource cannot lose its designation status merely due to degradation by neglect. The process of rescission shall be considered a discretionary action under CEQA.

9103.17.080 Alterations to Historic Resources

A. General Requirements

1. A Certificate of Appropriateness (C of A) is required for major and minor alterations that may adversely affect the significance of a designated historic landmark or contributor to a designated historic district.
2. Demolition of or a major addition to a non-contributing resource, or infill in a designated historic district outside of the City's designated Home Owners Associations will be subject to the design review process described in Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code. All other alterations to non-contributing resources are exempt from review and may be issued a waiver. Once a Certificate of Appropriateness has been issued, City staff may inspect the work being undertaken to ensure that it complies with the approved Certificate of Appropriateness.
3. No permit shall be issued for alteration of an individual historic landmark or contributing resource in a designated historic district, or demolition of a non-contributing resource in a designated historic district until a Certificate of Appropriateness or waiver has been issued in accordance with this Section.

B. Levels of Review

The type of alteration being proposed and the type of resource affected by the alteration will determine the level of review required. Unless the alteration is exempt from review and issued a waiver, a Certificate of Appropriateness (C of A) is required for review by City staff or the Commission. From time to time as circumstances warrant, the City may, by resolution, modify the list of actions deemed to qualify for review by City staff or the Commission.

1. **Designated Historic Landmarks.** Major alterations affecting designated historic landmarks require a C of A and review by the Commission. The approval or denial of such major alterations shall be deemed a discretionary action under CEQA. Minor alterations affecting designated landmarks require a C of A and review by City staff.
2. **Designated Historic Districts.** Major alterations affecting contributing resources in designated historic districts require a C of A and review by the Commission. The approval or denial of such major alterations shall be deemed a discretionary action under CEQA. Minor alterations affecting contributing resources in designated historic districts require a C of A and review by City staff. Demolition of or major additions to non-contributing resources, and infill in designated historic districts

outside of the City's designated Home Owners Associations (HOAs) require design review pursuant to Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code. Alterations (with the exception of demolition and major additions) affecting non-contributing resources in designated historic districts outside of HOAs are exempt from review and may be issued a waiver.

a. Note: Contributing and non-contributing properties within the City's designated HOAs are not subject to the City's design review process. However, the HOAs shall adhere to and apply the Design Guidelines as well as the HOAs' enabling resolution in their design review process and forward a recommendation to the Commission/City staff regarding the design of the alteration, addition, or new infill in the designated historic district. The City shall have final authority on the approval or denial of the design.

3. Negligible alterations affecting all designated historic resources (designated and eligible individual resources and resources in designated historic districts) are exempt from review and may be issued a waiver.

C. A "major alteration" is defined as:

1. Any demolition, rebuild, or relocation of an individual historic landmark or contributing resource in a designated historic district. Certificate of Appropriateness applications for the demolition or relocation of designated historic resources shall comply with procedures set forth in Section 9103.17.080(J)(K).
2. Any undertaking that significantly alters or changes a designated historic resource's street-facing façade or side façades visible from the public right-of-way, including major changes to or additions of fenestration openings; the application of new exterior wall cladding or coating which changes the appearance, design, or texture of a property; and the addition of any other architectural features.
3. Any addition of square footage to a designated historic resource that is visible from the public right-of-way.
4. Infill in a designated historic district. Infill in a designated historic district requires design review pursuant to Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code.
5. Demolition of or a major addition to a non-contributing resource in a designated historic district. Demolition of and major additions to non-contributors requires design review pursuant to Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code.
6. Any other undertaking determined major by the City.

D. A "minor alteration" is defined as:

1. Any removal of insignificant exterior features of a designated historic resource, including additions, doors, windows, and exterior siding material that are non-original or otherwise lack historic integrity.
2. Any undertaking requiring a permit that does not change substantially the exterior character-defining features of a designated historic resource, including minor additions on secondary façades.
3. Any undertaking not requiring a permit that materially alters significant features of a designated historic resource or that may adversely affect the significance of a historic resource, including replacement of windows and doors in existing openings or resurfacing exterior finishes (i.e. stucco in a noticeably different texture) on street-facing façades.
4. Any undertaking to the environmental setting or landscape of a designated historic landmark or property within a designated historic district if the setting is significant to the historic resource and has been defined as significant in the nomination for the resource.
5. In designated historic districts, demolition or alteration of garages and other ancillary structures built within the period of significance on both contributing and non-contributing properties, and new construction of such structures on any designated historic property (district contributors and individual properties).
6. Any other undertaking determined minor by the City.

E. A "negligible alteration" is defined as:

1. All work that is entirely interior and does not affect the exterior of a designated historic resource, except for interior features that are specifically mentioned as character-defining features in a landmark nomination adopted by the City.

2. Installation of rooftop equipment, including solar panels, not visible from the public right-of-way.
3. Re-roofing in a different material that replicates the existing or original roofing.
4. Window and door repair to correct deterioration, decay, or damage to existing original windows or doors.
5. If original windows and doors are beyond repair, replacement windows and doors matching the appearance of the original windows and doors.
6. Repair of existing historic ornament (including, but not limited to, porches, cornices, plaster work, and eaves).
7. Any additional ordinary maintenance and repair to correct deterioration, decay, and/or damage to existing historic material.
8. Replacement of a non-historic garage door with one that is compatible in terms of design and material, and minimizes its visual impacts on the character-defining features of the historic resource.
9. Seismic upgrades that minimize the alteration of character-defining features of a historic resource.
10. Any other undertaking determined negligible by the City.

F. Application

1. If a Certificate of Appropriateness is required in accordance with this Section, a Certificate of Appropriateness application shall be filed with the City.
2. All applications must include the following:
 - a. A report by a qualified preservation consultant detailing the project's compliance with, and potential deviation from, the Secretary of the Interior's Standards (a Standards compliance report).
 - b. For new construction, additions, and relocations, plans and specifications showing the existing and proposed exterior appearances;
 - c. Photographs (including views of all façades) of the building affected by the proposed project. Photographs shall be in color and include close-up views of any specific elements under consideration (i.e. windows or doors if alterations are proposed) and views of surrounding properties;
 - d. If in a designated historic district, relationship of the proposed work to the surrounding environment;
 - e. For new construction in designated historic districts, relationship to the existing scale, massing, architectural style, site and streetscape, landscaping, and signage;
 - f. Any other information the City reasonably determines to be necessary for review of the proposed work.

G. City Staff Review

Certificate of Appropriateness applications requiring administrative approval will be reviewed by City staff. C of A applications requiring staff-level review are defined in Section 9103.17.80(B) of this Chapter. No public hearing shall be required for applications reviewed by City staff. City staff may approve or approve with conditions the application. Decisions of City staff regarding the application are subject to appeal per Section 9103.17.110 (Appeals) of this Chapter.

H. Commission Review

Certificate of Appropriateness applications requiring approval by the Commission will be reviewed by the Commission at a public hearing. C of A applications requiring Commission review are defined in Section 9103.17.80(B) of this Chapter. The public hearing shall be noticed in accordance with Section 9108.13 (Public Notices and Hearings), Article IX of the Arcadia Municipal Code. At the hearing, the Commission shall adopt a resolution approving, conditionally approving, or denying the application. The Commission shall notify by letter the applicant within ten (10) days of the hearing. Decisions of the Commission regarding the application are subject to appeal per Section 9103.17.110 (Appeals) of this Chapter.

I. Review Criteria

In evaluating Certificate of Appropriateness applications, City staff, the Commission, and/or the City Council upon appeal shall consider the architectural style, design, massing, arrangement, texture, materials, color, and any other relevant factors associated with the affected historic resource. Applications shall not be approved unless:

1. With regard to designated historic landmarks, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the resource and its site;
2. With regard to properties within designated historic districts, the proposed work will neither adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring properties, nor adversely affect the historical or architectural character of the district;
3. The proposed work complies with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and any other applicable design guidelines adopted by the City;
4. Proposed work will not cause a substantial adverse change in the significance of a designated historic resource in accordance with CEQA.
5. For proposed work that may adversely affect the significance of an eligible historic resource or district, the review body (City staff, the Commission, or the City Council upon appeal) may withhold approval of the project up to but not exceeding 180 days to identify project alternatives or to initiate the designation process.

J. Demolition of Designated Historic Resources

A Certificate of Demolition is required for a designated historic landmarks and a contributing resources in designated historic districts. Applications for demolition shall be reviewed by the Commission following the procedures set forth in Section 9107.07 (Certificates of Demolition), Article IX of the Arcadia Development Code. Approval or denial of a demolition application shall be deemed a discretionary action under CEQA.

K. Relocation of Designated Historic Resources

An application for relocation is required for a designated historic landmarks and a contributing resources in designated historic districts. Applications for relocation shall be reviewed by the Commission following the procedures set forth in Section 9103.17.080(H). Approval or denial of a relocation application shall be deemed a discretionary action under CEQA.

1. Relocation plans shall include:
 - a. Plans and specifications showing the current exterior appearance of the building to be moved;
 - b. A site plan of the proposed receiver site;
 - c. Photographs (including views of all façades) of the building to be moved and photographs of the proposed receiver site. Photographs shall be in color and include views of surrounding properties;
 - d. Any other information the City reasonably determines to be necessary for review of the proposed work.
2. Criteria for relocation. The following criteria may result in approval of an application for relocation of a designated historic resource:
 - a. Relocation will not significantly change, destroy, or adversely affect the historic integrity of the designated historic resource;
 - b. Relocation will not have a significant adverse effect on the character of the designated historic district or neighborhood, or surrounding properties where the historic resource is located or at the proposed receiver site;

- c. The relocation is necessary to correct an unsafe or dangerous condition on the site and no other measures for correcting the condition have been determined feasible, or the relocation is necessary to preserve the historic resource and all other feasible options for preservation on the original site have failed, as determined by the Commission.

9103.17.090 Certificates of Economic Hardship

A Certificate of Economic Hardship process is established to allow a property owner to carry out work that may adversely affect the value or significance of a historic resource on the basis of extreme financial hardship or adversity.

- A. Income-Producing Properties.** In order to establish economic hardship for an income-producing property, it must be demonstrated that a reasonable rate of return cannot be obtained from the property in its present condition or if rehabilitated.
- B. Non-Income Producing Properties.** In order to establish economic hardship for a non-income-producing property, it must be demonstrated that, without approval of the proposed demolition or remodel, the property owner would be deprived of all reasonable use of or return from the property.
- C. Applications.** Certificate of Economic Hardship applications shall be submitted on a form provided by the City and shall contain all required information. The City may require the owner to furnish additional material evidence supporting the request for exemption.
- D. City Staff Review.** Applications for Certificates of Economic Hardship shall be reviewed by City staff following the same procedure for reviewing Certificates of Appropriateness applications set forth in Section 9103.17.080(H)(I) of this Chapter.
- E. Approval.** The Commission, and the City Council if appealed, shall approve the Certificate of Economic Hardship only if the following findings are made:
 1. Denial of the application would decrease the value of the subject property so as to deprive the owner of any reasonable economic return on the property;
 2. Denial of the application would cause an immediate hardship because of conditions unique to the specific property involved;
 3. Sale or rental of the property is not financially feasible, when considering the cost of holding such property for uses permitted in the zone;
 4. Rental at a reasonable rate of return is not feasible;
 5. Denial of the application would damage the property owner unreasonably in comparison to the benefit conferred to the community.

9103.17.100 Incentives for Historic Preservation

A. Mills Act Property Tax Abatement Program

The Mills Act Property Tax Abatement Program (Mills Act) was enacted in 1972 by the State of California and grants participating local governments authority to enter into contracts with owners of qualified historic properties who actively participate in the repair, rehabilitation, restoration, and maintenance of their properties to receive property tax relief. The City shall determine on an annual basis how many contracts it will accept and may set a financial cap on the program.

1. **Qualified Historic Properties.** All individually designated historic landmarks, contributing resources in designated historic districts, and properties that are individually listed in the National Register of Historic Places or the California Register of Historical Resources are eligible for Mills Act contracts, pursuant to the provisions of Article 12, Sections 50280 through 50289, Chapter 1, Part 1, Title 5, of the California Government Code.

2. All Mills Act contracts shall comply with Section 50281 of the California Government Code, which include, but are not limited to, the following provisions:
 - a. The term of the contract shall be for a minimum of ten (10) years.
 - b. The applicant and property owner shall be required to comply during the term of the contract with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as well as the State Historic Building Code.
 - c. The City shall be authorized to conduct periodic inspections to determine the applicant's and owner's compliance with the contract.
 - d. The contract shall be binding upon all successors-in-interest of the owner.
3. **Application Requirements.** All Mills Act applications shall be filed with the City and include the following:
 - a. A description and photographs of the property;
 - b. A copy of the latest grant deed, deed of trust, or title report for the property;
 - c. A rehabilitation plan/maintenance list of the work to be completed within the ten-year contract period, including cost estimates and the year in which the work will be completed;
 - d. A financial analysis form showing current property taxes and estimated taxes for the property under the contract;
 - e. Required fees per the City's Fee Resolution.
4. **City Review and Commission Recommendation.** Mills Act applications shall be submitted to the City by the end of June 30. Following the application submittal deadline, the Commission will review all applications. Within 30 days from the beginning of review, the Commission will make recommendations to the City Council on the merits of the proposed applications.
5. **City Council Action.** City Council may in its sole and absolute discretion authorize the execution of all Mills Act contracts. Approval of contracts shall be procedural and shall not require a public hearing.
6. **Renewal.** A Mills Act contract shall be a perpetual, ten-year contract that automatically renews annually unless and until the property owner/applicant or the City gives written notice to the other that the contract will not be renewed upon the expiration of its current term.
7. **Cancellation.** A Mills Act contract may be cancelled or modified if the City Council finds, after written notice to the applicant and the property owner, either of the following conditions:
 - a. The owner/applicant is responsible for noncompliance with any terms or conditions of the contract, or any provision in this Chapter; or misrepresentation or fraud was used in the process of obtaining the contract.
 - b. The subject property has been destroyed by fire, earthquake, flooding, or other calamity, or it has been taken by eminent domain.
8. **Cancellation Fee.** If a Mills Act contract is cancelled due to noncompliance, the property owner shall be liable to the City for a cancellation fee equal to 12.5 percent of the current fair market value of the property.
9. **Work Plan Amendments.** The contract may provide that alterations to the approved work plan require review and approval by City staff.
10. **Mills Act Contract.** The City Attorney shall prepare and maintain a current Mills Act contract with all required provisions specified by state law and this section.

B. Other Incentives for Historic Preservation

1. **Development Incentives.** The following incentives may be applied to a project approved by the Commission, or subject to approval by the City Council:

- a. State Historic Building Code. The California State Historic Building Code (SBHC) provides alternative building regulations for the preservation, restoration, rehabilitation, or relocation of historic resources. The SHBC shall be used in evaluating any building permit for work affecting a historic resource.
- b. Parking Modifications
 - i. The required number of parking spaces shall be the same as the number of spaces that existed on the site at the time the site was developed, and shall be maintained and not reduced. Adaptive reuse projects shall otherwise be exempt from the provisions set forth in Section 9103.07 (Off-Street Parking and Loading), Article IX of the Arcadia Development Code.

9103.17.110 Appeals

- A. The owner of a property subject to review, or the applicant, if different than the owner, may appeal any decision by City staff or the Commission under this Chapter pursuant to Section 9108.07 (Appeals), Article IX of the Arcadia Municipal Code. Standard appeal fees shall apply.
- B. Certificates of Appropriateness for contributing resources in designated historic districts may be appealed by any property owner or resident within the boundaries of the district.

9103.17.120 Duty to Keep in Good Repair

The owner of a designated historic landmark or contributor to a designated historic district has a duty to maintain in good repair all exterior features and to comply with all applicable codes, laws, and regulations governing the maintenance of the designated historic resource. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of designated historic resources.

- A. Designated historic resources shall be protected against such decay and be kept free from structural defects through the prompt repair of any of the following:
 - 1. Deteriorated exterior walls, foundations, or other vertical supports that age, split, or buckle;
 - 2. Deteriorated ceilings, roofs, roof supports, flooring, floor supports, or other horizontal members that age, split, or buckle;
 - 3. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;
 - 4. Deteriorated, crumbling, or loose exterior plaster;
 - 5. Defective or insufficient weather protection for exterior walls, including lack of paint or weathering due to lack of paint, or other protective coating;
 - 6. Any fault or defect in the building that renders it not watertight or otherwise structurally unsafe.
- B. It shall be the duty of the City Building Official to enforce this section.

9103.17.130 Ordinary 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.

9103.17.140 Unsafe or Dangerous Conditions

- A. Nothing contained in this Chapter shall prohibit the construction, alteration, rehabilitation, restoration, demolition, or relocation of any historic resource, when such action is required for public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code.

- B. For declared public hazards that are not an immediate threat to public safety, the Commission may hold a public hearing in order to comment on the proposed demolition. The public hearing shall be noticed in accordance with Section 9108.13 (Public Notices and Hearings), Article IX of the Arcadia Municipal Code.

9103.17.150 Enforcement Penalties

- A. Any person who violates a requirement of this Chapter or fails to obey an order issued by the City Council, Commission, or City staff, or fails to comply with a condition of approval of any certificate or permit issued under this Chapter, shall be subject to the provisions set forth in Chapter 2 (Penalty Provisions), Article I of the Arcadia Municipal Code.
- B. Alteration or demolition of a designated historic resource in violation of this Chapter is expressly declared to be a nuisance and shall be abated as deemed appropriate by the City.
- C. Alteration or demolition of a designated historic resource in violation of this Chapter shall authorize the City to issue a temporary moratorium on development of the subject property for a period of up to, but not exceeding 24 months from the date the City becomes aware of the alteration or demolition. The purpose of the moratorium is to provide the City with sufficient time to study and determine appropriate mitigation measures for the alteration or removal of the historic resource. Mitigation measures as determined by the City Council shall be imposed as conditions of any subsequent permit for development of the subject property.
- D. In addition to any other remedies available at law or in equity, the City Attorney may maintain an action for injunctive relief to restrain a violation, or cause, where possible, the complete or partial restoration, reconstruction, or replacement of any designated historic resource that has been demolished, partially demolished, altered, or partially altered in violation of this Chapter.

9103.17.160 Definitions

Amended by Ord. No. 2375

“Arcadia Register of Historic Resources” means the official list of designated historic resources in the city.

“California Environmental Quality Act” (or “CEQA”) refers to the statute and regulations applying to public agencies in California as codified in the California Public Resources Code Sections 21000 through 21178, and Title 14 CCR, Section 753, and Chapter 3, Sections 15000 through 15387. CEQA applies to all discretionary work proposed to be conducted or approved by a California public agency, including private projects requiring discretionary approval.

“Certificate of Appropriateness” shall refer to the required review prior to issuance of an alteration permit to ensure alterations to designated and individually eligible historic resources are in compliance with this Chapter and CEQA guidelines.

“Certificate of Demolition” shall refer to the required review prior to issuance of a demolition permit to ensure completion of a full historical evaluation of buildings, structures, and objects that are 50 years of age or older to determine historical significance. See Section 9107.07 (Certificates of Demolition), Article IX of the Arcadia Development Code.

“Character-Defining Features” refer to the visual and physical features that give a building its identity and distinctive character. They may include the overall building shape, its materials, craftsmanship, decorative details, interior spaces and features, and aspects of its site and environment.

“Commission” means the City of Arcadia Planning Commission established pursuant to the provisions of Part 5, Chapter 2, Article II of the Arcadia Municipal Code.

“Contributing Resource” (or “Contributor”) means any building, structure, object, site, planning feature, sign, area, place, landscape, or natural feature within a designated historic district that contributes to the district's historic, cultural, or architectural significance.

“Designation” means the act of recognizing, labeling, and listing a historic resource in the Arcadia Register of Historic Resources by the City Council. A designation formally establishes that a historic resource has historic significance.

“Demolition” means any act or process that destroys, in whole or in part, a building, structure, object, or site or permanently impairs its structural integrity.

“Historic District” means a type of historic resource that is a geographic area comprising a significant concentration, linkage, or continuity of buildings, structures, objects, planning features, sites, natural/landscape features and any other features united historically or aesthetically by plan or physical development.

“Historic Integrity” is the authenticity of a property's historic identity evidenced by the presence of characteristics that existed during the time period in which the property attained historic significance. As defined by the National Park Service, and in accordance with the accepted standards of professional best practices, historic integrity is the conglomeration of seven aspects: location, design, setting, materials, workmanship, feeling, and association.

“Historic Landmark” is a type of historic resource that meets the eligibility criteria established in Section 9103.17.060 of this Chapter, retains sufficient integrity, and has been formally designated by the City.

“Historic Resource” means the broad category of all historic resource types that are significant in the history or prehistory of the city, region, state, or nation. Historic Resources include resources listed in or found eligible for listing in the National Register of Historic Places, California Register of Historical Resources, or Arcadia Register of Historic Resources. Historic resources can include buildings, structures, objects, sites, and historic districts.

“Historic Resource Evaluation/Assessment” means a detailed study of a property to determine its eligibility for national, state, or local historic landmark designation. A historic resource evaluation/assessment generally results in a report including in-depth, property-specific information about the resource. This information typically includes an ownership/occupant history; historic contexts and themes of significance; construction dates; a physical description of the resource, including its architectural style, materials, and setting; approximate dates of exterior alterations; character-defining features; and a historic integrity analysis.

“Historic Resources Survey” means a neighborhood or citywide survey to identify eligible historic resources, including buildings, structures, objects, sites, and historic districts. A historic resources survey generally results in a list of properties that are potentially eligible for national, state, or local landmark designation.

“Iconic” means a property that exhibits the City's unique character, history, or identity, and/or has been visited and photographed so often by residents and visitors to the city that it has become inextricably associated with Arcadia in the popular culture and forms part of the city's identity to the world at large.

“Major Additions” (or “Major Enlargements”) refer to residential enlargements larger than 500 square feet or 25 percent of the existing gross floor area before the addition, and nonresidential enlargements equal to or exceeding 25 percent of the existing gross floor area before the addition. See Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code for more information regarding what constitutes a Residential/Nonresidential Enlargement.

“Major Alterations” (or “Major Modifications/Changes”) are defined in Section 9103.17.080(C) of this Chapter.

“Mills Act Historic Property Contract” (or “Mills Act Contract”) shall mean the historic property contract between the City and the property owner that provides the potential for reduced property taxes in return for the rehabilitation, restoration, and preservation of a historic resource, pursuant to California Government Code Sections 50280 through 50289, Chapter 1, Part 1, Title 5.

“Minor Alterations” (or “Minor Modifications/Changes”) are defined in Section 9103.17.080(D) of this Chapter.

“Negligible Alterations” (or “Negligible Modifications/Changes”) are defined in Section 9103.17.080(E) of this Chapter.

“Nomination” means a nomination of a historic resource for placement in the Arcadia Register of Historic Resources pursuant to this Chapter.

“Non-Contributing Resource” (or “Non-Contributor”) means any building, structure, object, site, sign, area, place, or natural feature within a historic district that does not meet the criteria for eligibility, does not contribute to the district’s historic, cultural, or architectural significance, and therefore is not a historic resource for the purposes of this Chapter.

“Qualified Professional(s)” shall mean any of the following professions/occupations:

- Archaeologist shall refer to an archaeologist who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in archaeology, as defined by the National Park Service (Code of Federal Regulations, 36 CFR Part 61).
- Architectural Historian shall refer to an architectural historian who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in architectural history, as defined by the National Park Service (36 CFR Part 61).
- Historian shall refer to a historian who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in history, as defined by the National Park Service (36 CFR Part 61).
- Historic Architect shall refer to a licensed architect who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in historic architecture, as defined by the National Park Service (36 CFR Part 61).
- Structural Engineer shall refer to any individual registered by the State of California to practice structural engineering and to use the title Structural Engineer pursuant to the State of California Business and Professions Code, Chapter 7, Section 6701.

“Rebuild” shall refer to any activity where more than 50 percent of the existing foundation/floor assembly or more than 50 percent of the exterior walls of a building are removed. See Section 9109.01 (Definitions), Article IX of the Arcadia Development Code.

“Relocation” shall refer to the process of physically transporting a building, structure, or object from one location to another.

“Secretary of the Interior’s Standards for the Treatment of Historic Properties” (or “Secretary of the Interior’s Standards”) means the Standards and Guidelines developed by the United States Department of the Interior, National Park Service for the preservation, rehabilitation, restoration, and reconstruction of historic resources. In accordance with California Code of Regulations Title 14, Chapter 3, Section 15064.5, 15126.4(b)(1), and 15221, physical changes to historic resources that conform with the *Secretary of the Interior’s Standards* are generally considered to be mitigated to a level of less than significant under CEQA and may be eligible for a Class 31 Categorical Exemption.

Division 4:

Regulations for Specific Land Uses and Activities

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CITY OF ARCADIA ZONING CODE – ARTICLE IX: DIVISION AND USE OF LAND
CHAPTER 1: DEVELOPMENT CODE

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Section 9104.01 – Purpose and Applicability

9104.01.010 Purpose

9104.01.020 Applicable Standards

9104.01.010 Purpose

This Division provides standards for the location, site planning, development, and operations of certain land uses that are allowed by Division 2 (Zones, Allowable Uses, and Development Standards) within individual or multiple zones, and for activities that require special standards to mitigate their potential adverse impacts.

9104.01.020 Applicable Standards

The land uses and activities covered by this Division shall comply with the provisions of each Subsection applicable to the specific use, in addition to all other applicable provisions of this Development Code and the Arcadia Municipal Code.

- A. Planning Permit Requirements.** Each use shall be located only where allowed by Division 2 (Zones, Allowable Uses, and Development Standards) and authorized by the planning permit/authorization specified by Division 2 (Zones, Allowable Uses, and Development Standards). Activities that are not listed in Division 2 shall be located and permitted only as identified in this Division 4 (Regulations for Specific Land Uses and Activities).
- B. Development Standards.** The standards for specific uses in this Division supplement and are required in addition to all other applicable provisions of this Development Code.
 - 1. The land use tables in Division 2 (Zones, Allowable Uses, and Development Standards) and the specific characteristics of the use, as defined in Division 9 (Definitions), determine when the standards of this Division apply to a specific land use.
 - 2. In the event of any conflict between the requirements of this Division and those of Division 2 (Zones, Allowable Uses, and Development Standards) or Division 3 (Regulations Applicable to All Zones), the requirements of this Division shall control.

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Section 9104.02 – Specific Uses and Activities

Subsections:

9104.02.010 Accessory Uses in Non-Residential Zones
9104.02.020 Adult Business Uses
9104.02.030 Agricultural Uses – Urban Agriculture, Small Animal and Fowl, and Horses
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9104.02.160 Hazardous Waste Facilities
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9104.02.310 Smoking Lounges
9104.02.320 Storage Containers - Temporary Portable
9104.02.330 Sports Courts in Residential Zones
9104.02.340 Vending Machines
9104.02.350 Tobacco Sales
9104.02.360 Yard Sales

9104.02.010 Accessory Uses in Non-Residential Zones

- A. Purpose and Applicability.** This Subsection provides standards for the location, development, and operation of accessory uses, as defined in Division 9 (Definitions), for non-residential zones. Unless more specific standards are presented elsewhere in this Division 4 (Regulations for Specific Land Uses and Activities) for unique accessory uses, the provisions in this Subsection shall apply to accessory uses as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

B. Accessory Use Standards in Non-Residential Zones. This Subsection provides standards for permitted uses that are accessory to a primary permitted commercial, industrial, or institutional use, where allowed by Division 2 (Zones, Allowable Uses, and Development Standards).

1. **General Standard.** There shall be limited external evidence of any accessory uses, including no signage for the accessory use and no externally visible display.
2. **Review and Approval Requirements.** Accessory uses may require a Conditional Use Permit or Minor Use Permit, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and Section 9107.09 (Conditional Use Permits and Minor Use Permits), this Division 4 (Regulations for Specific Land Uses and Activities), or as established in any specific plan.

9104.02.020 Adult Business Uses

A. Purpose and Applicability. The purpose and intent of this Subsection are to regulate adult businesses, which tend to have serious secondary effects on the community, including, but not limited to, increases in crime in the vicinity of adult businesses; decreases in property values in the vicinity of adult businesses; increases in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise, and vandalism; and deterioration of neighborhoods as a result of a concentration of adult businesses in close proximity to each other or to other incompatible uses such as schools, places of religious assembly, and residential zones which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses.

Therefore, the purpose of this Subsection is to establish reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses while permitting the location of adult businesses in certain areas.

The provisions in this Subsection shall apply to adult-oriented business uses as defined in Section 6801 of the Municipal Code (Article VI, Chapter 8, Adult Business License) and any business which displays adult publications or adult-oriented materials, such as displays inside a convenience store, and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and the provisions and standards specified in this Subsection.

B. Applicable Standards. Adult business uses shall comply with all of the following standards regarding location, development, and operations.

1. Location Requirements

- a. In addition to the requirements of this Subsection, no adult businesses shall be established or located in any area in the City other than in the M-1 zone. In those locations where the adult businesses regulated by this Subsection would otherwise be permitted uses, it shall be unlawful to establish any adult business if the location is:
 - (1) Within 50 feet of any other legally established adult business. The distance between any two adult businesses shall be measured between the nearest exterior wall of the facility or tenant space.
 - (2) Within 700 feet of any existing residential zone, park, recreation area, place of religious assembly, library, school, or day care facility. The distance shall be measured between the nearest exterior wall of the facility or tenant space housing the adult business or the proposed adult business, and the nearest property line included within the residential zone, park, recreation area, place of religious assembly, library, school, or day care facility along a straight line extended between the two points.
- b. No building permit, business tax receipt, adult business regulatory permit, or other permit or entitlement for use shall be legally valid if issued to any adult business proposed to operate or to be established in the City unless the zoning and location requirements set forth above are satisfied in full.

2. **Permit Requirements.** All adult businesses that meet the zoning and location requirements set forth in this Subsection are also subject to the Adult Business Regulatory Permit requirements of Article VI, Chapter 8 (Adult Business License) of the Municipal Code, as well as all other applicable ordinances of the City and laws of the State of California.
- C. **Public Nuisance.** In addition to the penalties set forth in Section 6814 (Violations) of Article VI, Chapter 8 of the Municipal Code, any adult business which is operating in violation of these and all other applicable provisions regulating adult businesses is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.
- D. **Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this Subsection and the Ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The City Council hereby declares that it would have adopted this Subsection and the Ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective.

9104.02.030 Agricultural Uses – Urban Agriculture, Small Animal and Fowl, and Horses

- A. **Purpose and Applicability.** This Subsection establishes standards for the location, development, and operations of greenhouses, keeping of small animal and fowl, and keeping of horses, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **Urban Agriculture.** The following accessory private agricultural uses are permitted on all properties zoned for residential use:
 1. Private greenhouses and horticultural collections (grown in the ground).
 2. Fruit and vegetable gardens, fruit trees, and nut trees.
 3. The off-site sale of the products produced on the premises.
- C. **Marijuana Cultivation Prohibited.** Marijuana cultivation, dispensaries, manufacturers, and delivery of marijuana, as defined in Division 9 (Definitions), shall be considered prohibited uses in all zoning districts of the City.
- D. **Small Animals and Fowl.** Small animals and fowl shall include, but not limited to rabbits, poultry, domestic fowl, goats and sheep. On all properties zoned exclusively for residential use, the raising or keeping for domestic noncommercial use of the following animals is permitted, provided that the keeping of all small animals shall conform to other provisions of law governing same:
 1. Not to exceed a total of 10 fowl or birds;
 2. The raising or keeping of homing pigeons under such regulations as may be imposed elsewhere in the Arcadia Municipal Code;
 3. Not to exceed a total of five small animals (and the offspring of each until such offspring is capable of being raised or maintained separately from and independently of full grown members of the same species).
- E. **Horses.** The keeping of not more than a total of two horses, llamas, or alpacas for the use of the family occupying the lot is permitted on lots having a minimum net lot area of 16,000 square feet. One additional horse, llama, or alpaca may be kept for each additional 5,000 square feet of lot area over the minimum 16,000 square feet. Not more than a total of five horses, llamas, or alpacas of any age shall be kept on any one lot. The keeping of such animals shall conform to other provisions of law governing same.

9104.02.040 Alcoholic Beverage Sales

- A. **Purpose and Applicability.** This Subsection establishes standards regarding the location and operation of businesses involved in the sale of alcoholic beverages (meaning, those beverages subject to a State-issued Alcoholic Beverage Control [ABC] license and required City of Arcadia planning entitlements), either on-sale at live concert halls and theaters, or off-sale.

The provisions in this Subsection shall apply to the sale of alcoholic beverages where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

- B. Nonconforming ABC License.** All premises where an ABC license for the sale of alcoholic beverages exists and which do not comply with the provisions of this Subsection, but which were legally in existence on the effective date of this Subsection, shall have the status of a legally nonconforming license and shall be allowed to remain in existence subject to the provisions of this Subsection. However, such premises and any associated structures shall not be permitted to be modified or expanded, as set forth in Division 6 (Nonconforming Uses, Structures, and Parcels). Any legally nonconforming ABC license in violation of its planning entitlements shall be subject to revocation procedures of Section 9108.09 (Permit Modifications and Revocations).
- C. Operational Standards.** This Subsection establishes operational standards for establishments involved in the sale of alcoholic beverages. In all circumstances, a valid ABC license shall be required.
- 1. Supermarkets, Drug Stores, and Other Retail Establishments**
 - a. Any business selling alcoholic beverages for off-premise consumption or for every business selling goods and products to the public on a walk-in basis, which is open for more than 16 hours per day or which is open to the public anytime between midnight (12:00 a.m.) and 6:00 a.m. and is located less than 150 feet from residentially zoned property shall be subject to the requirements of a Conditional Use Permit (Section 9107.09).
 - b. The sale of alcoholic beverages at drive-up windows shall be prohibited.
 - 2. Retail Stores Engaged in the Sale of Vehicle Fuels and/or Car Wash Facility**
 - a. Retail stores engaged in the sale of vehicle fuels and car wash facilities which contain 750 square feet or more enclosed retail floor area may offer the off-site sale of beer and wine. Sale of distilled spirits shall be prohibited.
 - b. Such stores shall not devote more than 10 percent of the net floor area to the display, sale, and storage of alcoholic beverages.
 - 3. Live Theaters, Concert Halls, and Movie Theaters**
 - a. The sale of alcoholic beverages shall only be permitted in establishments that have permanently affixed seats which are arranged to provide spectators with an unobstructed view of the stage or screen upon which live theatrical or musical performances are given, or film is shown.
 - b. The sale of alcoholic beverages shall be accessory and incidental to the performances.
 - 4. Florist Shops and Similar Gift Establishments.** Florist shops and similar establishments selling floral or edible gifts may offer the sale of no more than one bottle of alcoholic beverage together with a floral arrangement or edible gift. No Conditional Use Permit shall be required for such alcoholic beverage sales within this limit.

9104.02.050 Antennas and Wireless Communication Facilities

- A. Purpose and Applicability.** The purpose of these requirements is to provide placement, design, and screening criteria to regulate the establishment of new wireless communication facilities and improvements to existing wireless communication facilities in a manner that protects the public health, safety, general welfare, and quality of life in the City, while providing needed flexibility to wireless communication providers. Additionally, these regulations protect the visual aesthetics of the community through the promotion of stealth techniques that architecturally integrate or camouflage wireless communication facilities within their surroundings. This Subsection shall be applied on a competitively neutral and nondiscriminatory basis to all applicants for wireless communication facilities. The provisions and terms used in this Subsection shall apply to Wireless Communication Facilities as defined Division 9 (Definitions) and applicable to any uses mentioned under this Subsection.
- B. Required Conditions.** The following conditions shall be applied to any authorization for a wireless communication facility.
- 1. Indemnification.** The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action, or proceeding against the City or its officers, agents, or employees to attack, set aside,

void, or annul any approval under this Chapter (Chapter 1, Development Code). The applicant shall further defend, indemnify, and hold harmless the City, its officers, agents, and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death, or property damage, arising out of or in connection with the activities or performance of the applicant, its agents, employees, licensees, contractors, subcontractors, or independent contractors, pursuant to the approval issued by the City.

2. **Removal of Facilities.** For all wireless communication facilities located within the public right-of-way, the applicant shall remove or relocate, at applicant's expense and without expense to the City, any or all of its wireless communication facilities, by reason of any change in grade, alignment or width of any public right-of-way, installation of services, water pipes, drains, storm drains, lift stations, power or signal lines, traffic control devices, public right-of-way improvements, or any other construction, repair, or improvement to the public right-of-way.
3. **Co-location.** Where a wireless communication facility site is capable of accommodating a co-located facility upon the same site, the owner or operator of the existing facility shall allow another carrier to co-locate its facilities and equipment thereon, upon reasonable terms and conditions mutually agreeable between the parties.
4. **Reporting.** The City may require the applicant to annually submit a written report prepared by a qualified engineer certifying that the facility continues to comply with all applicable Federal, State, and local regulations.
5. **Parking.** No facility or accessory equipment shall be allowed to reduce the number of available parking spaces.

C. Facilities Not Covered. The following facilities and devices are not covered by the provisions of this Subsection:

1. Wireless communication facilities located within the public rights-of-way.
2. Residential satellite and digital television dishes less than one meter in diameter.
3. Temporary wireless communication facilities that are needed during public emergencies or are used in conjunction with a temporary event or activity that does not otherwise require a permit under this Development Code.

D. Antennas, Ground Mounted (Accessory Structure to a Dwelling)

1. No antenna or mast shall exceed 75 feet in height measured from the adjacent grade to the highest point of the antenna or mast. For ham radio antennas, the crank-up variety shall be used.
2. All components shall be color-coordinated to harmonize with predominant structural background material to reduce visual impacts.
3. Where feasible, both the antennas and support structures shall be screened from public view. The most unobtrusive locations for the antennas are generally in the rear yard, behind trees, and adjacent to main or accessory buildings to provide background screening for the support structure.
4. The height, nature, texture, and color of all materials to be used for the installation, including landscape materials, shall be submitted with the permit application.
5. Antennas shall not be constructed, placed, or installed on a structure, site, or area designated by a Federal, State, or County agency as an historical landmark or cultural heritage site unless approved through the applicable Wireless Facility review and permit process.

E. Wireless Communication Facilities on Government Buildings. Any wireless communication facility located on a government building, such as a police or fire station, shall be permitted as an accessory use if the wireless communication facility is used exclusively for the government operation located within that facility or if it substantially contributes to public safety (i.e., police, fire and emergency management operations). Such a wireless communication facility shall be processed as part of the underlying land use permit for the government building.

F. Wireless Communication Facilities for Public Safety or Emergency Services. For a wireless communications facility that is exclusively used for public safety purposes, the Director may waive or modify one or more of the development standards in this Subsection when the application of such standards would effectively prohibit the installation of that facility. In order to waive or modify a development standard, the applicant shall demonstrate in writing that a waiver or modification of standard(s) is necessary for the provision of public safety services, and that such waivers or modifications do not exceed what is necessary to remove the effective prohibition.

G. Wireless Communication Facilities Associated with Radio Studio or Filming Facility. Any wireless communication facility located on and associated with a radio studio or a permanent filming facility shall be permitted as an accessory use if the wireless communication facility is necessary to, and is used exclusively for, the radio studio or permanent filming facility operation. A wireless communication facility defined as an accessory use shall be processed as part of the underlying land use permit for the building or facility but shall be subject to the development standards in this Subsection.

H. Development and Stealth Requirements

1. **Partial and Full-Concealment Requirements.** To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility if it is prominently visible from a public viewpoint, or if it is located in a residential, commercial, or mixed-use zone. A wireless communication facility may be designed as a non-stealth facility if it meets standards provided in this Subsection.
2. **Exceptions to Stealth and Building-Concealed Facilities.** A non-stealth facility may be permitted when the applicant demonstrates that the project location and design meets one or more of the following criteria:
 - a. The antenna(s) is not prominently visible from a public viewpoint. This standard may be achieved by blending the facility into its surroundings as defined in paragraph 9104.02.050.H.3 (Making Wireless Communication Facilities Compatible with the Existing Setting); or
 - b. The non-stealth facility is prominently visible from a public viewpoint but meets one or more of the following criteria:
 - (1) The antenna(s) results in the same or reduced visual and environmental impacts when compared to available stealth facility options; or
 - (2) The antenna(s) is located on a ridgeline and meets the requirements in this Subsection; or
 - (3) The minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more stealth facilities, or through co-location; or
 - (4) The antenna(s) is used solely for the provision of public safety and the responsible review authority waives this development standard.
3. **Making Wireless Communication Facilities Compatible with the Existing Setting.** To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:
 - a. Facilities shall be located in areas of the project site where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and
 - b. The facility shall be designed (size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site, as well as the existing setting.
4. **Preferred Wireless Communication Facility Locations.** To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:
 - a. On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities, or on a pre-approved co-location wireless communication facility.
 - b. Flush-mounted on an existing structure, pole, or building in nonresidential zones.

- c. Where the wireless communication facility is not prominently visible from a public viewpoint.
 - d. Near existing public or private right-of-ways.
- 5. **Prohibited Wireless Communication Facility Locations.** New stand-alone, non-exempt wireless communication facilities shall be prohibited in the following locations:
 - a. Within any area zoned exclusively for residential use.
 - b. Within the Commercial Office (C-O), Central Business District (CBD), Downtown Mixed Use (DMU), and Mixed Use (MU) zones.
 - c. Silhouetted on the top of ridgelines on land when prominently visible from public viewpoints.
- 6. **Height**
 - a. **How to Measure.** Unless otherwise indicated in this Subsection, the height of a wireless communication facility shall be measured as follows:
 - (1) A ground-mounted facility shall be measured from the adjacent grade to the highest point of the antenna or any equipment, whichever is highest.
 - (2) A structure-mounted facility shall be measured from the average grade to the highest point of the antenna or any equipment, whichever is highest.
 - b. **Building-Concealed Facilities**
 - (1) For building-concealed facilities, height shall be measured as the vertical distance from the flat grade or average grade, as applicable, to the highest point of the existing or newly created architectural façade or feature where the antenna is concealed.
 - (2) Building-concealed facilities shall not exceed the maximum height limits of the zone in which the building is located. An existing building that exceeds the maximum height limit may be used to conceal a wireless communication facility if an increase in allowable height of the building was granted by a previously approved discretionary permit and the building dimensions would not increase by adding the wireless communication facility.
 - c. **Stealth Facilities – Faux Structure.** Faux structure stealth facilities shall meet the definition in Division 9 (Definitions) and the maximum allowable height of a faux structure shall be 50 feet or the average height of representative structures commonly found in the local setting, whichever is less.
- 7. **Setbacks**
 - a. All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines.
 - b. For facilities proposed to be located within public rights-of-way, no facility shall unreasonably interfere with usual and customary access or use by pedestrians, bicycles, or motorized vehicles, or negatively impact vehicular parking, circulation, line-of-sight, or safety.
 - c. Ground-mounted wireless communication facilities shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any off-site dwelling unit.
- 8. **Future Co-location.** Applicants seeking land use entitlements for wireless communication facilities, except flush-mounted facilities which cannot host a co-location, shall provide accommodation for future co-location of one or more

additional wireless communication facilities as part of the permitting of the wireless communication facility. Whether or not an applicant seeks pre-approved co-location as part a requested land use entitlement, the applicant shall comply with this Subsection.

9. Standards for Specific Types of Stealth Facilities

a. Faux Trees

- (1) Faux trees shall incorporate a sufficient amount of “architectural branches” (including density and vertical height) and design material so that the structure is as natural in appearance as technically feasible. The antennas and antenna support structures shall be colored to match the components (branches and leaves) of the proposed artificial tree.
- (2) Faux trees shall not exceed the maximum height limits established for Stealth Facilities – Faux Structures as stated in this Subsection.

b. Roof-Mounted Facilities (New or Co-Location)

- (1) Roof-mounted facilities shall be hidden by an existing or newly created building or architectural feature, or shall be concealed from public viewpoints using architectural features or screening devices, or by siting the facility so that it is concealed from off-site viewpoints.
- (2) Roof-mounted facilities shall not exceed the maximum building height limit for the underlying zone.
- (3) Roof-mounted facilities shall be compatible with the architectural style, color, texture, façade design, and materials of the building. Newly created architectural features shall be proportional to the scale and size of the building or structure.

c. Flush-Mounted Antennas. An antenna for a wireless communication facility may be flush mounted on a building or other structure pursuant to the following standards, and provided that associated equipment is located in manner consistent with the subparagraph (1) below:

- (1) Flush-mounted antennas shall be designed as a stealth facility and shall be compatible with the architectural style, color, texture, façade, and materials of the structure. Panel antennas shall not interrupt architectural lines of building facades, including the length and width of the portion of the façade on which it is mounted. Mounting brackets, pipes, and coaxial cable shall be screened from view.
- (2) Flush-mounted antennas shall not exceed the maximum height limit for the underlying zone.
- (3) Any flush-mounted antenna attached to a light pole, utility pole, water tank, or similar structure shall exhibit the same or improved appearance than existing local light poles or utility poles.
- (4) Flush-mounted antennas shall be attached to a vertical surface, except they may be mounted atop a light pole or a utility pole when flush-mounting is physically infeasible. Panel antennas shall be mounted no more than 18 inches from building surfaces or poles, shall not extend above the height of the building, and shall appear as an integral part of the structure.

d. Other Faux Stealth Facilities

- (1) Faux structure types, including but not limited to water tanks, flag poles, and light poles, may be used as a stealth facility when that type of structure is commonly found within the local setting of the wireless communication facility.
- (2) Faux structures shall not exceed the maximum height limits for the underlying zone.

- (3) Faux light poles shall be designed to function as a light pole, and shall match the design and height of existing light poles on the proposed site. This standard is not applicable to faux light poles within the public right-of-way designed to match existing light poles within the same public right-of-way.
- 10. **Historical Landmarks.** A wireless communication facility shall not be constructed, placed, or installed on a structure, site, or area designated by a Federal, State, or County agency as a historical landmark unless the Director determines that the proposed facility will have no adverse effect on the appearance of the historical resource or its historical designation status.
- 11. **Environmentally Sensitive Areas.** All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas, as determined by the Director.
- 12. **Accessory Equipment.** All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.
- 13. **Colors and Materials.** All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.
- 14. **Noise.** All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards contained in Article IV, Chapter 6 (Noise Regulations). All equipment must comply with the existing noise ordinances in the City, but in no case shall any facility generate sound in excess of 50 db CNEL at the property line of the nearest residential use or 65 dB CNEL at the property line of the nearest non-residential use.
- 15. **Landscaping and Screening.** The permittee shall plant, irrigate, and maintain additional landscaping during the life of the permit when such vegetation is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint.
- 16. **Security**
 - a. Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous situations or visual blight. The Review Authority may require the provision of warning signs, fencing, anti-climbing devices, or other methods to prevent unauthorized access and vandalism.
 - b. All fences shall be constructed of materials and colors that blend in with the existing setting.
- 17. **Lighting**
 - a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency.
 - b. Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.
- 18. **Signage.** A permanent, weather-proof identification sign, subject to Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address, identify FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.
- I. **Compliance with Federal and State Law and Regulations.** Wireless communication facilities must comply with all current applicable standards and regulations of the FCC, and any other State and Federal government agency with the authority to regulate such facilities.

J. Co-location

1. **Pre-Approved Co-location.** In accordance with Section 65850.6 of the California Government Code, any proposed pre-approved co-location shall be processed as a Zoning Clearance (Section 9107.27, Zoning Clearances) if the previously approved City discretionary land use permit authorized the future co-location of the proposed wireless communication facilities on the existing permitted facility. The proposed co-location shall meet all applicable design, development standards, and conditions of the previously approved City permit.
2. **Co-location without Pre-Approval.** Any proposed co-location that does not meet the requirements of this Subsection above shall be processed as a permit modification pursuant to this Subsection (see Section 9104.02.050.O, Permit Modifications).

K. Maintenance and Monitoring

1. **Periodic Inspection.** The City reserves the right to undertake periodic inspection of a permitted wireless communications facility.
2. **Maintenance of Facility.** The permittee shall routinely inspect each wireless communications facility, as outlined in the approved maintenance and monitoring plan, to ensure compliance with the standards set forth in this Subsection and the permit conditions of approval. The permittee shall maintain the facility in a manner comparable to its condition at the time of installation. If maintenance or repair is not sufficient to return the facility to its physical condition at the time of installation, the permittee shall obtain all required permits and replace the facility to continue the permitted operation.
3. **Graffiti.** The permittee shall remove graffiti from a facility within 10 days from the time of notification by the City.
4. **Landscape and Screening.** All trees, foliage, or other landscaping elements approved as part of a wireless communication facility shall be maintained in good condition during the life of the permit, and the permittee shall be responsible for replacing any damaged, dead, or decayed landscape vegetation. The permittee shall maintain the landscaping in conformance with the approved landscape plan.
5. **Hours of Maintenance.** Except for emergency repairs, backup generator testing and maintenance activities that are audible to an off-site, noise-sensitive receptor shall only occur on weekdays between the hours of 7:00 AM and 10:00 PM.
6. **Transfer of Ownership**
 - a. In the event that the permittee sells or transfers its interest in a wireless communication facility, the succeeding operator shall become the new permittee responsible for ensuring compliance with the permit for the wireless communication facility, including all conditions of approval, and all other relevant Federal, State, and local laws and regulations.
 - b. The permittee (or succeeding permittee) shall file, as an initial notice with the Director, the new permittee's contact information such as the name, address, telephone/facsimile number(s), and email address.
 - c. The permittee shall provide the Director with a final notice within 30 days after the transfer of ownership and/or operational control has occurred. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new permittee agreeing to comply with all conditions of the City permit.

- L. Technical Expert Review.** The City may contract for the services of a qualified technical expert to supplement Development Services Department staff in the review of proposed wireless communication facilities or in the review of the permittee's compliance with this Subsection. This may include the review of technical documents related to radio frequency emissions, alternative site analyses, propagation diagrams, and other relevant technical issues. The use of a qualified technical expert shall be at the permittee's expense, and the cost of these services shall be levied in addition to all other applicable fees associated with the project. The technical expert shall work under a contract with and administered by the City. If proprietary information is disclosed to the City or the hired technical expert, such information shall remain confidential in accordance with applicable California laws.

- M. Temporary Wireless Communication Facilities.** A temporary wireless communication facility, such as a “cell-on-wheels” (COW), may be used for the following purposes: to replace wireless communication facility services during the relocation or rebuilding process of an existing facility, during festivals or other temporary events and activities that otherwise require a permit under this Chapter, and during public emergencies. Once the relocation or rebuilding process, temporary event, or emergency is complete, the temporary facility shall be removed from the site as soon as practicable.

A temporary wireless communication facility shall be processed as a Temporary Use Permit pursuant to Section 9107.23 (Temporary Use Permits) when used during the relocation or rebuilding process of an existing wireless communication facility, or when used for a festival or other temporary event or activity that otherwise requires a permit under this Chapter.

- N. Application Submittal Requirements.** In addition to meeting standard application submittal requirements of Division 7 (Permit Processing Procedures), the project applicant for a wireless communication facility may be required to submit some or all of the following information depending on the scope of the proposed project, as determined by the Director.

1. **Federal Communications Commission (FCC) Propagation Diagram.** One or more FCC propagation diagrams may be required to demonstrate that the proposed wireless communication facility is the minimum height necessary to provide adequate service (i.e., radio frequency coverage or call-handling capacity) in an area served by the carrier proposing the facility. The FCC propagation diagram shall include a map showing the provider’s existing facilities, existing coverage or capacity area, and the proposed coverage or capacity area at varied antenna heights. The FCC propagation diagram shall also include a narrative description summarizing the findings in layman’s terms. Existing obstacles such as buildings, topography, or vegetation that cannot adequately be represented in the propagation diagrams, yet may cause significant signal loss and therefore require additional facility height, should be clearly described and/or illustrated through additional visual analyses, such as Fresnel zone modeling diagrams. A propagation diagram shall be required if the proposed wireless communication facility would exceed 40 feet in height.
2. **Visual Impact Analysis.** A visual impact analysis includes photo simulations and other visual information, as necessary, to determine visual impact of the proposed wireless communication facility on the existing setting or to determine compliance with design standards established by this Subsection. The photo simulations shall include “before” and “after” renderings of the site; its surroundings; the proposed facility and antennas at maximum height; and any structures, vegetation, or topography that will screen the proposed facility from multiple public viewpoints. All photo simulations and other graphic illustrations shall include accurate scale and coloration of the proposed facility.
3. **Authorization and License Information.** The applicant shall provide a letter of authorization from the property owner and the communications carrier that demonstrates knowledge and acceptance of the applicant’s proposed project’s structures and uses on the subject property. This information shall also include a copy of the FCC radio spectrum lease agreement or the FCC registration number (FRN).
4. **FCC Compliance.** The applicant shall certify that the equipment complies with Sec. 1.1301, et seq., of Title 47 of the Code of Federal Regulations or any successor regulations. Certification of FCC compliance shall be required for all wireless communication facility permits, including permit modifications.
5. **Alternative Site Analysis.** Documentation that demonstrates:
 - a. The applicant has satisfied the wireless communication facility preferred location standards stated in this Subsection;
 - b. Infeasibility of alternative sites that would result in fewer environmental impacts to ridgelines and other environmental resources; and
 - c. All efforts to co-locate the proposed facility on an existing facility, including copies of letters or other correspondence sent to other carriers or wireless communication facility owners requesting co-location on their facilities. If co-location is not feasible, the applicant shall demonstrate to the satisfaction of the Director that technical, physical, or legal obstacles render co-location infeasible.

6. **Site Plan and Design Specifications.** This documentation shall fully describe the proposed project, including on and off-site improvements. The site plan shall be drawn to scale, and the site plan and design specifications shall include the following:
 - a. Written explanation and plot plan that describes the facility's proposed height and design, as well as the antenna direction, and type (panel, whip, or dish). All wireless communication facilities shall be located at the lowest possible height that will allow them to operate.
 - b. State the location and dimensions of the entire site area, exact location of the facility and its associated equipment with proposed setbacks, access road improvements, and any proposed landscaping or other development features. The site plan shall also identify site grading, paving and other features that may increase runoff from the site.
 - c. Front, side, and rear elevation plans showing all of the proposed equipment and structures.
 - d. Building plans and elevations for flush- and roof-mounted facilities.
 - e. Manufacturer specifications and samples of the proposed color and material for the facility and its associated equipment.
 - f. Site plan components required to address fire prevention, water conservation, and other life safety and environmental considerations.
7. **Landscape Plan.** This documentation shall describe the location and type of newly proposed landscaping, proposed irrigation systems (as needed), and the location of existing landscape materials that are necessary to properly screen or blend the wireless communication facility with the surrounding area. This information may be provided on the site plan or in a separate conceptual landscape plan.
8. **Maintenance and Monitoring Plan.** A maintenance and monitoring plan shall describe the type and frequency of required maintenance activities to ensure continuous upkeep of the facility, its associated equipment, and any proposed landscaping, during the life of the permit.
9. **Noise/Acoustical Information.** This documentation shall include manufacturer's specifications for all noise-generating equipment such as air conditioning units and back-up generators, as well as a scaled diagram or site plan that depicts the equipment location in relation to adjoining properties.
10. **Hazardous Materials.** This documentation shall include the quantity, type, and storage location for containment of hazardous materials, such as the fuel and battery back-up equipment, proposed for the wireless communication facility.
11. **Geotechnical Requirements.** At the discretion of the Director, a geotechnical report may be required. Such a report shall include the following:
 - a. Soils and geologic characteristics of the site
 - b. Foundation design criteria for the proposed facility
 - c. Slope stability analysis
 - d. Grading criteria for ground preparation, cuts and fills and soil compaction
 - e. Other pertinent information that evaluates potential geologic, fault, and liquefaction hazards and proposed mitigation
12. **Consent to Future Co-location.** A written statement shall be provided by the applicant for all wireless communication facilities that either consents to the future co-location of other wireless communication facility carriers on the proposed facility, or demonstrates to the satisfaction of the Director that technical, physical, or legal obstacles render co-location infeasible.

13. **Additional Documentation.** Additional information determined by the Director as necessary for processing the requested wireless communication facility entitlement.

O. Permit Modifications. Proposed modifications to an existing wireless communication facility shall be processed in accordance with Section 9108.09 (Permit Modifications and Revocations), depending upon whether the modification requires an amendment to a previously approved Minor Use Permit or Conditional Use Permit. For any wireless communication facility permitted as a matter of right for which a modification is proposed, such modification shall be reviewed pursuant to Section 9107.27 (Zoning Clearances).

P. Permit Period and Expiration

1. No Conditional Use Permit for a wireless communication facility shall be issued for a period that exceeds 15 years. At the end of the permit period for all wireless communications facilities, the permit shall expire unless the permittee submits, in accordance with all applicable requirements of this Chapter, an application for a permit modification in accordance with Section 9108.09 (Permit Modifications and Revocations) prior to its expiration date, requesting a permit time extension.
2. Whenever a permit time extension is requested for a wireless communication facility, the permittee shall replace or upgrade existing equipment with the latest wireless technology when feasible, reduce the facility's visual impacts, or improve the land use compatibility of the facility.

Q. Substantial Evidence Required for Denial

1. Any decision to deny, in whole or in part, a Conditional Use Permit, Site Plan and Design Review, Zoning Clearance, or Encroachment Permit to place, construct or modify a wireless communication facility shall be in writing and supported by substantial evidence contained in the written record. A required planning entitlement shall be approved unless it is determined that:
 - a. The applicant has failed to provide any information required in Subsection 9104.02.050.N (Application Submittal Requirements);
 - b. The proposed wireless communication facility fails to comply with the criteria of Subsection 9104.02.050.H (Development and Stealth Requirements);
 - c. In the case of a Conditional Use Permit, the Commission (or in the case of a Minor Use Permit, the Director) cannot make the findings required by Subsection 9107.09.050 (Findings and Decision), or, in the case of an encroachment permit, the Director has grounds for denial pursuant to Section 7300.4 of the Arcadia Municipal Code; or
 - d. In the case of a new wireless communication facility, co-location at a site with an existing wireless communication facility is feasible.
2. Any decision to deny, in whole or in part, a Conditional Use Permit, Site Plan and Design Review, Zoning Clearance, or Encroachment Permit to place, construct, or modify a wireless communication facility shall also indicate one of the following:
 - a. The applicant did not request a waiver from the requirements of this Chapter; or
 - b. The applicant did request a waiver from the requirements of this Chapter, but failed to present sufficient evidence that the requirements and restrictions of this Chapter either have the effect of prohibiting wireless communication services or unreasonably discriminate against the applicant, pursuant to Subsection 9104.02.050.U. (Waiver Request).

R. Revocations

1. At any time, the City may initiate proceedings to revoke an approval issued pursuant to this Subsection.

2. The following shall constitute grounds for revocation for an approval issued pursuant to this Subsection:
 - a. The owner or operator has abandoned the wireless communication facility; or,
 - b. The wireless communication facility is no longer in compliance with its respective conditions of approval, with the requirements of this Division, or with any other applicable law; or
 - c. The wireless communication facility is no longer in compliance with applicable FCC or FAA regulations.
3. The Planning Commission may revoke a Conditional Use Permit only after holding a noticed public hearing in accordance with Subsection 9108.09.050 (Notice and Hearing Required) of this Code.
4. After a final revocation decision has been rendered, the owner or operator of the wireless communication facility shall terminate operations and remove the wireless communication facility from the site in accordance with Subsection 9104.02.050.T. (Abandonment and Removal).
5. Any decision of the Commission or Director to revoke may be appealed pursuant to Subsection 9108.09.060 (Appeals) of this Code.

S. Maintenance Requirements

All wireless communication facilities shall comply at all times with the following operation and maintenance standards.

1. **Equipment.** All facilities, including antennae, mounts, wires, conduit, lighting, fences, shields, cabinets, poles and stealthing materials (including artificial foliage), shall be maintained by the owner or operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable so as to minimize occurrences of dangerous conditions or visual blight. All trash, debris, litter and graffiti shall be removed by the owner/operator within 48 hours following notification from the City.
2. **Landscaping.** Each facility which contains trees, foliage or other landscaping elements, whether or not used as stealthing, shall be maintained in good condition at all times, and the owner or operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping as soon as practicable, and in accordance with the approved landscape plan.
3. **Inspections.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in this Subsection. Further, the Director may, upon providing reasonable advance notice to the owner or operator, conduct an inspection of a facility to verify compliance with the provisions of this Subsection.
4. **Identification.** To ensure compliance with this Subsection, the owner or operator of a facility shall affix a label or marker to the facility in a prominent location that identifies the facility and provides a telephone number that may be called to report any damage, destruction, graffiti, or vandalism to the facility.
5. **Backup Generators.** Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 PM and 7:00 AM.

T. Abandonment and Removal

1. **Notice of Abandonment.** Where an owner or operator intends to abandon a wireless communication facility or portion thereof, the owner or operator shall notify the City by certified U.S. mail, or other method guaranteeing proof of delivery, of the proposed date of abandonment or discontinuation of operations and the date the facility shall be removed. The notice shall be given not less than 60 days prior to abandonment. Failure to give notice shall not affect the owner's or operator's obligation to remove an abandoned facility.
2. **Removal Due to Utility Undergrounding.** All facilities located on a utility pole or structure shall be promptly removed at the owner's or operator's expense at the time the utility is scheduled to be undergrounded.

3. **Removal.** Upon abandonment, revocation, or other lawful order of any federal, state or local agency to terminate facility operations, the owner or operator shall physically remove the facility or terminated/abandoned elements within 30 days following the date of abandonment or termination of use. "Physically remove" shall include, but not be limited to:
 - a. Removal of antennae, mounts, equipment cabinets and security barriers from the subject site;
 - b. Transportation of the antennae, mounts, equipment cabinets and security barriers to an appropriate repository;
 - c. Restoring the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the Director.
4. **Stay.** The Director may stay the requirement to remove an abandoned/terminated wireless communication facility upon written request and evidence submitted by the owner or operator that another wireless provider is in reasonable negotiations to acquire and use the wireless communication facility.

If an owner or operator of an abandoned wireless communication facility fails to physically remove the facility and all related equipment within the time frames set forth herein, the City may do so at the owner/operators expense.

- U. **Waiver Request.** An applicant may request a waiver from any of the location, design, or other requirements and restrictions set forth in this Subsection. Any application for a waiver shall include the applicant's authorization for the City to retain the services of an independent, qualified consultant, at the applicant's expense, to evaluate the issues raised by the waiver request. The application shall include a monetary deposit, as set by resolution of the City Council, and an agreement by the applicant to reimburse the City for all reasonable costs associated with the consultation. A waiver may be granted by the Commission or Director, whichever is applicable, where the applicant demonstrates that such restriction or requirement either:
 1. Prohibits or has the effect of prohibiting the provision of wireless communication services pursuant to the United States Telecommunications Act of 1996 (47 U.S.C. §332(c)(7)(B)(i)(II)); or
 2. Unreasonably discriminates against the applicant when compared to other providers within the City who are providing functionally equivalent wireless communication services pursuant to the United States Telecommunications Act of 1996 (47 U.S.C. §332(c)(7)(B)(i)(I)).

9104.02.060 Arcades (Electronic Game Centers)

- A. **Purpose and Applicability.** This Subsection provides standards for arcades (electronic game centers) as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **Gambling Prohibited.** No person—either as a principal, agent, employee or otherwise—shall operate, play, or utilize, or permit any person or persons to operate, play, or utilize any amusement machine, game, computer, or device for the purpose of gambling, betting, wagering, or pledging in any manner whatsoever any money, thing, or consideration of value or the equivalent or memorandum thereof, upon the outcome, score, or result of the playing or operation of the amusement machine, game, or device.

9104.02.070 Cottage Food Operations

- A. **Purpose and Applicability.** The provisions in this Subsection shall apply to cottage food operations, as defined by current State law, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and the following standards. These standards shall apply in addition to requirements imposed by the Los Angeles County Department of Public Health and other regulatory agencies.
- B. **Standards.** All cottage food operations shall comply with the standards for home occupations in Subsection 9104.02.170 (Home Occupations), as well as regulatory standards established by State law (Government Code Section 51035 et seq. and Health and Safety Code Section 114365 et seq.) and the Los Angeles County Department of Public Health.

9104.02.080 Day Care, General

- A. Purpose and Applicability.** This Subsection establishes standards for the location, development, and operations for new general day care facilities, as defined in Division 9 (Definitions) as “Day Care, General” where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). This Subsection provides standards for the location, development, and operation of general day care facilities in compliance with State law. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).
- B. Standards.** All general day care facilities shall comply with all of the following:
1. **Licensing.** The operator of an general day care facility shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 6 (Adult Day Care Facilities).
 2. **General Day Care Facilities Review Standards.** An application for a general day care facility shall be reviewed by the responsible Review Authority for compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Subsection. The application may be approved only if the general day care facility complies with applicable sections of the Health and Safety Code, this Subsection, all applicable City ordinances, and any regulations adopted by the State Fire Marshall.
 3. **Location.** General day care uses are not permitted in Residential Zones.
 4. **Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry.
 5. **Drop-off/Pick-up Areas.** Any general day care facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that does not require backing into the street.

9104.02.090 Day Care, Limited - Large Family (9-14 Children)

- A. Purpose and Applicability.** The provisions in this Subsection shall apply to large family child day care homes, as defined by current State law, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and the following standards. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).
- B. Standards.** All large family child day care homes shall comply with all of the following:
1. **Licensing.** The operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).
 2. **Care Provider's Residence.** The large family child day care home shall be the primary residence of the care provider, and the use shall be clearly residential in character and shall be incidental and accessory to the use of the property as a residence, in compliance with Health & Safety Code Section 1596.78 and other applicable law.
 3. **Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry and shall be in compliance with Section 9103.05 (Fences, Walls and Gates).
 4. **Play Area and Equipment.** Outdoor play area(s), including all stationary play equipment, shall be located in the rear area of the parcel and shall comply with any setback requirements for the zone in which the large family day care home is located.
 5. **Drop-off/Pick-up Areas and Use of Garages**
 - a. A minimum of two off-street uncovered parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit in compliance with Section 9103.07 (Off-Street Parking)

and Loading). A driveway may be used to provide the spaces, provided the City Traffic Engineer approves the arrangement based on traffic and pedestrian safety considerations.

- b. Garages shall not be used as a family child day care play area unless alternative on-site covered parking is available to meet minimum residential parking requirements and further, the garage is improved to meet Building and Fire Code regulations as a habitable space.
6. **Hours of Operation.** A large family child day care home located may only operate a maximum of 14 hours each day between the hours of 6:00 AM and 8:00 PM.
7. **Inspection Required.** Before commencing operation of a large family child day care home, the City Building Official shall conduct an inspection of the premise on which the large family child day care home is to be operated to ensure that there are no unpermitted uses, structure, electrical, and/or mechanical improvements to the property.

9104.02.100 Day Care, Limited - Small Family (8 or fewer children)

All small family child day care homes, defined as Day Care, Limited - Small Family in Division 9 (Definitions), shall comply with the applicable provisions of Health and Safety Code Section 1597.30 et seq. (Family Day Care Homes). Such facilities do not require any discretionary City permits, and are exempt from Section 9107.20 (Site Plan and Design Review).

9104.02.110 Displays and Retail Activities - Outdoor

- A. **Purpose and Applicability.** This Subsection provides standards for the outdoor display and sale of merchandise on private property, as defined by Division 9 (Definitions), and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **City Standards.** Outdoor displays and retail activities on private property shall comply with all of the following.
 1. **Prohibited Unless Specifically Permitted by Division 2 (Zone, Allowable Uses, and Development Standards) or by a Temporary Use Permit.** The outdoor display and sale of merchandise on private property shall not be permitted in any zone unless specifically permitted by Division 2 (Zone, Allowable Uses, and Development Standards) or through a Temporary Use Permit (Section 9107.23, Temporary Use Permits) and the required discretionary permit has been obtained pursuant to Division 7 (Permit Processing Procedures).
 2. **Location of Displays and Merchandise.** The outdoor display and/or sale area(s), where permitted, shall be located entirely on private property. Outdoor display and merchandise shall occupy a fixed, specifically approved, and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, area(s) required for ingress and egress to the parking area(s), or ADA and pedestrian walkways. Outdoor displays shall not obstruct traffic safety sight areas or otherwise create hazards for pedestrian or vehicle traffic.
 3. **Operating Hours.** The outdoor display and sale of merchandise shall only be allowed during the business's permitted regular hours of operation. All evidence of outdoor display and sale must be removed at close of the business's permitted regular hours of operation.

9104.02.120 Donation Box - Outdoor

- A. **Purpose and Applicability.** This Subsection provides standards for outdoor donation boxes, as defined in Division 9 (Definitions), and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **Standards.** Outdoor donation boxes shall comply with all of the following.
 1. No more than one donation box shall be allowed on a single site or shopping center.
 2. The property owner shall agree, in writing, to allow the donation box on their property, and identify the particular location where it will be placed.

3. The donation box shall be secured against theft and unauthorized removal.
4. The donation box shall be located in a manner that does interfere with any vehicular or pedestrian circulation and does not occupy any required parking space.
5. The donation box shall be located toward the rear of the property and to the greatest extent possible, out of view from any public right-of-way.
6. The party responsible for the donation box shall ensure that the box and surrounding site are properly maintained and that donated materials do not fall, spill, or accumulate outside of the box. If the party responsible for the donation box fails to provide the required maintenance, the property owner shall be responsible for all of the maintenance specified in this Subparagraph.
7. The party responsible for the donation box shall ensure that the box is removed and the site is cleared of any evidence of its previous setup when the box is no longer needed or has been inactive for 60 days. If the party responsible for the donation box fails to provide the required removal and clean-up, the property owner shall be responsible for the removal and clean-up specified in this Subparagraph.

9104.02.130 Drive-through and Drive-up Facilities

- A. Purpose and Applicability.** This Subsection provides standards for drive-through and drive-up facilities, as defined in Division 9 (Definitions), and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Every such drive-through and drive-up business shall be subject to all of the regulations applicable to a permitted use in the zone in which such drive-through or drive-up business is located. However, whenever the regulations of this Subsection are more restrictive or impose higher standards or requirements, the requirements of this Subsection shall control. For service/fueling stations, see Subsection 9104.03.280 (Service/Fueling Stations).
- B. Standards.** Drive-through and drive-up facilities shall comply with all of the following.
1. **Required Findings.** The Planning Commission shall make the following findings in addition to other required findings of the Conditional Use Permit for a drive-through or drive-up business, in addition to standard findings required for issuance of a Conditional Use Permit:
 - a. The proposed use complies with all requirements set forth for the issuance of the required planning entitlement;
 - b. The proposed use will not substantially increase vehicular traffic on any street in a residential zone;
 - c. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic;
 - d. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of worship, auditorium, theater or other place of assembly; and
 - e. Adequate conditions have been applied through the required planning entitlement to prevent adverse impacts on surrounding properties with respect to noise, trespass, and litter control.
 2. **Circulation Plan.** A pedestrian and vehicular circulation plan shall be submitted along with any required application submittal items. Such plan shall indicate how pedestrian and vehicular traffic will be separated to provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-up facilities in manner that will not impede traffic flow on any public right-of-way.
 3. **Setbacks.** Additional setback requirements may be applied by the responsible Review Authority where deemed necessary for the safety, welfare, and protection of adjacent properties.

4. **Location of Drive Aisles.** Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible. The driveway width shall be determined by the City Engineer and the Director.
5. **Pedestrian Walkways.** Pedestrian walkways (including ADA access areas) shall not intersect the drive-through access aisles unless they have clear visibility and are emphasized by enhanced paving or markings.
6. **No Reduction in Off-street Parking.** The provision of drive-through and drive-up service facilities shall not result in a reduction in the number of required off-street parking spaces, unless otherwise approved through an Administrative Modification (Section 9107.05).
7. **Waiting and Queuing Vehicles**
 - a. Drive-through access aisles shall be located entirely within the property and shall provide sufficient space for waiting vehicles, as established by the required circulation plan.
 - b. Drive-through lanes shall be designed separately from drive-through access aisles and shall avoid the blocking of parking stalls and pedestrian access.
8. **Menu and Preview Boards.**
 - a. Approval of a menu and preview board shall be subject to the approval of a Sign Permit pursuant to Subsection 9103.11.120 (Procedures for Sign Permits, Exemptions, and Revocation) before installation of any signs on the subject site.
 - b. As practical, visibility of outdoor menu and preview boards shall be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.
9. **Noise.** Amplification equipment (speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses and shall be operated in compliance with Article IV, Chapter 6 (Noise Regulations).
10. **Wall Required When Adjoining Residential Uses.** A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use, and a minimum six-foot-high solid masonry wall shall be constructed on interior property lines for all zones. The design of the wall and the proposed construction materials shall be subject to review and approval through Section 9107.19 (Site Plan and Design Review) process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.
11. **Lighting.** All exterior lighting shall be arranged and shielded to prevent any glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.
12. **Restrooms Location.** All restrooms for which exterior access is provided shall not be located along any street frontage. Restroom entrances shall be screened from view of adjacent properties or street rights-of-way by solid decorative screening.
13. **Deliveries.** For lots located within 150 feet of a residential zone, deliveries shall be limited to between the hours of 7:00 AM and 10:00 PM

9104.02.140 Emergency Shelters
Amended by Ord. No. 2400

- A. Purpose and Applicability.** Consistent with Government Code § 65582, 65583(a) and 65589.5, all California cities are required to identify a zone in which to permit emergency shelters as a matter of right. The purpose of regulating the siting of emergency shelters is to ensure the development of emergency shelters do not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of nearby residents and businesses while providing for the housing needs of the homeless. In compliance with Government Code Section 65573 subdivision (a)(4), emergency shelters shall be a permitted use as a matter of right, without the requirement of a conditional use permit or other discretionary permits in applicable zoning classifications that permit residential uses and residential mixed uses, as specified in AMC Division 2: Zones, Allowable Uses, and Development Standards.

Permit Processing, development, and management standards applied in this section shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

- B. Development and Use Standards.** The development and use standards set forth in Division 3 for the zone in which the emergency shelter is located shall apply, unless otherwise specified here.

Emergency shelters may only be subject to those development standards that apply to residential or commercial development within the same zone except that the City of Arcadia provides the following objective standards for emergency shelters:

1. No emergency shelter shall contain more than 30 beds and shall serve no more than 30 homeless persons at any one time.
2. Longer residency by those enrolled and regularly participating in a training or rehabilitation program. Services shall be provided to assist residents to obtain permanent shelter, income, and services. No individual or household may be denied emergency shelter because of an inability to pay.
3. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and public rights-of-way. The intensity shall comply with standards City performance standards for outdoor lighting.
4. No more than one emergency shelter shall be permitted within a radius of 300 feet of another such facility. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
5. Interior on-site waiting and client intake areas must be at least 200 square feet. Outdoor onsite waiting areas may be a maximum of 100 square feet, and must be located within 50 feet of the public right-of-way.
6. Parking and outdoor facilities shall be designed to provide security for residents, visitors, and employees.
7. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - a. Central cooking and dining room(s)
 - b. Recreation room
 - c. Counseling center
 - d. Child care facilities
 - e. Other support services deemed appropriate by the Director
8. Provide sufficient on-site parking for emergency shelters to accommodate all employees in the emergency shelter, Parking Standards described in Section 9103.07 (Off-Street Parking and Loading) shall not require more parking for emergency shelters than other residential or commercial uses within the same zone.

C. Management Standards. Emergency shelters may only be subject to those management standards that apply to residential or commercial development within the same zone except that the City of Arcadia provides the following objective standards for emergency shelters:

1. The emergency shelter provider/operator shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, transportation issues, security, screening to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for resident.
2. Onsite management of the facility shall be required during all open hours of operation.
3. The emergency shelter facility shall demonstrate that it is in and maintains in good standing with County and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.

9104.02.145 Employee Housing **Amended by Ord. No. 2400**

A. Purpose and Applicability. Consistent with California Health and Safety Code 17021.5, 17021.6, and 17021.8, the Employee Housing Act requires cities to establish administrative requirements for the construction and maintenance of employee housing, as defined in Section 9109.01.060 of the Municipal Code.

B. Standards. For the zones in which employee housing is permitted in Division 2, the following standards shall apply:

1. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.
2. Employee housing consisting of no more than 12 units or 36 beds will be permitted in the same manner as other agricultural uses in the same zone.

9104.02.150 Extended Hours Uses

A. Purpose and Applicability. This Subsection provides standards for the location, development, and operations of establishments with extended hours, as defined in Section 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Whenever the regulations of this Subsection are conflict with any other provision of this Code, the requirements of this Subsection shall control.

B. Standards. Retail sales with extended hours shall comply with all of the following standards:

1. **Hours of Operation – Alcoholic Beverage Sales.** The City shall reserve the right to restrict the hours that retail businesses may sell alcoholic beverage sales for off-premise consumption.
2. **Limitations of Retail Space of Alcoholic Beverages.** The City shall reserve the right to place limits on the amount of retail space that may be devoted to the sale and display of alcoholic beverages.
3. **Lighting.** Lighting shall be provided within the parking area to provide adequate lighting for patrons to comply with Electrical and Building Code requirements. Such lighting shall be oriented and shielded in a manner that avoids impacts on surrounding properties.
4. **Litter Receptacles.** Adequate litter receptacles shall be provided. Information on the location and type of litter receptacles shall be provided as part of any associated permit.
5. **Loitering.** The operator of the business shall ensure that loitering does not occur around the entryways or in the parking areas.
6. **Deliveries.** For lots located within 150 feet of a residential zone, all deliveries shall be between the hours of 7:00 AM and 10:00 PM.

9104.02.160 Hazardous Waste Facilities

- A. Purpose and Applicability.** This Subsection establishes standards to control the location, design, and maintenance of hazardous waste facilities to protect the health, quality of life, and environment for Arcadia residents. The provisions in this Subsection shall apply to hazardous waste facilities as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. Consistency with County Hazardous Waste Management Plan.** Any application for a hazardous waste facility or project shall be subject to all applicable regulations set forth in the Arcadia Municipal Code and the County Hazardous Waste Management Plan. All requirements of the City with regard to hazardous waste facilities shall be consistent with those portions of the approved County Plan which identify general areas or siting criteria for hazardous waste facilities. The County Hazardous Waste Management Plan (CoHWMP) is that plan approved by the State Department of Health Services on November 30, 1989, copies of which are on file in the office of the City Clerk and Public Works Department. This plan as it now exists or may be amended is hereby adopted and incorporated by reference as part of the Arcadia Municipal Code.
- C. City Requirements and Conditions.** Nothing set forth in this Subsection nor any requirement incorporated by reference shall limit the authority of the City to attach appropriate conditions to the issuance of any Conditional Use Permit for a hazardous waste facility to protect the public health, safety or welfare, and does not limit the authority of the City to establish more stringent requirements or siting criteria than those specified in the CoHWMP.

9104.02.170 Home Occupations

- A. Purpose and Applicability.** This Subsection provides standards for the location, development, and operations for the conduct of home occupations. The provisions in this Subsection shall apply to home occupations as defined in Division 9 (Definitions). A home occupation shall only be allowed as an accessory use on a parcel with one or more legal residential dwelling units. All home occupations shall comply with all applicable standards identified in this Subsection.
- B. Business License Required.** The operator of the home occupation shall procure a City Business License issued in compliance with Municipal Code Article VI (Businesses, Professions, Trades, and Occupations).
- C. Standards.** Every home occupation shall comply with all of the following standards.
1. Only the permanent resident(s) of the subject dwelling shall be employed on the premises in the conduct of a home occupation.
 2. No more than two Home Occupation Permits shall be issued and effective per residential unit at any given time.
 3. Exterior use or storage of material or mechanical equipment associated with the home occupation shall not be allowed.
 4. The home occupation shall not involve the use of structures other than those allowed in the subject residential zone.
 5. Not more than one room or a maximum of 600 square feet, whichever is greater, shall be used for the home occupation, except for large family and small family day care uses, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Use of the garage shall be allowed only when all required vehicle storage and garage parking is maintained in compliance with this Development Code, and the garage doors shall remain closed at all times, except when a vehicle is entering or exiting the garage.
 6. The appearance of the dwelling or any accessory structure shall not be altered so that the dwelling may be reasonably recognized as serving a nonresidential use (either by color, construction, dust, lighting, materials, noise, odors, sounds, vibrations, etc. or that disturbs the peace). The existence of a home occupation shall not be apparent beyond the boundaries of the subject site.
 7. There shall be no use of utilities or community facilities beyond that normal to the reasonable use of the property for residential purposes as defined in the zone.
 8. Visitor Limit

- a. A home occupation may not generate the number of visitors (e.g., pedestrian and/or vehicular traffic) beyond that considered normal within the surrounding residential neighborhood. A home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage.
 - b. This provision shall not be construed to limit the business transacted by the operator of the home occupation solely by means of the Internet, mail, telephone, or similar means of communications, or while away from the site of the home occupation.
 - c. Visitation and deliveries incidental to the home occupation shall be limited to the hours between 7:00 AM and 7:00 PM Monday through Friday and 8:00 AM to 6:00 PM on Saturdays and Sundays.
9. Vehicle Size Limitation.
- Only one vehicle, owned or leased by the operator of the home occupation, not to exceed one-ton rated carrying capacity (manufacturer's specifications) may be used by the occupant(s) directly or indirectly in connection with a home occupation and parked at the residence. If such a vehicle uses the residence for parking, a dedicated space shall be provided in addition to any parking otherwise required by this Development Code. The vehicle shall be parked or stored at all times within an entirely enclosed garage.
10. For rental property, the property owner or property management's written authorization for the proposed use shall be obtained and submitted with the application for a Business License.
11. All existing home occupations shall conform to all applicable Development Code requirements upon renewal of the annual Business License.

9104.02.180 Hotel Condominiums

A. Purpose and Applicability. The specific purpose of these regulations are to ensure that hotel condominium projects are conditioned upon development approval in such a way as to ensure appropriate public health, safety, welfare, and land use classifications and standards; to mitigate potential impacts of hotel condominium on traffic congestion, parks and recreation, air quality, structure design and safety, police, fire, and emergency services; to ensure other adequate public facilities; to allow hotel condominium development projects' financial flexibility; to prohibit conversion of existing hotels to hotel condominium; and to provide the City with appropriate licensing, taxation, and ownership and operational controls. The provisions in this Subsection shall apply to hotel condominium uses as defined in Division 9 (Definitions), and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) or an applicable specific plan.

B. Regulations.

1. No person or entity shall construct or operate a hotel condominium without first obtaining all necessary entitlements of this Development Code. Except as specifically provided for in this Subsection, all other provisions of the Municipal Code, including, without limitation, Article VIII (Building Regulations) and Development Code Division 5 (Subdivisions), shall be applicable to the construction and maintenance of hotel condominium. In the event of any conflict in provisions, the more specific provisions contained in this Subsection shall prevail over any general provisions set forth in the Municipal Code.
2. Each hotel condominium shall be subject to subdivision approval by the City as a tentative subdivision or as a vesting tentative subdivision.
3. Approval shall be subject to required conditions necessary to carry out the provisions of this Subsection.

C. Application. An application for a hotel condominium shall include the following requirements, in addition to any other information that the City may determine is necessary to review the application. No hotel condominium shall be approved without approval of all of the following requirements.

1. **Site Plan.** A site plan shall include the following:

- a. A legal description of the subject property;
 - b. The property owner's name and address;
 - c. Easements, liens and encumbrances;
 - d. Proof of title in the applicant, or authority of the applicant to apply on behalf of the title owner;
 - e. Location of boundary property lines;
 - f. Location, width, and names of all existing or planned streets or other public ways within or adjacent to the project;
 - g. Location, sizes, elevations and slopes of existing sewers, water mains, culverts, and other underground structures within the project and immediately adjacent;
 - h. Any existing structures and uses;
 - i. All existing uses within a distance of 400 feet from any project boundary; and
 - j. Preliminary landscape design and plans for all structures proposed on site to meet the exterior and interior standards required for the hotel condominium.
2. **Development Agreement.** A Development Agreement application, which shall provide for enforcement of all conditions and standards required by this Subsection, and in conformance to Section 9107.11 (Development Agreements). In addition to any other provisions that may properly be included within the Development Agreement, the parties may agree to terms and conditions that are different from, or in addition to, and supersede the provisions and requirements of this Subsection.
 3. **Conditions, Covenants and Restrictions (CC&Rs).** The proposed CC&Rs for the hotel condominium containing all the specific provisions required by 9104.02.180.D (Standards). In addition, the CC&Rs shall, at a minimum, provide how the development will, on an ongoing basis, be managed and operated, and how the management and operation will be funded.
 4. **Environmental Assessment.** Each hotel condominium application shall provide information necessary for the City to perform an environmental assessment of the proposed Hotel Condominium project pursuant to the California Environmental Quality Act (Public Resources Code, Sections 21080 through 21094 and its implementing regulations).
 5. **Subdivision Application.** Each hotel condominium application shall be accompanied by an application for a tentative or vesting tentative map pursuant to Division 5 (Subdivisions) of this Development Code.
- D. Standards.** The hotel condominium shall comply with all the development, use, area, parking, landscaping, and other applicable standards of the zone in which the project is located. Each hotel condominium shall also comply with the following standards, conditions, and requirements, as well as all other provisions of this Subsection:
1. Each hotel condominium shall be designed to provide a sufficient level of recreation facilities and other amenities (as determined by the responsible Review Authority) to serve the occupants, as the extent of the facilities provided shall be proportional to the size and number of units at the project.
 2. The CC&Rs submitted with the hotel condominium application shall require operation, on a seven day a week basis, of the following services: room service, housekeeping, food and beverage service, concierge, parking, and bellman services.
 3. For purposes of determining any payments referenced in paragraph 9. below, a central reservation system for rental of all units, as customarily employed by qualified hotel condominium management shall be provided for all units in the rental program.

4. All unit owners shall obtain third-party insurance as required by the hotel condominium management.
5. No condominium unit may be converted into any form of permanent residence.
6. No more than one unit in each hotel condominium shall be used for the occupancy by a person or family serving as the on-site manager of the hotel condominium. Such unit must be owned by the declarant under the CC&Rs, the hotel condominium association, or the hotel condominium management, and shall not be used for homestead purposes.
7. All hotel condominium units shall be completely furnished with furniture and appliances to the standards established by the hotel condominium management. A furniture, fixtures, and equipment reserve account shall be established and maintained to maintain and, when necessary, replace the furniture, fixtures, and equipment within the units to maintain the facility in its first-class hotel standard. In addition to the foregoing account, a reserve fund shall be established and maintained subject to State general law and Department of Real Estate regulations.
8. A front desk and lobby area accessible to members of the public shall be provided.
9. Every hotel condominium shall be subject to the City's Transient Occupancy Tax (Article II, Chapter 6, Part 6), as may be amended from time to time. If for any reason a Transient Occupancy Tax (TOT) is not collected or collectable subject to the requirements of applicable provisions, as they may be amended from time to time, the City may require, as a term of the required Development Agreement, that an amount determined by mutual agreement of the applicant and the City Council shall be paid monthly or quarterly (at the sole election of the City Council) in an amount equivalent to the funds that would have been raised by the collection of the TOT. Upon request of the City Manager or designee, the hotel condominium operator shall promptly provide to the City and its agents access during normal business hours to all rental records, tax receipts, or any other documents relating to the hotel condominium and the hotel condominium units necessary to verify conformance with the collection of the TOT.
10. Each unit owner shall become a member of a hotel condominium association subject to the CC&Rs, composed of unit owners within the same hotel condominium. No unit in a hotel condominium shall be used as a timeshare, fractional, or other vacation ownership unit.
11. All ancillary or accessory uses to a hotel condominium, such as dining rooms, restaurants or cafes, shall be operated within the same structure or structures and principal access to all facilities shall be through an inside lobby, which shall have a front desk or office.
12. Hotel condominium facilities shall be classified as a vacationing tourist dwelling facility, which may include convention uses, group sales, special events, and other uses typically associated with resort hotels, and shall not permit permanent owner occupancy.
13. Each condominium unit must be made available to hotel guests for transient use.

9104.02.190 Karaoke and/or Sing-Along Uses

A. Purpose and Applicability

This Subsection provides standards for the location, development, and operations for karaoke and/or sing-along uses, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and the following standards.

B. Standards. All karaoke and/or sing-along uses shall comply with all of the following standards.

1. **Accessory to an Eating or Drinking Establishment Use.** Karaoke uses shall only be permitted as an accessory use to the following eating and drinking establishment, as defined in Division 9 (Definitions): Bars, Lounges, Nightclubs, Taverns; Restaurant, Large; and Restaurant, Small. Floor area devoted to karaoke uses shall not exceed 49 percent of the area devoted to seating and dining.

2. **Hours of Operation.** Hours of operation shall be determined by the applicable Minor Use Permit or Conditional Use Permit, and no patrons shall be on the premises outside of these hours.
3. **Operational Regulations**
 - a. The business premises shall be open and available for inspection by any lawful agent of the City during regular business hours.
 - b. All employees shall be apprised of all conditions of the any approved planning entitlement.
 - c. If private booths or rooms are provided, each such booth or room shall have windows or other openings that allow for observation outside of the booth or room.

9104.02.200 Kennels; Animal Board and Care
Amended by Ord. No. 2375

- A. **Purpose and Applicability.** The provisions in this Subsection shall apply to kennels and similar animal board and care facilities, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **Location Restricted.** No person shall keep more than three dogs over the age of four months in any dwelling in the City. Commercial animal kennel/boarding business as permitted under Division 2 (Zones, Allowable Uses, and Development Standards) shall not be located within 250 feet from a residentially zoned property.
- C. **Permit Required.** No person shall carry on the business of keeping dogs for breeding purposes or for the purpose of medical treatment of dogs, or caring for dogs for hire, without first obtaining a permit from the Council, subject to Article VI, Chapter 1, Part 2, Division 6 (Keeping, Treating and Breeding) of the Municipal Code, to keep or maintain a kennel.

9104.02.210 Live/Work Units
Amended by Ord. No. 2375

- A. **Purpose and Applicability.** The provisions in this Subsection shall apply to live/work units, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Live/Work units are considered nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
- B. **Limitations on Use.** The nonresidential component of a live/work project shall be a use allowed within the applicable zone in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). A live/work unit shall not be allowed to include any of the following land uses or activities:
 1. Vehicle Repair and Service
 2. Maintenance and Repair Services
 3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
 4. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.
 5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- C. **Design Standards**

1. **Floor Area Requirement.** The nonresidential portion of the live/work unit shall be at least 25 percent, but no more than 50 percent, of the area of each unit, in order to ensure that the commercial portion remains accessory to the primary residential use and comply with California Building Code requirements. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
2. **Separation and Access of Individual Units.** Each live/work unit shall be separated from other units and other uses in the building. Access to each unit shall be provided from shop fronts, directly from the sidewalk parallel to the primary or secondary street, from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage.
3. **Facilities to Accommodate Commercial Activities.** A live/work unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity.
4. **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Subsection, and living and working space may be separated by interior courtyards or similar private space.

D. Operating Requirements

1. **Occupancy.** A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.
2. **Business License Required.** At least one of the residents of a live/work unit shall be required to have a business license with the City of Arcadia, issued pursuant to Municipal Code Article VI (Businesses, Professions, Trades, and Occupations).
3. **Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.
4. **Non-Resident Employees.** One person who does not reside in the live/work unit may work in the unit unless this employment is prohibited or limited by the minor use permit. The employment of two or more persons who do not reside in the live/work unit may be permitted, subject to minor use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code, Occupational Safety and Health Administration (OSHA), and other state and federal regulations.
5. **Client and Customer Visits.** Client and customer visits to live/work units are permitted subject to any applicable conditions of the minor use permit, to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

9104.02.220 Mobile Food Vending
Amended by Ord. No. 2347

- A. **Purpose and Applicability.** The purpose of this Subsection is to ensure that off-street mobile food vending is compatible with surrounding and adjacent uses and does not create an adverse impact on adjacent properties by reason of noise, parking and litter. Mobile food vending in the right-of-way is subject to Arcadia Municipal Code Section 3231 et seq. (Selling and Distributing on Streets).
- B. **Special Events that Include Mobile Food Vending.** The provisions of this Subsection shall not apply to persons operating a mobile vendor vehicle as part of a certified farmer's market, or an authorized street fair or other event occurring under a special permit issued by the City of Arcadia, provided that the vehicle is part of the event and is complying with all terms of the permit or permits issued for the event.

- C. Temporary Use Permit Required.** No mobile vendor vehicles shall operate on private property without filing for and receiving approval of a Temporary Use Permit. No Temporary Use Permit shall be issued for a mobile vendor vehicle unless it conforms to the requirements of this Subsection and the findings can be made under the Temporary Use Permit requirements.
- D. Operational Requirements.** Mobile vendor vehicles operating on private property shall comply with the following requirements:
1. **Written Approval of Owner.** The written approval of the owner of the location shall be obtained. A copy of this approval shall be provided to the Director with the Temporary Use Permit application, prior to operating at the location. The vendor shall maintain proof of the owner's approval in the vehicle. The person operating the mobile vendor vehicle shall present this proof upon the demand of a peace officer or city employee authorized to enforce this article.
 2. **Impervious Surface Parking.** The vehicle shall only be stopped, standing or parked on surfaces paved with concrete, asphalt or another impervious surface.
 3. **Litter Removal.** The mobile vendor vehicle and surrounding property shall be maintained in a safe and clean manner at all times. The mobile food vendor must remove litter caused by its products from any public and private property within a 25-foot radius of the vending vehicle's location.
 4. **No Discharge of Liquid.** The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.
 5. **Temporary Shade Structures.** Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
 6. **Noise.** The mobile food vendor shall be subject to the noise provisions set forth in Article IV, Chapter 6 (Noise Regulations) of the Arcadia Municipal Code. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be permitted.
 7. **Hours of Operation.** No mobile food vending shall operate before 8:00 AM or after 11:00 PM, including set-up and clean-up.
 8. **Business License Required.** The mobile food vendor must have a valid business license issued by the City pursuant to Municipal Code Article VI (Businesses, Professions, Trades, and Occupations). As part of its application for a business license, the mobile food vendor shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
 9. **Health Permit Required.** The mobile food vendor must have a valid permit issued by the Los Angeles County Department of Health. All required County Health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
 10. **Fire Department Inspection.** All mobile food vendors' vending vehicles shall be inspected and approved by Arcadia Fire Department prior to issuance of its initial business license and from time to time thereafter in the discretion of the Arcadia Fire Department. At a minimum, all cooking equipment producing grease laden vapors shall be protected by a UL 300 listed automatic fire extinguishing system. A Class K fire extinguisher shall be provided within each vending vehicle at an accessible location. All fire protection equipment shall be properly maintained and serviced at intervals required by the California Fire Code.

9104.02.230 Outdoor Dining Uses on Public Property

A. Purpose and Applicability. Outdoor dining uses on public property must not be inconsistent with the underlying dedication for public right-of-way, must not impede vehicular and pedestrian travel, and must not interfere with the rights of adjoining property owners. The City may permit such uses on a temporary or nonpermanent basis, and the City may revoke permits for and/or terminate such uses pursuant to the provisions of this Subsection. A permit granted pursuant to this Subsection is not a land use entitlement that runs with the land. The provisions in this Subsection shall apply to outdoor dining on public property as defined in Division 9 (Definitions) under Eating and Drinking Establishments, Outdoor Dining. Outdoor dining uses on public property are allowed only on public walkways abutting a private property that is located on a block entirely within a non-residential or mixed-use zone. Outdoor dining areas located within private property is subject to the Section 9104.02.240 (Outdoor Dining - Incidental).

B. Permits Required

1. **Encroachment Permit.** No person shall establish any outdoor dining area within a public right-of-way, except subject to a written encroachment permit approved by the Director subject to this Subsection. This Subsection shall not be applicable to any activity performed subject to and permitted by other specific provisions of this Code or to other obstructions prohibited by other specific provisions of this Code.
2. **Planning Permit.** Any person establishing an outdoor dining area within a public right-of-way shall be required to obtain any applicable planning permits required for the use in their respective zones in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). All outdoor dining areas on public property require at least review and approval of a Site Plan/Design Review pursuant to Section 9107.19 (Site Plan and Design Review), and may be subject to additional permit requirements as identified in the land use tables in Division 2.

C. Application Requirements

An application for the above permits shall include a declaration under penalty of perjury that all information is true and correct and shall contain, at a minimum, the following information:

1. The name and business address of the applicant if a natural person; if an entity, the name and address and the names and addresses of the individual authorized to bind the entity in contract; if a corporation, the name, address, and telephone number of the president or chairman, of the agent for service of process and of the local manager, if any, and the State of incorporation.
2. Plans satisfactory to the Director that show in detail the dimensions of the outdoor dining area, a description of its use, and the arrangement of the occupancy including, but without limitation, all obstructions and activities in the public walkway, the number of seats, tables, a schedule of time of use, and all utility connections to be utilized in connection with the occupancy.
3. Sufficient evidence to establish to the satisfaction of the Director that the proposed use is not inconsistent with the underlying dedication for public right-of-way and is not inconsistent with the City's title or estate in the underlying public walkway.
4. Proof of approval by the Director that the abutting property has previously received all zoning entitlements consistent with the operation of a outdoor dining area and is in compliance with all zoning regulations.

C. Change in Permitted Use. The size of a permitted outdoor dining area shall not be increased or the arrangement substantially altered, unless the Director has reviewed and approved a new application as required under this Subsection.

D. Required Findings. No permit shall be issued until the application is approved by the Director upon satisfaction of the following findings:

1. The proposed outdoor dining activity meets the standards of this subsection; and

2. The proposed outdoor dining activity does not interfere with the use of the public right-of-way by adjoining property owners and tenants; and
3. The proposed outdoor dining activity is complementary to and not inconsistent with the underlying dedication for public right-of-way and is not inconsistent with the City's title or estate in the underlying public walkway; and
4. The proposed outdoor dining activity does not impede travel on the public walkway or create safety and health hazards; and
5. The proposed outdoor dining activity meets the required findings, if any, of other permits required by the Development Code.

E. Encroachment Permit Standards. An encroachment permit pursuant to Municipal Code Article VII, Chapter 2, Part 7 (Sidewalk Dining on Public Walkways) is required for any outdoor dining located in the public right-of-way. All permits issued subject to the terms of this Subsection shall conform to all of the following requirements. No permit shall be issued which does not comply with these standards.

1. The minimum width of the public walkway and unobstructed minimum public walkway width of the outdoor dining area meet the requirements of the City Engineer and Director based on field inspections and the standards specified in this Subsection.
2. The outdoor dining area shall not extend beyond the side boundaries of the abutting properties and shall not be located in a manner that interferes with the flow of pedestrian or other traffic.
3. Outdoor dining shall be limited to the hours of operation of the associated indoor dining.
4. All markings, fencing, dividers, and obstructions shall be reviewed and approved by the Director to ensure that they are in keeping with all the Code requirements and specific design guidelines for an area.
5. There shall be no covering over any part of the outdoor dining area except for awnings or coverings attached to the abutting structure and approved subject to all City requirements, including all other applicable requirements of this Code. Individual fire-treated umbrellas shall be permitted.
6. A permit may be issued only to the owner and operator of a business of the property abutting the outdoor dining area.
7. A permit shall not be transferrable to any entity or person and is valid only as to the original applicant.
8. The use, occupation, and obstruction of the public walkway which is permitted under this Subsection may be temporarily suspended, without prior notice or hearing, when, in the discretion of the Director, any such use, occupation, or obstruction may interfere with public safety efforts or programs, street improvement activities, construction activities, cleaning efforts, or other similar activities or with the public health, welfare, or safety.
9. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.
10. The outdoor dining area shall be cleared of all tables, chairs, and other obstacles at the end of each business day.
11. There shall be no modification of the texture of the surface of the public walkway.
12. The outdoor dining area shall not be permitted on the arc area of curb at any corner parcel, and shall not be permitted within 10 feet of any driveway or alley.
13. The outdoor dining area shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility, or access to City or public utility facilities. The determination of whether an outdoor dining area or any part thereof interferes shall be made by the Director at the time of application based on the characteristics of each proposed site.

14. The outdoor dining area shall be made available for routine and emergency work by the City and utility companies and their agents at all times.
15. The outdoor dining area shall comply with ADA and Title 24 of the California Building Code handicap accessibility requirements.
16. The Director may place additional conditions upon the issuance of the permit to ensure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety, and welfare of the public.
17. Permits shall be considered temporary and nonpermanent in nature, and the permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such permit.
18. Permits may be terminated or suspended by the Director at any time upon good cause as determined by the Director, regardless of the nature and scope of the financial or other interest in, or on account of the permit or the permitted uses.
19. Permits, outdoor dining areas, and obstructions shall comply with all other applicable City and other governmental requirements including, without limitation, zoning and design review, except as otherwise provided in this Chapter 1 (Development Code).

- F. Indemnification of City.** As a condition of issuance, the permittee, and any person acting under or subject to the permit, agrees to indemnify, hold harmless, release, and defend the City, its Council and each member thereof, and its officers, employees, commission members, and representatives, from and against any and all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of, or are claimed to result from or to arise out of any acts, negligence, errors or omissions (including, without limitation, professional negligence) of permittee, its employees, representatives, subcontractors, or agents by reason of or arising out of or in any manner connected with, any and all acts, operations, privileges authorized, allowed, or undertaken subject to the permit including, without limitation, any condition of property used in the operations.

This agreement to indemnify shall include, but not be limited to, personal injury (including death at any time) and property or other damage sustained by any person or persons (including, but not limited to, companies, or corporations, permittee and its employees or agents, and members of the general public).

As a further condition of issuance of the permit, permittee shall covenant not to sue the City, its employees, agents, and representatives and shall cause its insurers to waive subrogation against the same with respect to any action, cause of action, claim or demand in any way resulting from or connected with any and all undertakings and operations conducted subject to the permit.

- G. Liability Insurance.** The City shall establish by resolution the minimum levels and standards of liability insurance and claims reserve which must be maintained in order to apply for, to receive, and to operate with a permit. The failure to maintain the minimum levels and standards of liability insurance for any period of time shall be sufficient grounds for revocation of a permit.
- H. Extent of Zoning Compliance.** Use of a public walkway under this Subsection is on a temporary and nonpermanent basis, allowed as a special privilege, and not as a matter of right. A permit granted under this Subsection is not a land use entitlement that runs with the land. Notwithstanding anything in this Code to the contrary, any outdoor dining area and related obstruction permitted subject to an Outdoor Dining Permit shall not be subject to any other requirements of this Subsection. In particular, but not by way of limitation, an Outdoor Dining Permit shall not be construed to increase the floor area, square footage, or number of seats of the use of the abutting property.
- I. Termination.** The Director may notify the permittee in writing of a termination or suspension and specify the time within which the termination or suspension is to take place or, in the discretion of the Director, immediately terminate the permit without prior notice. Upon delivery of a notice of termination, the Director shall have the right to require the immediate removal of all obstructions in the public walkway, and may perform such removal if the permittee fails to do so within such time as specified by the Director. The permittee shall reimburse the City for any expense incurred by the City in removing any obstruction in the event it is not removed by the permittee within the time required by the Director. Should the permittee continue to use the public walkway after the permit has been terminated, the Director may take appropriate action to restrain the use of the public

walkway by permittee and, in such event, the permittee shall reimburse the City for its reasonable costs and expenses in connection therewith, including reasonable attorney's fees and court costs.

J. Lapse or Revocation and Refusal to Issue

1. Use of a public walkway under this Subsection is on a temporary and nonpermanent basis, of which the City can refuse to issue, revoke/terminate pursuant to the provisions of this Subsection.
2. A person desiring a permit for an outdoor dining area which has been the subject, in part or whole, of a prior permit which has lapsed, been revoked, or terminated shall file a new application and shall pay the application fee specified by resolution of the City Council.
3. The Director may refuse to issue such a permit for an outdoor dining area if an applicant for renewal fails to meet any requirements for a new permit, or if such person has failed or refused:
 - a. To pay any fees for permits or charges as provided by this Subsection; or
 - b. To provide a certificate of liability insurance as specified in this Subsection; or
 - c. To repair public improvements or other property damaged as a result of the occupancy of the public walkway; or
 - d. To demonstrate readiness and willingness to comply with the terms of this Subsection, with the standards promulgated subject to this Subsection, or with the terms of the permit.

K. Violation – Penalty. Any individual establishing, operating, or maintaining an outdoor dining area without a valid permit issued subject to this Subsection or is in violation of any of the standards or requirements of this Subsection or who knowingly submits false information for the purposes of obtaining such a permit is guilty of a misdemeanor and may be prosecuted subject to applicable provisions of Article 1, Chapter 2 (Penalty Provisions) of the Municipal Code.

9104.02.240 Outdoor Dining - Incidental

- A. Purpose and Applicability.** The provisions in this Subsection shall apply to outdoor dining, as defined in Division 9 (Definitions), that occurs on private property incidental to an otherwise permitted use, and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Whenever outdoor dining includes areas in both public and private property, both Subsections 9104.03.230 (Outdoor Dining Uses on Public Property) and 9104.03.240 (Outdoor Dining – Incidental) shall apply.
- B. Change in Permitted Use.** The size of a permitted outdoor dining area shall not be increased or the arrangement substantially altered, unless the Director has reviewed and approved a new application as required under this Subsection.
- C. Standards.** All permits issued pursuant to the terms of this Subsection shall conform to all of the following requirements. No permit shall be issued that does not comply with these standards.
1. The outdoor dining area shall not extend beyond the boundaries of the subject property, and shall not be located or utilized in a manner which causes an obstruction of a public walkway or interferes with the flow of pedestrian or other traffic.
 2. The proposed outdoor dining activity shall not interfere with the use of any public walkway by neighboring property owners and tenants.
 3. The proposed outdoor dining activity shall not unlawfully alter the associated indoor dining use of the subject property.
 4. The subject property shall have previously received all necessary zoning-related approvals and shall be in compliance with those approvals.

5. A permit shall be issued only to the owner and operator of the eating establishment or restaurant that will provide the incidental outdoor dining area.
 6. A permit shall not be transferable to any entity or person, and is valid only as to the original applicant.
 7. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.
 8. All fencing, dividers, appurtenances, furnishings and furniture that occur with a permitted use under this Subsection shall be reviewed and approved by the Director to ensure that they are in keeping with the aesthetic and architectural character of the area and with all approved design guidelines.
 9. The outdoor dining area shall not be permitted within 10 feet of any driveway.
 10. The outdoor dining area shall be located in a manner that will not interfere with visibility, vehicular or pedestrian mobility, or access to City or public utility facilities. The determination of whether an incidental outdoor dining area or any part thereof interferes shall be made by the Director at the time of application based on the characteristics of each proposed site.
 11. The Director may place additional conditions upon the issuance of the permit to ensure the protection of the public walkway, the rights of all adjoining property owners, and the health, safety, and welfare of the public.
 12. The hours of operation for incidental outdoor dining areas shall be limited to the hours of operation for the associated indoor dining, unless otherwise authorized in writing by the Director.
 13. Permits and incidental outdoor dining areas shall conform with all other applicable City and other governmental requirements including, without limitation, zoning and design review, except as otherwise provided herein.
 14. The incidental outdoor dining area shall comply with Americans with Disabilities Act (ADA) and Title 24 handicap accessibility requirements.
- D. Temporary Suspension.** The use which is permitted under this Subsection may be temporarily suspended, pursuant to written notice, when, in the discretion of the Director, such use may interfere with the rights, health, welfare, or safety of the neighboring property owners and the others using the area.
- E. Expiration.** Upon a change of ownership or if for a period of one year, the use authorized by the outdoor dining planning entitlement is, or has been, unused, abandoned, or discontinued or the conditions have not complied with, the permit shall become null and void and no effect. A new application pursuant to the requirements of the Development Code shall be required for any planning entitlement issued for outdoor dining that has been, in part or whole, expired, revoked, or terminated.
- F. Revocation.** Any incidental outdoor dining permit granted under this Subsection may be revoked by the Director after at least five days' written notice to the permittee if the Director determines that any applicable condition or regulation pertaining to the permit has been violated. Pursuant to the written notice, permittee shall have the opportunity to submit a written response and/or meet with the Director.
- G. Refusal to Issue A Permit.** The Director may refuse to issue such a permit for an incidental outdoor dining area if an applicant fails to meet any requirement for a permit, or if the applicant has failed or refused:
1. To pay any fees for permits or charges as provided by this Subsection; or
 2. To demonstrate readiness and willingness to comply with the terms of this Subsection, with the standards promulgated pursuant to this Subsection or with the terms of the permit; or
 3. To submit correct information for the purposes of obtaining a permit.

- H. Violation – Penalty.** Any individual establishing operating or maintaining an outdoor dining area without a valid permit issued pursuant to this Subsection or in violation of any of the standards, requirements, conditions, or notice provided by the terms of this Subsection or who knowingly submits false information for the purposes of obtaining such a permit is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000.

9104.02.250 Recycling Facilities

- A. Purpose and Applicability.** The provisions in this Subsection shall apply to recycling facilities, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. Permits for Multiple Sites.** A single permit may be granted to allow more than one reverse vending machine(s) or small collection facility located on different sites under the following conditions:
1. The operator of each of the proposed facilities is the same;
 2. The proposed facilities are determined by the Director to be similar in nature, size and intensity of activity; and
 3. All of the applicable criteria and standards set forth in this Subsection are met for each such proposed facility.
- C. Standards.** Those recycling facilities permitted with a Minor Use Permit shall meet all of the applicable criteria and standards listed. Those recycling facilities permitted with a Conditional Use Permit shall meet the applicable criteria and standards. However, the Planning Commission may impose stricter standards as an exercise of its authority upon a finding that such modifications are reasonably necessary to implement the general intent of this Chapter.

The criteria and standards for recycling facilities are as follows:

1. Reverse Vending Machines

- a. Reverse vending machine(s) shall only be allowed as accessory to a legally established commercial or industrial use.
- b. Where a reverse vending machine is located out of doors, the following shall apply:
 - (1) Only one reverse vending machine shall be allowed on any one site.
 - (2) The reverse vending machine shall occupy no more than 50 square feet, including any protective enclosure, and shall be no more than eight feet in height.
 - (3) The reverse vending machine shall be constructed and maintained with durable waterproof and rustproof material.
 - (4) The reverse vending machine shall be clearly marked to identify the types of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 - (5) A single sign of a maximum of four square feet shall be permitted, exclusive of operating instructions, and shall be mounted on the machine.
 - (6) The machine and area around the machine shall be maintained in a litter-free condition on a daily basis.
 - (7) The operating hours shall not extend past those of the primary permitted use to which the reverse vending machine is accessory.
 - (8) The reverse vending machine shall be illuminated when operating hours are between dusk and dawn.

2. Small Collection Facilities. Small collection facilities, where permitted, shall comply with all of the following conditions:

- a. Shall be established in conjunction with a commercial use or community service facility which is in compliance with the Development Code, Building Code, and fire codes.
- b. Shall be no larger than 500 square feet.

- c. Shall be set back at least 10 feet from any street-side property line and shall not obstruct pedestrian or vehicular circulation.
- d. Shall accept only glass, metal, plastic containers, papers, and reusable items. Used motor oil may be accepted with permission of the local public health official.
- e. Shall use no power-driven processing equipment, except for reverse vending machines.
- f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule.
- g. Shall provide for all recyclable material to be stored in containers or in the mobile unit vehicle, and shall not have materials outside of containers when attendant is not present.
- h. Shall be maintained free of litter and any other undesirable materials.
- i. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
- j. Shall comply with the noise standards established by Article IV, Chapter 6 (Noise Regulations) of the Municipal Code.
- k. Attended facilities within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 AM and 7:00 PM.
- l. Containers for the 24-hour donation of materials shall be at least 100 feet from any property zoned or occupied for residential use.
- m. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
- n. Signs may be provided pursuant to Section 9103.11 (Signs).
- o. The facility shall not be located in any required landscaping area.
- p. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- q. Occupation of parking spaces by the facility may not reduce available parking spaces below the minimum number required for the primary host
- r. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use.
- s. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.

3. Large Collection Facilities

- a. **Required Findings.** In a decision to grant the required planning entitlement for a large collection facility, the Review Authority shall be required to make all of the following findings:

- (1) That the facility meets the required findings of its required planning entitlement(s);

- (2) That the facility does not abut a property zoned or planned for residential and mixed-use;
 - (3) That the facility will be screened from the public right-of-way by operating in an enclosed structure; and
 - (a) Within an area enclosed by a solid masonry wall at least six feet in height with a minimum five-foot-wide landscape buffer between such wall and the adjacent property lines;
 - (b) At least 150 feet from property zoned or planned for residential use.
- b. **Standards.** All large collection facilities shall comply with all of the following standards.
- (1) All exterior storage of materials shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable materials shall be constructed of nonflammable material.
 - (2) Oil storage shall be in containers approved by the Arcadia Fire Department.
 - (3) No storage, excluding truck trailers and overseas containers, shall be visible above the height of the wall surrounding the facility.
 - (4) The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
 - (5) Space shall be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials.
 - (6) One (1) parking space shall be provided for each commercial vehicle operated by the recycling facility which is kept or maintained at the facility.
 - (7) Facility operations shall comply with the noise standards established by Article IV, Chapter 6 (Noise Regulations) of the Municipal Code.
 - (8) If the facility is within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 PM and 7:00 AM.
 - (9) Any containers provided for after-hours donations of recyclable materials shall be at least 100 feet from any property zoned, planned, or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.
 - (10) Donation areas shall be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.
 - (11) The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.
 - (12) Identification and informational signs will meet the standards of the zone. Directional signs, bearing no advertising message, may be installed with the approval of the Director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
 - (13) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved as a part of the Minor Use Permit or Conditional Use Permit.
 - (14) No dust, fumes, smoke, vibration, or odor above ambient level may be detectable on neighboring properties.

4. **Processing Facilities**

a. **Required Findings.** In a decision to grant the required planning entitlement for a processing facility, the Review Authority shall be required to make all of the following findings:

- (1) That the facility meets the required findings of its required planning entitlement(s);
- (2) That the facility does not abut a property zoned or planned for residential and mixed-use;
- (3) That the facility will be screened from the public right-of-way by operating in an enclosed structure; and
 - (a) Within an area enclosed by a solid masonry wall at least six feet in height with a minimum five-foot-wide landscape buffer between such wall and the adjacent property lines; and
 - (b) At least 150 feet from property zoned or planned for residential use.

b. **Standards.** All processing facilities shall comply with all of the following standards.

- (1) Setbacks and landscape requirements shall be those provided for the zone in which the facility is located.
- (2) All exterior storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material.
- (3) Oil storage must be in containers approved by the Arcadia Fire Department.
- (4) No storage, excluding truck trailers and overseas containers, shall be visible above the height of the wall surrounding the facility.
- (5) Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis, and shall be secure from unauthorized entry or removal of materials.
- (6) Space shall be provided on the site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher.
- (7) One (1) parking space will be provided for each commercial vehicle operated by the recycling facility which is kept or maintained at the facility. Parking requirements shall otherwise be as required by the zone in which the facility is located.
- (8) Facility operations shall comply with the noise standards established by Article IV, Chapter 6 (Noise Regulations) of the Municipal Code.
- (9) If the facility is within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 PM and 7:00 AM.
- (10) The facility shall be administered by on-site personnel during the hours the facility is open.
- (11) Any containers provided for after-hours donations of recyclable materials shall be at least 100 feet from any property zoned, planned, or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.
- (12) Donation areas shall be kept free of litter and any other undesirable material, and the containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers.

- (13) Sign requirements shall be those provided for in the zone in which the facility is located. In addition, facility will be clearly marked with the name and phone number of the facility operator and the hours of operation.
- (14) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities, if necessary for efficient temporary storage and shipment of material, may be approved.
- (15) No dust, fumes, smoke, vibration, or odor above ambient level may be detectable on neighboring properties.

9104.02.260 Residential Care Facilities, for Seven or More Persons

- A. Purpose and Applicability.** This Subsection establishes standards for the location, development, and operations for new Residential Care Facilities that serve seven or more persons, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). These requirements are in addition to any applicable State and/or Federal requirements.
- B. Management and Operation.** The property shall be operated in compliance with applicable State, Federal, and local law.
- C. Standards.** Residential Care Facilities for seven or more persons shall comply with all of the following.
 - 1. **Setbacks.** The setbacks of the underlying zone shall apply. However, the Review Authority may establish greater setbacks where deemed necessary for the safety, welfare, and protection of any adjacent property.
 - 2. **Parcel Area.** The minimum parcel area for a new Residential Care Facility shall not be less than 20,000 square feet.
 - 3. **Signs.** Only one sign shall be permitted identifying the facility. All signs shall conform to the requirements of Section 9103.11 (Signs).
 - 4. **Lighting.** All outside lighting shall be arranged and shielded to prevent any glare or reflection, nuisance, inconvenience, or hazardous interference of any kind onto adjoining streets or property.
 - 5. **Deliveries.** For any facility located adjacent to a residential zone, all deliveries shall occur only between the hours of 7:00 AM and 8:00 PM.
 - 6. **Refuse Collection Areas.** All outside refuse and recyclable materials collection areas shall be enclosed as required by Subsection 9103.01.130 (Trash Enclosures).
- D. State Approval.** Where a facility is required to be licensed by the State, written proof shall be submitted to the City of Arcadia that the appropriate State licensing agency will be able to issue all required licenses and specifying the maximum number of beds for which a license will be issued by such agency.

9104.02.270 Seasonal Sales

- A. Purpose and Applicability.** This Subsection provides standards for seasonal sales, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and Section 9107.23 (Temporary Use Permits).
- B. Temporary Use Permit Required.** Uses that are subject to this Subsection shall require and approval of a Temporary Use Permit pursuant to Section 9107.23 (Temporary Use Permits).
- C. Standards.** Seasonal sales uses shall comply with all of the following standards for development and operations.
 - 1. **Lighting**
 - a. A power pole shall be installed on each vacant parcel where seasonal sales occur.

- b. For Christmas tree sales, all lighting equipment and power poles shall be removed on or before December 31 of the year in which it was installed.
- c. For pumpkin sales, all lighting equipment and power poles shall be removed on or before November 6 of the year in which it was installed. In the event a permit is issued for both pumpkin and Christmas tree sales, then the power pole shall be removed on or before December 31.
- d. All overhead lighting shall be placed on poles installed at least 30 inches into the ground. Prior to installation, an electrical permit shall be obtained from the City for all power poles and lighting equipment, and the type and installation of all lighting equipment shall be approved by the Building Official. The power source for all lighting on property already served by electricity shall be approved by the Building Official.

2. Operational Standards

- a. Unless permanent toilet facilities are available for public use on the parcel, two chemical toilets shall be maintained on the subject site for public use at all times during which the seasonal sales take place.
- b. No open fires shall be allowed on any parcel, and compliance with all local fire regulations shall be required.
- c. The Fire Chief or designee shall approve the size, location, and placement of all tents and canopies used for storage and sales.
- d. All installations for the spraying of Christmas trees and the method of spraying shall be approved by the Fire Department.
- e. All debris, rubbish, trash, etc. from Christmas tree sales locations that constitute a fire hazard or nuisance shall be removed by December 31 of the year in which the license was issued.
- f. All debris, rubbish, trash, etc. from pumpkin sales locations that constitute a fire hazard or nuisance shall be removed by November 6 of the year in which the license was issued.
- g. A cash bond of \$100.00 shall be filed with Building Division at the time of issuance of the certificate of occupancy to ensure compliance with the foregoing conditions. Refund of the cash bond shall be made only if all requirements have been met to the satisfaction of the Building Official. The cash bond specified may be waived by the Building Official if in his/her opinion such bond will not be necessary to insure compliance with the provisions of this Subsection because of special circumstances applicable to the applicant and its proposed location of sales.
- h. A separate Temporary Use Permit shall be required for each location, if the activity will occur at more than one location.

3. Outdoor Storage

- a. **Outdoor Storage for Christmas Trees.** Pre-existing retail businesses engaging in Christmas tree sales on their property may store such trees outside of their structure between December 1 and December 25 of each year. Such trees may only be stored on:
 - (1) Private pedestrian walkways adjacent to such business in such a manner as to provide reasonable pedestrian passageway along the length of such walkway; or
 - (2) The parking lot area of such business, provided that not more than 10 percent of the total required parking spaces shall be used and that there shall be no interference with the normal flow of traffic in the parking lot.
- b. **Outdoor Storage for Pumpkin Sales.** Pre-existing retail businesses engaged in pumpkin sales on their property may store such pumpkins outside of their structure between October 5 and October 31 of each year. Such pumpkins may only be stored on:

- (1) Private pedestrian walkways adjacent to such business in such a manner as to provide reasonable pedestrian passageway along the length of such walkway; or
 - (2) The parking lot area of such business, provided that not more than 10 percent of the total required parking spaces shall be used and that there shall be no interference with the normal flow of traffic in the parking lot.
- c. **Outdoor Storage for Other Seasonal Sales.** Pre-existing retail businesses engaged in other seasonal sales on their property may store merchandise associated with that seasonal sale outside of their structure on dates determined by the Director through the Temporary Use Permit review and approval process pursuant to Section 9107.23 (Temporary Use Permits).

9104.02.280 Service/Fueling Stations

- A. Purpose and Applicability.** The provisions of this Subsection shall apply to all vehicle repair and service business as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. Standards.** All service/fueling stations shall be subject to all the regulations of the zone in which such business is located. Whenever the provisions of this Subsection are more restrictive (or impose higher standards or requirements), the requirements of this Subsection shall control.
1. **Required Findings.** In granting a permit for a service/fueling station, the Review Authority shall be required to make all of the following findings:
 - a. The proposed use complies with all requirements set forth for the issuance of a Conditional Use Permit;
 - b. The proposed use will not substantially increase vehicular traffic on any street in a residential zone;
 - c. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic; and
 - d. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of religious assembly, auditorium, theater, or other place of assembly.
 2. **Lot Area.** A minimum lot size of 15,000 square feet and a lot frontage of 100 linear feet adjoining a public street shall be required for the establishment of any new service/fueling station.
 3. **Parking Requirements.** Parking shall comply with the design, parking ratio, and size requirements specified in Section 9103.07 (Off-Street Parking Regulations and Design), but accessory uses associated with the service/fueling station shall be parked as follows:
 - a. Accessory uses (e.g., car-wash and/or mini-market) may be allowed subject to meeting off-street parking standards for each accessory use.
 - b. Notwithstanding subparagraph (a) above, a retail space of no greater than 750 square feet of floor area shall be considered a part of the service/fueling station business and shall not require any additional off-street parking.
 - c. The total number of off-street parking spaces shall be the sum total required for the various uses computed separately.
 - d. No parking shall be provided on the premises other than for the vehicles of employees and those persons attending to business on the site.
 4. **Driveways.** The minimum distance between curb cuts shall be 25 feet. Each developed site shall not have more than two driveways to any one street, except that the Review Authority shall have the right to prescribe additional requirements if it is deemed that a change in the location and number of driveways will reduce the possibilities of traffic hazards so

that, at maximum expected operation, neither streets nor sidewalks will be blocked or the safety of pedestrians or motorists be endangered by vehicular movement into or from a proposed use.

- C. Fire Resistant Wall.** Where a service/fueling station business adjoins property in a residential zone, a minimum six-foot-high solid masonry wall shall be constructed on interior property lines. The wall shall be a maximum of 30 inches high within 25 feet of the street side property line.
- D. Lighting.** All outside lighting shall be arranged and shielded to prevent any glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.
- E. Utilities.** All utilities on the site for direct service to the subject business shall be installed underground, except as otherwise approved by the Review Authority. The owner or developer is responsible for complying with the requirements of this Subsection and shall make the necessary arrangements as required by the serving utility companies for the installation of such facilities.
- F. Restrooms Location.** All restrooms with access from the outside of a structure shall be located to the rear of the structure. Entrance shall be screened from view of adjacent properties or street rights-of-way by solid decorative screening.
- G. Trash Areas.** All outside trash, garbage, and refuse areas shall be enclosed in conformance with Subsection 9103.01.130 (Trash Enclosures).
- H. Abatement of Abandoned Vehicle Repair and Service use.** The provisions of Section 4930 et seq. of the Municipal Code shall apply to the abatement of abandoned vehicle repair and service business.
- I. Standards for Self-Service or Accessory Automobile Washing/Detailing.** The following supplementary development standards apply to all service/fueling stations with accessory automobile washing/detailing, as defined in Division 9 (Definitions).
 - 1. **Lot Area.** A minimum lot size of 25,000 square feet and lot frontage of 150 linear feet adjoining a public street shall be required for the establishment of any new service/fueling station with accessory automobile washing/detailing.
 - 2. **Enclosed.** The wash rack and any other enclosed work space shall be constructed and arranged so that entrances, exits, and openings shall not face any residentially zoned property.
 - 3. **Reclaimed Water.** Wash and rinse water shall be at least 80 percent reclaimed and re-circulated.
 - 4. **Ancillary Services.** Ancillary services such as vacuum, air, and water shall be located in an area that does not impede vehicular traffic and is properly screened from residentially zoned properties. The vacuum(s) shall be enclosed by a sound absorption enclosure with noise absorption material around the equipment.
 - 5. **Grease-Free.** All paved areas shall be maintained grease-free.

9104.02.290 Shopping Cart Containment and Retrieval **Amended by Ord. No. 2375**

- A. Purpose.** This Subsection provides standards for the location, development, and operations of businesses that use 10 or more shopping carts in the City. Shopping carts as defined in Division 9 (Definitions), when removed from the premises of such businesses and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health and safety of the public.
- C. Unauthorized Removal of Shopping Carts from the Premises.** Unauthorized removal of a shopping cart from the premises or parking area of a retail establishment is prohibited. Procedures related to removal and possession of any shopping carts shall be pursuant to Business and Professions Code, Sections 22435 et seq. In addition, all provisions of this Subsection shall apply. In the case of conflict between this Subsection and the above referenced sections of the Business and Professions Code, the Business and Professions Code shall apply.

1. **Signs Affixed to Carts.** Every shopping cart made available for use by customers shall be an identified cart as defined in this article, with permanently affixed sign(s) meeting the requirements of Business and Professions Code Section 22435.1.
 2. **Business Premise.** Conspicuous signs shall be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by State law.
- D. Containment and Retrieval Plan Required.** Approval of a Containment and Retrieval Plan is required for any business with 10 or more shopping carts available for use by customers on their property, except as otherwise specifically exempted by this Subsection. The plan shall be intended to discourage removal of carts from the owner's premises and to facilitate recovery of the carts. Upon request, shopping cart owners shall provide to the director information, including but not limited to, information concerning shopping cart use, loss and recovery specific to that business location, and such other information deemed reasonable by the director to determine the adequacy of the shopping cart containment system or control method.
- E. Physical Containment Measures Required.** Specific physical measures shall be implemented and maintained by the owner to prevent and deter the removal of shopping carts from the premises. The physical measures the owner will make shall be specifically identified in the cart containment plan and may include, but are not limited to, the following:
1. Disabling devices installed and maintained on carts;
 2. Maintaining one or more designated employees assigned the responsibility to deter or stop customers from removing shopping carts from the premises;
 3. Preventing any shopping carts from being taken outside the confines of building exits unless accompanied by an employee of the business;
 4. Physical barriers, including devices placed on the carts themselves, which effectively prevent transporting shopping carts into the parking area or off the premises while maintaining accessible paths of travel compliant with state Title 24, Part 2, California Building Code and federal Americans with Disabilities Act;
 5. Requiring security deposits by customers for cart use or rental or sale of carts to customers.
- Written approval of the property owner shall be provided to the City for any physical measures required by the plan to be installed on the property of the retail shopping center or multi-store complex in which the retail establishment is located.
- F. Cart Confinement.** An owner shall install and/or implement each method of containment described in the city approved cart containment and retrieval plan. All shopping carts located on the premises of any business (other than an establishment open for business twenty-four hours per day) shall be collected at the end of each business day by employees of the retail establishment and shall be collectively confined in a secure manner in the cart confinement area, as designated in the approved cart containment plan, until the commencement of the next business day. The provisions of this subsection shall not apply to any shopping carts located within an enclosed building. Methods of containment may include, but are not limited to, the following:
1. Electronic or other disabling devices installed on the shopping carts that prevent their removal from the business premises;
 2. Bollards or other structures installed or erected on the perimeter of the business premises that restrict shopping carts to these premises, while maintaining accessible paths of travel compliant with California Title 24, Part 2, California Building Code and federal Americans with Disabilities Act;
 3. Use of courtesy clerks to accompany customers to their vehicles and return shopping carts to the store;
 4. Security deposit for patron's use of a shopping cart; and/or

5. Other demonstrably effective method, approved by the director, which is likely to prevent cart removal from the business premises.
- G. **Screening.** When the shopping cart corral is located along the entry or adjacent to the building, a four foot block wall shall be installed to screen the shopping carts from public view. The block wall shall be incorporated to the design of the building and shall match the colors and material of the building.
- H. **Employee Training.** The owner of the business establishment shall implement and maintain a periodic training program for its new and existing employees, designed to educate such employees concerning the requirements of this article and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.
- I. **Cart Retrieval.** The shopping cart owner shall secure and continuously maintain a service to retrieve shopping carts which have been removed from their store premises within 24 hours of the removal, or notice of removal. Service shall only be established with a person or business entity engaged in the business of shopping cart retrieval who possesses a valid City of Arcadia business license (pursuant to Municipal Code Article VI, Businesses, Professions, Trades, and Occupations) and any other requisite approval, license, or permit.
- J. **Abandoned Shopping Carts - Abatement, Removal, and Storage**
 1. **Impounding.** The City may impound a shopping cart that has a permanently affixed sign, in conformity with this Subsection, provided both of the following conditions have been met:
 - a. The shopping cart is located outside the business premises.
 - b. The shopping cart is not retrieved within three (3) business days from the date the shopping cart owner receives actual notice from the City of such cart's discovery and location.
 2. **Immediate Retrieval.** Notwithstanding other provisions of this Subsection, the City may immediately retrieve a shopping cart from public or private property when the location of such cart will impede emergency services, as determined by the Director or his or her designee.
 3. **Location of Impoundment.** Any shopping cart that has been impounded by the City pursuant to Subparagraph a. or b. (Impounding) of this Subsection shall be held at a location that is reasonably convenient to the shopping cart owner and is open for business at least six hours of each business day.
 4. **Cost Recovery.** When the City has impounded a shopping cart pursuant to Subparagraph a. or b. (Impounding) of this Subsection, the City may recover its actual costs for providing such service.
 5. **Fines for Impoundment.** The City may fine a shopping cart owner fifty dollars for each occurrence in excess of three during a six-month period for failure to retrieve shopping carts in accordance with this Subsection. For purposes of this paragraph, an occurrence shall include all shopping carts impounded in accordance with this Subsection during a calendar day.
 6. **Unclaimed Carts.** The City or its authorized agent may sell or dispose of any shopping cart not reclaimed by the owner within 30 calendar days of receipt of actual notice from the City.
 7. **No Required Signage.** Notwithstanding other provisions of this Subsection, the City may immediately impound, sell and/or dispose of any shopping cart that does not contain a permanently affixed sign required pursuant to this Subsection and whose ownership cannot otherwise be ascertained.
- K. **Revocation.** An approved plan may be revoked by the Director upon his/her determination that any of the following grounds for revocation exist, and shall be subject to revocation procedures of Section 9108.09 (Permit Modifications and Revocations):
 1. The owner of any retail establishment has received notice that the establishment is operating, or is permitting operation of, the retail establishment in violation of one or more of the provisions of said approved plan(s) and has failed to correct

said violation(s) for a period of at least 60 calendar days following the date of receipt of written notice of such violation(s) from the City.

2. The mandatory Cart Containment and Retrieval Plan is inadequate to reasonably prevent the removal of shopping carts from the premises of the retail establishment or to reasonably provide for the prompt retrieval of lost, stolen, or abandoned shopping carts which have been removed from the premises of the retail establishment.
- L. **Use of Shopping Carts Following Revocation Is Prohibited.** No retail establishment owner shall provide or make available shopping carts for the use of customers following the effective date of any decision revoking a required Cart Containment and Retrieval Plan pursuant to this Subsection unless and until a new proposed Cart Containment and Retrieval Plan is approved by the City for such retail establishment.
- M. **Existing Businesses.** All existing businesses that use 10 or more shopping carts shall comply with all applicable standards of this Section 9104.02.290 (Shopping Cart Containment and Retrieval) by January 1, 2020.

9104.02.300 Advertisement of Short Term Rentals and Home Sharing **Added by Ord. No. 2348**

A. Legislative Findings

1. Short term rentals of dwelling units and home sharing are not permitted in the city, but nonetheless, the city has seen increased complaints related to short term rentals and home sharing due to nuisance conditions such as noise, excessive trash, increased parking and traffic, and commercial uses of residential property. Properties available for short term rental or home sharing are often advertised using online hosting platforms, as well as traditional methods, and such platforms have resulted in the increase of illegal short term rentals and home sharing in the city.
2. The City Council takes notice of the United States Supreme Court's opinion in the case of *Central Hudson Gas & Electric Corp. v. Public Service Commission* (1980) 447 U.S. 557, which held that public agencies may ban commercial speech related to illegal activity or forms of communication that are more likely to deceive the public than inform it.
3. The City has a substantial interest in banning the advertisement of uses and activities that are unlawful in the city. Without regulating advertisements, nuisance conditions resulting from short term rentals and home sharing are likely to persist, and visitors and guests may be deceived into believing that short term rentals are unlawful. This chapter is no more extensive than necessary because it only regulates those persons who have an interest in the property from placing advertisements for uses that are unlawful. The restriction on advertisements only applies to the particular unlawful uses that are regularly advertised to members of the public, including guests and visitors to the city, who may be unaware that the use is unlawful. This chapter does not infringe on any speech related to lawful commercial activities.

B. Prohibition on Advertising

It shall be unlawful for an owner, tenant, property manager, agent or any other person with possession or control of residential property to cause to be posted, published, circulated, or broadcasted any advertisement for a short-term rental or home sharing of the residential property if short-term rental or home sharing is not a lawful use of the residence. "Short-term rental" and "home sharing" shall have the definitions contained in sections 9109.01.200 and 9109.01.090, respectively, of the Arcadia Development Code.

C. Enforcement.

A violation of this Subsection shall be deemed an infraction and shall also be subject to an administrative citation pursuant to chapter 4A of the Arcadia Municipal Code. The record owner of any property that is advertised as a short-term rental or home sharing in violation of this Subsection shall be strictly liable for the offense, regardless of intent. Any other person who owns, rents, manages, or otherwise has possession or control residential property and who advertises a short-term rental or home sharing in violation of Subsection 9104.02.300 shall be liable for the offense.

9104.02.310 Smoking Lounges

- A. Purpose and Applicability.** The Subsection establishes standards for the location, development, and operations of smoking lounges, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. Locations Prohibited**
1. No smoking lounge shall be located within 200 feet of any residential zone boundary or any property containing a residential use.
 2. A smoking lounge shall not be located within 1,000 feet of any sensitive use, as defined in Division 9 (Definitions).
- C. Exhaust Fan.** All smoking lounges shall comply with all applicable ventilation standards established by the State, local codes, and any other regulatory agencies. Air from the smoking area shall be exhausted directly to the outside by an exhaust fan. The ductwork for the proposed exhaust fan shall not be shared with other tenants in the structure. The applicant shall submit plans to be reviewed and approved from Planning Division and Building Division of the Development Services Department.
- D. Conditions for Approval.** In addition to the standards for issuance of any entitlements under this Chapter 1, the Review Authority may impose any conditions reasonably related to mitigate any possible adverse effect upon the public health, safety, or welfare created by the establishment and/or operation of the smoking lounge.
- E. State Regulation.** In addition to the standards for issuance of any entitlements under this Chapter 1, smoking lounges and any approval issued shall comply with applicable State codes regulating smoking on private commercial properties.

9104.02.320 Storage Containers - Temporary Portable

- A. Purpose and Applicability.** This Subsection provides standards for the location, development, and operations of temporary storage containers located outdoors, as defined in Division 9 (Definitions). The following standards apply to any storage container that is used for securing structure equipment during the construction phase of a project.
- B. Standards.** Storage containers shall comply with all of the following standards.
1. Storage containers shall not be located within five feet of a side property line nor within three feet of a rear property line. Locating a storage container within a front setback area shall not interfere with the vehicular visibility standards for driveways and intersections set forth in Subsection 9103.01.070 (Vehicular Visibility Standards).
 2. One storage container is permitted on residential properties. A storage container shall be permitted on residential property for a period not to exceed 14 consecutive days within a six month period. Such a use shall be considered an exempt temporary use, pursuant to Subsection 9107.23.040 (Exempt Temporary Uses).
 3. On nonresidential properties with less than 20,000 square feet of area, one container is permitted; on properties with 20,000 or more square feet of area, two containers are permitted. In no case shall there be more than two storage containers located on a single property or development site. Storage container(s) utilized for construction-related storage shall be permitted on nonresidential properties for the duration of construction activities and shall be considered a component of a construction yard, as permitted by Subsection 9107.23.040 (Exempt Temporary Uses). Storage container(s) utilized for non-construction related storage shall be permitted for a period not to exceed 30 consecutive days within a six month period.
 4. On residential properties, storage containers shall be limited to a maximum size of 12 feet in length, eight feet in width, and eight feet in height.
 5. On nonresidential properties, storage containers shall be limited to a maximum size of 20 feet in length, eight feet in width, and eight feet in height. Such containers shall not be stacked on top of another container.
 6. Storage containers must be constructed of fire-resistive materials and must provide adequate ventilation.
 7. Combustible items are prohibited from being located within any storage container.

8. A scaled site plan shall be provided to the Director for the purpose of ensuring that the proposed location for a storage container will be in accordance with all applicable requirements, which include without limitation compliance with the City's Tree Preservation Ordinance.
9. All storage containers shall be maintained in a clean and orderly manner, including free from graffiti.

9104.02.330 Sports Courts in Residential Zones

- A. Purpose and Applicability.** This Subsection provides standards for the location, development, and operations of sports courts, as defined in Division 9 (Definitions), in a residential zone and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). The purpose is to ensure that such standards and regulations reasonably restrict and minimize any detrimental effect of the location and design and use of such courts on the occupants of adjoining properties and the neighborhood. Sports courts that do not require the installation, temporarily or permanently, of nets, stands, seats, poles, lighting, fencing, windscreen, and any structure, and do not propose grading to accommodate the sport court, are exempt from the provisions of this Subsection.
- B. Site Plan and Design Review Required.** No person or persons shall construct, erect, or maintain a sports court in a residential zone without filing for and receiving approval of Site Plan and Design Review. Site Plan and Design Review shall not be approved for a sports court in a residential zone unless its use is accessory to a primary residential use of a residentially zoned parcel and is to be located on the same parcel as the primary residential use and conform to the requirements of this Subsection.
- C. Standards**
 - 1. Setback from Property Lines for R-M, R-0, and R-1 Zones**
 - a. Sports courts, including slabs, fences, and light standards accessory thereto, shall be subject to the same side and front setbacks required for a one-story main structure in the zone in which they are located.
 - b. Sports courts, including slabs, fences, and light standards accessory thereto, shall be located not less than five feet from the rear property line.
 - 2. Setback from Property Lines for R-2 and R-3 Zones.** In the R-2 and R-3 zones, sports courts, including slabs and fences, shall be subject to the same front, side, and rear setbacks required for a two-story structure in the zone in which they are located.
 - 3. Grade.** The grade for a sports court proposed on sloping terrain shall be established at the surface level of the court at the lowest elevation of the natural terrain.
 - 4. Fencing**
 - a. **Height.** The height of any fence enclosing any sports court shall not exceed 12 feet above the finished surface of the sports court. All portions of such fence which exceed six feet above the finished surface of the court shall consist of open fencing.
 - b. **Windscreens.** Windscreens of plastic, canvas, or similar material may be attached to the fence enclosing a sports court, provided such windscreens do not extend to a height greater than six feet above the finished surface of the court. However, where the entire sport court is located 25 feet or more from all property lines, the windscreens may extend to the height of the court fence.
 - 5. Lighting**
 - a. **Height.** Light standards shall not exceed 20 feet in height, measured from the finished surface of the sport court.

- b. **Type.** Lamps shall be horizontally mounted, rectilinear-type, sharp cutoff fixtures. Lamps shall not create an intensity of greater than one foot-candle above the ambient neighborhood lighting. All permitted lighting shall be so arranged as to be directed onto the property from which the light originates and not to directly reflect upon any other residentially zoned parcel.
 - c. **Number.** Sports courts lights shall be limited to no more than eight lamps.
 - d. **Hours of illumination.** No person or persons shall turn on, leave on, or allow to be left on or turned on, sports court lights between 11:00 PM Sunday through Thursday and 6:00 AM of the following day, and between 12:00 midnight Friday and Saturday and 6:00 AM of the following day.
 - e. **Agreement required.** Each property owner and contractor installing light fixtures shall execute an agreement available in the Community Development Department agreeing that the court lights shall be installed and shielded so that the light source shall not be visible beyond the property line and that the light intensity shall not exceed one foot-candle above ambient at the property line, and that if it does, the Minor Use Permit issued subject to this Subsection may be revoked by the Director, in addition to other remedies available subject to law.
- 6. **Landscape Plan.** A landscape plan shall be submitted and approved by the Director for the areas between any sports court and adjacent properties.
 - 7. **Solid Wall.** A minimum six-foot-high solid masonry wall shall be installed on the property lines between the sports court and adjacent properties. In the R-M, R-0 and R-1 zones, where the entire side of a sports court is a minimum distance of 25 feet from a property line or the sport court is located at least 12 feet below grade of the property line, a minimum six-foot-high solid masonry wall shall not be required along the property line.
 - 8. **Commercial Use Prohibited.** A residential accessory sports court shall be used only by the occupants of the main residential dwelling(s) on the same parcel. This shall not be construed to prohibit the use of the court by invited guests. However, no sports court shall be rented nor used as a private club, nor for commercial instruction of players other than occupants of main residential dwelling(s) on the same parcel, nor used in any way for purely commercial purposes.
 - 9. **Multiple-Family Zone Space.** No more than 30 percent of the requirement for open space shall be devoted to sports court development.

9104.02.340 Vending Machines

- A. **Purpose and Applicability.** This Subsection establishes standards for the location, development, and operations of vending machines and similar self-service walk-up facilities, exclusive of reverse vending machines used solely for recycling purposes (see Subsection 9104.02.250, Recycling Facilities). The provisions in this Section shall apply to vending machines as defined in Division 9 (Definitions).
- B. **Permit Requirements.** A Minor Use Permit approved in compliance with Section 9107.09 (Conditional Use Permits and Minor Use Permits) shall be required before installing and maintaining outdoor vending equipment.
- C. **Accessory Use.** Vending machines may **only** be permitted as an accessory use to a nonresidential principal use.
- D. **C-R Prohibition.** This Subsection shall not apply to vending machines located in the C-R Zone. Vending machines are prohibited on the exterior of the enclosed and open air mall areas as well as the exterior of all other buildings on the site.
- E. **Standards.** The following standards shall apply to vending machines and similar self-serve walk-up facilities (as applicable), and only as an accessory use and when located outdoors.
 - 1. Vending equipment shall occupy no more than 50 square feet of space and shall not exceed eight feet in height.
 - 2. Vending equipment shall be maintained in a clean and hazard-free condition. Failure to so maintain and failure to clean the vending location of all waste shall be cause for revocation of the Minor Use Permit.

3. Customer trash receptacles shall be provided in compliance with the Minor Use Permit. The receptacles shall be a decorative design to complement or enhance the intended use and shall be located immediately adjacent to the vending location for use by customers.
4. Vending equipment design shall be of a quality and appearance that is compatible with the surrounding area and streetscape. Vending equipment design approval shall be subject to submittal and review of detailed vending equipment design plan/specifications and/or photos.
5. Vending equipment shall be easily moved and self supporting. At no time shall vending equipment be attached, tied, or locked to trees, hydrants, or other permanent vertical structures or benches.
6. No vending equipment shall use, play, or employ any amplifier, loudspeaker, radio, sound, or any other instrument or device for the production of sound in connection with the promotion of a vending operation.
7. No vending equipment shall offer to sell alcoholic beverages.
8. Vending equipment which cooks or warms food shall have a fire extinguisher at the vending location at all times.
9. A valid Business License shall be obtained, issued in compliance with Municipal Code Section 6211 et seq. (Licensing Procedure), following approval of the Minor Use Permit.
10. No cardboard or other types of similar storage boxes shall be visible to the public.

F. Hours of Operation. Hours of operation for vending equipment shall be as determined by the Minor Use Permit.

G. Equipment Placement. Vending equipment shall not be allowed to operate:

1. At a location where space for pedestrian pathways will be reduced to less than five feet. All pathways shall have a vertical clearance of not less than eight feet above the surface of the path;
2. At a location which obstructs access to any entrance to any structure or facility used by the public, including but not limited to doors and emergency exits;
3. Within 10 feet of any handicap access ramp, pedestrian crosswalk, or fire hydrant;
4. In any parking lot, drive aisle, or marked parking space;
5. Within any landscaped area;
6. At any publicly owned property, including streets or sidewalks and the adjacent public right(s)-of-way;
7. Within 100 feet of a business selling food and/or beverages for on-site consumption, in the case of a vending equipment selling food and/or beverages; or within 100 feet of a business selling a similar commodity in the case of a vending equipment selling commodities other than food and/or beverages, unless approved through the Minor Use Permit process;
8. Within a public park or recreation area, except when licensed by the City as a concessionaire or when authorized by the City to vend at special events; or
9. Within 200 feet of another approved vending equipment location, unless approved through the Minor Use Permit process.

9104.02.350 Tobacco Sales

Within any establishment selling tobacco that does not have a City-issued permit to operate as a smoking lounge, the on-site use and/or consumption of tobacco products is prohibited, except for the brief sampling of a small amount of a product while standing adjacent to a sales counter for the purposes of possible purchase and sale of tobacco products.

9104.02.360 Yard Sales

- A. Purpose and Applicability.** The provisions in this Subsection shall apply to yard sales, as defined in Division 9 (Definitions) in residential zoning districts.
- B. Permit Requirements.** A Yard Sale Permit in compliance with Municipal Code Section 6437 (Patio, Garage and/or Backyard Sales – Permits and Conditions) is required before commencing a yard sale. Only the owner or the legally appointed estate manager for the owner of the residential property, or the tenant or occupant with permission from the owner, is allowed to be issued a Yard Sale Permit to operate a yard sale. "Owner" also include managers of condominiums, boards of homeowners association, and co-operatives. Approved and issue Yard Sale Permits shall be posted clearly on-site.
- C. Block Yard Sales.** Block yard sales require the approval of a Temporary Use Permit. A block yard sale is a yard sale for more than one residential property but no more than 10 residential properties with different property owners within a block or multiple adjacent blocks. Block yard sales are subject to all provisions of this Subsection and this Development Code. No property that has reached the maximum allowed yard sale permitted in subsection D (Permit Duration) can be allowed to participate in a block yard sale.
- D. Permit Duration**
1. No yard sale shall operate for longer than nine hours in one day.
 2. No yard sale shall operate earlier than 8 A.M. or later than 6 P.M.
 3. No yard sale shall occur for more than two consecutive nine-hour days.
 4. No yard sale shall occur more than three times in one calendar year.
 5. No block yard sales shall occur more than once in one calendar year.
- E. Vendor On-Site.** All yard sales shall have a vendor to collect money and watch over merchandise during the permitted duration.
- F. Signs.** Yard sale signs are subject to the requirements of Municipal Code Article VI, Chapter 4, Section 6437 (Patio, Garage, and/or Backyard Sales).
- G. Goods Restrictions.** No goods, wares or merchandise shall be offered for sale or sold at such sale other than used property owned exclusively by the owner, tenant, or occupant of such residence. No new goods shall be sold. Upon request by any representative of the Police Department, any person conducting such sale shall establish his/her title to the goods, wares or merchandise offered for sale.
- H. Location**
1. Yard sales shall take place entirely within the residential property.
 2. No goods, wares or merchandise shall be placed or displayed in the front yard of any residence or premises, nor in the side yard of any corner lot, unless such side yard is screened from the view of the adjacent public right-of-way to the maximum height permitted, for the purpose of offering for sale, selling, or advertising such sale.

- I. **Termination, Revocation, and Penalty.** The City shall keep records of application for yard sales for each property that has applied or issued a permit to operate a yard sale. Violation of any provisions of this Subsection and the Municipal Code render the immediate termination of the yard sale permit and subject to the requirements of Sections 9.8.15 (Enforcement) of this Development Code. Attempts to establish the yard sale beyond what is permitted in this Subsection will be subject to immediate termination of the permit and the suspension of the right to apply and obtain a yard sale permit for a minimum of three years and a fine of no more or less than \$1,000.

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Section 9105.01 – General Provisions

Subsections:

- 9105.01.010 Purpose of Section
- 9105.01.020 Title
- 9105.01.030 Definitions
- 9105.01.040 Authority
- 9105.01.050 Applicability
- 9105.01.060 Advisory Agency
- 9105.01.070 Type of Subdivision Approvals Required
- 9105.01.080 Enforcement of Subdivision Regulations
- 9105.01.090 Applications Deemed Approved
- 9105.01.100 Processing Fees
- 9105.01.110 Exceptions to Subdivision Standards

9105.01.010 Purpose of Section

- A. Supplement and Implement the Act.** The provisions of this Section are intended to supplement, implement, and coordinate with the State Subdivision Map Act, referred to in this Section as the Act, as specified in Government Code Sections 66410 et seq., for the purpose of regulating the design and improvement of divisions of land within the City, as those sections may be replaced or amended from time to time.
- B. Used in Conjunction with the Act.** This Section is not intended to replace the Act, but is expected to be used in conjunction with the Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.
- C. Promote Public Safety.** The purpose of this Division, and any rules, regulations, and specifications adopted in compliance with this Division, is to regulate the division of land and to promote the conservation, stabilization, and protection of property values through orderly growth and development, the provision of necessary public and private facilities, and generally, to promote the public health, safety, and general welfare within the City and any lands as may be annexed or are proposed to be annexed to the City.
- D. References to Other Laws.** Whenever reference is made to an ordinance of this City or to a statute of the State, the reference applies to the requirements of the ordinance or statute applicable on the date of final action on a tentative map and to the provisions of approval of tentative maps, tentative parcel maps, vesting tentative maps, or vesting tentative parcel maps granted in compliance with the ordinances or statutes.

9105.01.020 Title

This Division shall be known as and referred to as "the City's Subdivision Ordinance."

9105.01.030 Definitions

For the purpose of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Additional definitions are contained in Division 9 (Definitions).

Act. California Government Code Sections 66410 et seq., also known as the Subdivision Map Act.

Advisory Agency. The City staff member or City policy-making or review authority responsible for acting on an application, as specified in Subsection 9105.01.060 (Advisory Agency).

Certificate of Compliance; Conditional Certificate of Compliance. A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.) and this Section. A Conditional Certificate of Compliance includes any conditions that the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

Co-Operative Multifamily Building. Any multifamily dwelling, as defined in this Development Code, existing or proposed to be constructed where it is proposed that persons will possess an undivided equitable or legal right or interest, including but not limited to shares, stock, or beneficial interest in trust, in a multiple dwelling in the City coupled with an exclusive right or interest to possess, occupy, or use one or more dwelling units in the multiple dwelling, and shall also mean a condominium, as defined in California Civil Sec. 1350, and a community apartment project as defined in California Business and Professions Code Sec. 11004.

Dedication. The granting of real property for public use.

Design. (1) Street alignments, grades, and widths; (2) Drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) Location and size of all required easements and rights-of-way; (4) Fire roads and firebreaks; (5) Lot size and configuration; (6) Traffic access; (7) Grading; (8) Land to be dedicated for park or recreational purposes; and (9) Other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure compliance to or implementation of the General Plan or any specific plan.

Development Code. The Development Code of the City specified in Municipal Code Division 9.

Division of Land. Any lot or contiguous lots of land, improved or unimproved which are divided for the purpose of transfer of title, sale, lease, or financing, whether immediate or future, into two or more lots or the consolidation of separate lots of land or a co-operative multiple building, as defined above. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for the purposes of computing the number of lots under Development Code. "Division of Land" shall not mean land dedicated for cemetery purposes under the State Health and Safety Code or the leasing or financing of apartments, offices, stores, or similar space within an apartment building, a commercial building, an industrial building, mobile home park, or trailer park, or division of a gas, mineral, or oil lease.

Drainage facility. Any drainage device or structure which may be used to control or direct the flow of water or alleviate a flood hazard, including but not limited to berms, channels, culverts, curbs, ditches, gutters, pavement, pumps, and pipes.

Environmental Analysis. An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

Final Map. A map showing a subdivision of lots prepared in compliance with the provisions of this Division and the Act (Government Code Sections 66410 et seq.) and in a manner to be filed in the office of the County Recorder. The map may be a final map, final parcel map, final vesting map, or final vesting parcel map.

Flood hazard. A potential danger to life, land, or improvements due to inundation or stormwater runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of water courses.

Frontage. That portion of a lot which abuts a public or private street or highway to which the lot has the right of access.

Future Street or Alley. A street or alley which is necessary for the future division of land within a division of land or for the development of adjacent properties and which is offered for public use at an indeterminate future time when the Council determines that the acceptance and construction of the street or alley is warranted.

Geologic Hazard. A hazard inherent in the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

Improvements. Street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the subject final map. Improvement also refers to other specific improvements or types of improvements, the installation of which, either by the

subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination, is necessary or convenient to ensure compliance with or implementation of the General Plan or any applicable specific plan.

Lease. An oral or written agreement or contract, tenancy at will, month-to-month, or similar tenancy.

Lot Line Adjustment. The adjustment of property lines between four or fewer legally created adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than originally existed is not created; approved by the Director in compliance with Subsection 9105.07.030 (Lot Line Adjustments).

Lot on Cul-De-Sac Terminus. A lot which has 50 percent of its front lot line coterminus with the required diameter turn around on a cul-de-sac.

Lot Width. The distances between the side lot lines measured in a horizontal plane, and as further explained in Division 3.

One Sided Cul-De-Sac. A cul-de-sac which is only half formed in that the centerline of the cul-de-sac establishes one side of the cul-de-sac and the otherwise entire bulb of the cul-de-sac is only half formed and not fully rounded as is customary for cul-de-sacs.

Ornamental Street Lighting. A system of street lighting composed of individual free-standing light standards.

Parkway. That portion of a public right-of-way located between the outermost curb-lane driving lane and the farthest edge of the right-of-way.

Special Study Zone. The area delineated on the Alquist-Priolo Special Studies Zones Map of the State Geologist adopted by the City in compliance with Municipal Code Article III, Chapter 7.

Streets. All alleys, avenues, courts, highways, lanes, places, streets, squares, sidewalks, parkways, curbs or other public ways in the City which have been or may hereafter be dedicated and open to public use, or other public property so designated in the General Plan and any law of the State, and as specified in the following descending order of pavement widths.

Principal Arterial Interstate. A freeway that is included as part of the interstate highway system. It is a controlled access, divided highway that is intended to accommodate high-speed regional travel. Freeways have grade-separated interchanges that provide access from freeway to freeway or between freeways and the arterial street system.

Major Arterial. An arterial roadway that has regional significance. It accommodates subregional and intercity travel and generally has eight travel lanes with a raised median and dedicated left turn lanes. Major Arterials accommodate regional traffic while also providing connection to primary arterials. The right-of-way width for Major Arterial roadways in the City is 220 feet, while the pavement widths range from 160 to 180 feet.

Primary Arterial. An arterial roadway that has less of a regional significance than Major Arterial roadways. It accommodates subregional and intercity travel and generally has four to six through travel lanes with a raised median and/or a center left-turn lane. Primary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting streets. The right-of-way widths for Primary Arterial roadways in the City range from 100 to 108 feet, while the pavement width is 84 feet.

Secondary Arterial. An arterial roadway that has less of a regional significance than Primary Arterial roadways. It accommodates intercity travel and generally has four travel lanes with a painted median and/or a center left-turn lane. Secondary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting Collector Streets. The right-of-way widths for Secondary Arterial roadways in the City range from 84 to 92 feet, while the pavement widths range from 60 to 68 feet.

Enhanced Collector. A street that is intended to serve as an intermediate route to accommodate travel between arterial roadways and to provide access to the abutting properties. Enhanced Collector streets generally have two travel lanes although four lanes may be provided at certain locations. The right-of-way widths for Enhanced Collector streets in the City range from 80 to 88 feet, while the pavement widths range from 54 to 64 feet.

Collector. A street that is intended to serve as an intermediate route to accommodate travel between local streets and arterial roadways and to provide access to the abutting properties. Collector streets have two travel lanes. The right-of-way widths for Collector streets in the City range from 64 to 72 feet, while the pavement widths range from 40 to 48 feet.

Subdivide. The act of dividing land or structures in compliance with Government Code Section 66410 et seq.

Subdivider. An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers.

Subdivision. The division of a tract of land, shown on the latest equalized County assessment roll as a unit or as continuous units, into defined lots, either improved or unimproved, which can be separately conveyed by sale, lease, or financing, and which can be altered or developed. The process often includes setting aside land for streets, sidewalks, parks, public areas, and other infrastructure needs, including the designation of the location of utilities.

Subdivision Map Act (the Act). Government Code Sections 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Division as the Act.

Tentative Map. A map prepared for the purpose of dividing a legal lot into five or more lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

Tentative Parcel Map. A map prepared for the purpose of dividing a legal lot into four or fewer lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

Vesting Tentative Map. A tentative map for any subdivision, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed and which meets all of the requirements for a vesting tentative map as specified in the Act (Government Code Sections 66452) and in compliance with Subsection 9105.03.100 (Vesting on Approval of Vesting Tentative Map).

9105.01.040 Authority

This Section is adopted in compliance with the Act as a "local ordinance," as the term is used in the Act. All provisions of the Act and future amendments to the Act not incorporated into this Section shall, nevertheless, apply to all subdivision maps and proceedings under this Section.

9105.01.050 Applicability

A. Applicability of Section

1. No person shall divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Division and/or the Act, Government Code Sections 66410 et seq.
2. This Division shall apply to all divisions of land, except those exempted by Government Code Sections 66412, 66412.1, 66412.2, and 66412.5.
3. In the event of divisions of land which are not subject to this Division and/or the Act, a certificate of compliance shall be issued on a form prescribed by the Director.

B. Subdivision Approval Required. Each division of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Division.

C. Conflicts with the Act. In the event of any conflicts between the provisions of this Division and the Act, the Act shall control.

- D. Compliance with Other Regulations Required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation specified in this Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

9105.01.060 Advisory Agency

A. Advisory Agency

1. The designated advisory agencies specified in this Subsection shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.
2. Any advisory agency shall have the authority to refer an application to the Commission or Council for action, as indicated in Table 5-1 (Subdivision Review Authorities), below.
3. Notwithstanding the provisions of this Subsection, any application filed in compliance with this Section that has an associated permit application made in compliance with the provisions of this Development Code, and is subject to action by the Commission or Council, shall be subject to those same review and hearing requirements required for the associated permit application, in compliance with Table 7-1 (Review Authority), located within Division 7 (Permit Processing Procedures).

Table 5-1 Subdivision Review Authorities		Role of Review Authority⁽¹⁾			
Type of Decision	Applicable Section or Subsection	Director	City Engineer	Commission	Council⁽²⁾
Amendments to Approved Tentative Maps	9105.03.120	Decision		Appeal	Appeal
Certificates of Compliance	9105.07.020	Decision	Recommend	Appeal	Appeal
Correction and Amendments to Recorded Maps	9105.03.070		Decision	Appeal	Decision/ Appeal
Extensions of Time – Tentative Maps, in compliance with Section 9105.03.110 (Tentative Map Expiration and Extensions)	9105.03.110	Decision	Recommend	Appeal	Appeal
Final Parcel Maps, Without Dedications	9105.05	Recommend	Decision	Appeal	Appeal
Final Parcel Maps, With Dedications	9105.05	Recommend	Decision		
Final Tract Maps, Vesting Tract Maps	9105.03.100	Recommend	Recommend		Decision
Lot Line Adjustments	9105.07.030	Decision	Recommend	Appeal	Appeal
Lot Mergers	9105.07.040	Decision	Recommend	Appeal	Appeal
Modifications to Lot Area, Depth, and Width Requirements	9105.09.030			Decision	Appeal
Reversion to Acreage	9105.07.050			Recommend	Decision
Subdivision Improvement Plans	9105.09.060		Decision	Appeal	Appeal
Tentative Tract Maps, Vesting Tentative Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, Vesting Tentative Parcel Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, With Dedications	9105.05	Recommend		Decision	Appeal
Waiver of Parcel Maps	9105.05.020		Decision	Appeal	Appeal
Tentative & Final Parcel Map for Urban Lot Splits	9105.05.090	Decision			

Notes:

- (1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 9108.07 (Appeals); "Recommend" means that the review authority makes a recommendation to a higher decision-making review authority.
- (2) Decisions of the Council may not be appealed.

B. Appeal Authorities

1. The Commission shall be the review authority for any appeal of a decision of the City Engineer or Director, except when dealing with any maps containing dedications.
2. The Council shall be the review authority for any appeal of a decision of the Commission.

C. City Engineer. The City Engineer shall be responsible for all of the following:

1. Establishing subdivision and public improvement design and construction details, standards, and specifications.
2. Determining whether proposed subdivision improvements comply with the provisions of this Division and the Act.
3. Inspecting and approving subdivision improvements.
4. Review authority on amendments to recorded maps, extensions of time on tentative maps, final parcel maps with and without dedications, lot mergers, subdivision improvement plans, and waiver of parcel maps.
5. Providing assistance to the Director on the review of amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

D. Director. The Director shall be responsible for all of the following:

1. Accepting certificate of compliance, lot line adjustment, parcel map, reversion to acreage, tentative map, vesting tentative map, and similar applications for processing; and distributing the application materials to appropriate agencies and City departments for review.
2. Investigating tentative map applications for conformity to the General Plan, applicable specific plans, and this Development Code, and in consultation with other City departments, recommending action to the Commission.
3. Conducting environmental analyses related to proposed applications in compliance with the California Environmental Quality Act (CEQA) specified in Public Resources Code Section 21000 et seq.
4. Certifying amended maps, final maps, and reversion to acreage maps for substantial compliance with approved tentative maps.
5. Review authority on amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

E. Commission. The Commission shall be responsible for all of the following:

1. Taking action to recommend approval, conditional approval, or denial of condominiums/conversions, tentative tract map applications, and reversion to acreage maps to the Council.
2. Hearing appeals of decisions of the City Engineer and Director.
3. Reviewing and taking action to approve, conditionally approve, or deny commercial condominium and residential condominium conversion applications.

F. Council. The Council shall be responsible for all of the following:

1. Accepting offers of dedication and improvements for divisions of land resulting in five or more lots.
2. Review authority on amendments to recorded maps, condominiums/conversions, tentative and final tract maps, and reversions to acreage maps.

3. Taking action to approve, conditionally approve, or deny any application referred by another review authority or by appeal, or any land division application with an associated permit application filed in compliance with the requirements of this Development Code.

9105.01.070 Type of Subdivision Approvals Required

Any subdivision of an existing lot into two or more lots shall require approval by the City in compliance with this Division and the Act. In general, the procedure for subdivision first requires the approval of a tentative map, and then the approval of a parcel map (for a subdivision that results in four or fewer lots) or a final map (for a subdivision that results in five or more lots) to complete the subdivision process. The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, this Division, the Act, and the appropriateness of the proposed subdivision design. Parcel and final maps are precise surveying documents that detail the location and dimensions of all lot boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

A. Tentative Map Requirements. The filing and approval of a tentative map is required for:

1. A subdivision or resubdivision of four or fewer lots, as authorized by Government Code Section 66428; and
2. A subdivision or resubdivision of five or more lots, and all other types of subdivisions required to have tentative map approval by Government Code Section 66426.

B. Final Map/Final Parcel Map Requirements. A final map/final parcel map (Section 9105.05) shall be required as follows.

1. **Final Map.** The filing and approval of a final map (Section 9105.05) shall be required for a subdivision of five or more lots, except a subdivision that is otherwise required to have a parcel map by Government Code Section 66426.
2. **Final Parcel Map.** The filing and approval of a final parcel map (Section 9105.05) shall be required for a subdivision creating four or fewer lots, with or without a designated remainder in compliance with Government Code Article 2, Chapter 1, except for the following subdivisions:
 - a. **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, unless the Director determines, based on substantial evidence, that public policy necessitates a parcel map, in an individual case, in compliance with Government Code Section 66428;
 - b. **Cemeteries.** Land dedicated for cemetery purposes in compliance with the Health and Safety Code; and
 - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of parcel map requirements in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).

C. Co-Operative Multiple Buildings. A tentative map or tentative parcel map for a co-operative multiple building project shall not be approved unless at the time of approval it appears that the project complies or will comply with the then existing building codes and Development Code regulations and all other regulations of the Municipal Code, and unless a condition is imposed that a Building Permit shall not be issued and a final map or parcel map shall not be approved for the project unless it so complies; provided, that where minor variations from Development Code requirements exist with respect to the proposed conversion of an existing structure to a co-operative multiple building and full compliance with Development Code requirements presents practical difficulties, after report of the Commission, the Council may waive full compliance and approve the tentative map or tentative parcel map with the condition appropriately modified upon making a finding that the project in substantial compliance with the applicable Development Code regulations and that the minor variations will not prevent compliance with the intent and purpose of the Development Code regulations.

D. Exemptions from Subdivision Approval Requirements. The types of subdivisions specified by Government Code Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Act provision as not being subject to the requirements of the Act, and/or not being considered to be divisions of land for the purposes of the Act, shall be exempt from the subdivision approval requirements of this Division.

- E. Exceptions from Map Preparation Requirements.** The types of subdivisions specified by Government Code Section 66426, or other applicable Act provisions as not requiring the preparation of a tentative map, parcel map, and/or a final map shall comply with Government Code Section 66426.

9105.01.080 Enforcement of Subdivision Regulations

See Section 9105.13 (Enforcement) for specific subdivision related enforcement provisions and Section 9108.15 (Enforcement) for expanded enforcement provisions relating to this Development Code.

9105.01.090 Applications Deemed Approved

- A. Subdivisions Deemed Approved by Law.** A subdivision application deemed approved in compliance with Government Code Sections 65956 or 66452.1, 66452.2 or 66542.4, shall be subject to all applicable provisions of this Development Code, and any conditions imposed by the review authority, which shall be satisfied by the subdivider before a Building or grading Permit is issued.
- B. Subject to Mandatory Requirements.** Final maps filed for recordation after their tentative parcel or tract maps are deemed approved shall remain subject to all of the mandatory requirements of this Division and the Act, including Government Code Sections 66473, 66473.5, and 66474.

9105.01.100 Processing Fees

- A. Council Shall Set Fees.** The Council, by resolution, shall set reasonable fees in connection with this Division, including but not limited to fees and deposits for processing tentative tract and parcel maps and final and final parcel maps; fees for giving notice of public hearings; fees for copying and distributing written reports on tentative maps; fees for processing lot line adjustments, mergers, and reversions to acreage; and fees and deposits related to the other procedures and requirements specified in this Division.
- B. Fee Schedule.** This schedule of fees shall be referred to in this Development Code as the Fee Schedule.
- C. Payable to the City.** All required fees and deposits shall be payable to the City in compliance with the Fee Schedule established by resolution of the Council, as it may be revised from time to time.

9105.01.110 Exceptions to Subdivision Standards

- A. Exceptions to Standards.** An exception to a provision of Section 9105.09 (Subdivision Design and Improvements) may be requested by a subdivider in compliance with Section 9107.05 (Administrative Modifications) or Section 9107.25 (Variances).
- B. Not Used to Waive Act.** An exception shall not be used to waive or modify a provision of the Act, or a provision of this Division that is duplicated or paraphrased from the Act.

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Section 9105.03 – Tentative Map Filing and Processing

Subsections:

- 9105.03.010 Purpose
- 9105.03.020 Tentative Map Preparation, Application Contents
- 9105.03.030 Tentative Map Filing, Initial Processing
- 9105.03.040 Staff Report and Recommendation
- 9105.03.050 Tentative Map Public Hearing and Action
- 9105.03.060 Tentative Map Approval or Denial
- 9105.03.070 Conditions of Approval
- 9105.03.080 Effective Date of Tentative Map Approval
- 9105.03.090 Completion of Subdivision Process
- 9105.03.100 Vesting on Approval of Vesting Tentative Map
- 9105.03.110 Tentative Map Expiration and Extensions
- 9105.03.120 Amendments to Approved Tentative Maps and Conditions
- 9105.03.130 Post Decision Procedures
- 9105.03.140 Tentative Parcel Map for Urban Lot Splits

9105.03.010 Purpose

This Section establishes requirements for the preparation, filing, approval or denial of tentative maps (tentative parcel and tract map), consistent with the requirements of the Act.

9105.03.020 Tentative Map Preparation, Application Contents

A. When Required

1. A tentative map shall be submitted for a subdivision for which a tentative parcel or tract map is required by Government Code Sections 66410 et seq.
2. The requirements specified in this Section shall apply to all applications for tentative parcel and tract maps.

B. Application and Filing Fees Required

1. An application shall be filed on forms provided by the Department.
2. The application shall be accepted for filing only upon payment by the applicant of a filing and processing fee in compliance with the Fee Schedule.
3. An applicant may, in writing, withdraw the application at any time during the processing of the application.
4. In compliance with adopted City policy, any refund of any of the filing and processing fees paid in connection with the application may only occur on a pro-rated basis in compliance with Subsection 9107.03.050 (Filing Fees and Requirements).
5. Within 30 days of receiving an application and the application filing fee, the Director shall inform the applicant in writing whether the application is deemed complete for the purpose of complying with Government Code Chapter 4.5 and Subsection 9107.03.060 (Initial Application Completeness Review).

9105.03.030 Tentative Map Filing, Initial Processing

A. Submission of Tentative Maps

1. The subdivider is strongly encouraged to confer with the Director before preparing and submitting the tentative map.
2. Submission of a tentative map shall not constitute filing with the City until all attachments and required statements, instructions, environmental forms and clearances, and a completed application form with appropriate fees are deposited with the Department and a written receipt is provided to the applicant. Included with the application shall be a signed statement indicating whether the project site is located on a site included on any of the local lists prepared by the California Integrated Waste Management Board in compliance with Government Code Sections 65962.5(d) and (f).
 - a. In the event that the Director determines that additional information is required for the preparation of environmental documents which are required in compliance with the provisions of the California Environmental Quality Act (CEQA) and the State Guidelines, the tentative map shall not be deemed complete until the additional information has been provided.
 - b. In the event that the Director determines that an Environmental Impact Report (EIR) is required, the filing of the application for the tentative map shall not be deemed filed until the draft of the EIR has been prepared.
3. A tentative map shall be filed with the Director by one or more record owners of property or their authorized agents.
4. The subdivider shall file with the Director the number of tentative maps the Director shall deem necessary, together with evidence as to the ownership of the land proposed to be divided.
5. Failure to submit all materials and statements required by this Subsection shall constitute grounds for rejection of the application.
6. The tentative map may be for land located either within the City or within the unincorporated territory adjacent to the City. If a tentative map for land located within the unincorporated territory adjacent to the City is approved, the approval shall be conditioned upon annexation of the property to the City within a time specified and the approval shall not be effective until annexation of the property to the City has been completed.

B. Prepared by Civil Engineer or Surveyor. Tentative maps shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor.

C. Information, Data, and Reports Required. The application shall include all of the information and materials specified in the most up-to-date Department handout for tentative map applications, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), below.

D. Referral to Affected Agencies

1. **Required Referrals.** The Director shall refer a tentative map application for review and comment to all agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City agencies and departments, local agencies, public utilities, special districts, and State agencies.
2. **Anticipated Type of Response.** The agencies that receive a tentative map application are expected to respond to the Director with an evaluation of the proposal, a list of items (e.g., hydrology study, title report, traffic study, etc.) that may need to be filed and considered during the evaluation phase, and a list of proposed conditions of tentative map approval.
3. **Required Action in the Case of Waste Discharge Violations.** The City Engineer shall advise the Director as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board in compliance with Water Code Section 13000 et seq.

4. Time Limits for Referral and Response

- a. As required by Government Code Sections 66453 through 66455.7, referral shall occur within five days of the tentative map application being determined to be complete in compliance with Section 19.112.070 (Initial Review of Application).
- b. An agency wishing to respond to a referral shall provide the Director with its recommendations within 15 days after receiving the tentative map application.

E. Environmental Review

1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis.
2. If a draft Environmental Impact Report is required, the application for tentative map approval shall not be considered completed until an Environmental Impact Report is ready for presentation to the Commission.

9105.03.040 Staff Report and Recommendation

A. Preparation of a Report

1. **Director Shall Prepare Report.** The Director shall prepare an evaluation in compliance with Government Code Section 66452.3 describing the conclusions of the tentative map application review.
2. **Mailing of Copies of Report.** Copies of the report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a residential condominium conversion [Section 9105.23]) at least five days before any hearing or action on the tentative map by the review authority in compliance with Section 9108.13 (Public Notices and Hearings).

9105.03.050 Tentative Map Public Hearing and Action

- A. Applicable Review Authority.** The applicable review authority as specified in Table 5-1 (Designated Review Authorities) shall hold a noticed public hearing on a tentative parcel or tract map.
- B. Scheduling and Notice of the Public Hearing(s).** Not less than 10 days before the date of the public hearing, notice shall be given by publication once in a newspaper of general circulation published and circulated in the City and by mailing, postage prepaid, to the owners, as shown on the last available County maintained equalized assessment roll or ownership records for property located within 300 feet of all lots any portion of which is included within the boundaries of the proposed subdivision, and to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project in compliance with Government Code Sections 66410 et seq. and Section 9108.13 (Public Notices and Hearings). No error or omission or failure of any person to receive notice as provided in Section 9108.13 shall affect the validity of any action taken under this Division.
- C. Action of the Applicable Review Authority.** The action by the applicable review authority shall be taken within 50 days of determining the tentative parcel or tract map to be complete as defined in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), above, and reported to the subdivider within that time limit. This time limitation may be extended upon the mutual consent of the review authority and the subdivider.
- D. Review Authority's Action is Conclusive.** In the absence of a timely filed written appeal in compliance with Section 9108.07 (Appeals), the decision of the review authority shall be final and conclusive.

**9105.03.060 Tentative Map Approval or Denial
Amended by Ord. No. 2375**

In order to approve or recommend the approval of a tentative parcel or tract map and conditions of approval, or to deny the tentative parcel or tract map, the review authority, as designated in Table 5-1 (Designated Review Authorities), shall first make all of the findings required by this Subsection. In determining whether to approve a tentative parcel or tract map, the City shall apply only the ordinances, policies, and standards in effect on the date the Department determined that the application was complete in

compliance with Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), except where the City has initiated General Plan, specific plan, or Development Code amendments, and provided public notice as required by Government Code Section 66474.2.

A. Required Findings for Approval

1. **Mandatory Findings Required.** The review authority shall approve a tentative parcel or tract map only after first making all of the following findings, as required by Government Code Sections 66474 and 66474.6. The findings shall apply to each proposed lot as well as the entire subdivision, including any lot specified as a designated remainder in compliance with Government Code Section 66424.6.
 - a. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and this Division;
 - b. The site is physically suitable for the type and proposed density of development;
 - c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - d. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
 - e. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
 - (1) This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public.
 - (2) This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.
 - f. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board; and
 - g. That the proposed design and site improvements of the subdivision conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.
2. **Additional Specific Findings Required.** If the proposed subdivision is a conversion of residential real property into a condominium, a community apartment project, or a stock cooperative, the review authority shall first make the additional finding that the proposed subdivision complies with the requirements of Government Code Sections 66427.1(a), 66451, and 66452 before approving the proposed subdivision. It is the responsibility of the applicant to comply with all of these requirements. The specific findings include all of the following:
 - a. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received written notification of intention to convert at least 60 days before the filing of a tentative map in compliance with Government Code Section 66452;
 - b. Each of the tenants, and each person applying for the rental of a unit in the residential real property, has, or will have, received all applicable notices and rights required in compliance with Government Code Sections 66451 and 66452; and
 - c. Each of the tenants received 10-day written notification that an application for a public report will be, or has been, submitted to the State Department of Real Estate, and that the report will be available on request.
3. **Findings under an EIR.** Notwithstanding the finding required by Subparagraph A.1.c., above, the review authority may approve a tentative map, or a parcel map for which a tentative map was not required, if an Environmental Impact Report

(EIR) was prepared for the project and a finding is made in compliance with Public Resources Code Section 21081 Subdivision (a) Paragraph (3), that specific economic, social, or other considerations make the mitigation measures or project alternatives specified in the EIR infeasible.

- B. Supplemental Findings.** In addition to the findings specified in Subparagraph A, above, the review authority shall not approve a tentative parcel or tract map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.
- 1. Construction of Improvements.** In the case of a tentative map for a subdivision that will require a subsequent parcel map, the construction of improvements for the subdivision within a specified time after the recordation of the parcel map is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area.
 - 2. Waiver of Parcel Map.** The findings required by Subsection 9105.05.020 (Waiver of Parcel Map), if waiver of a parcel map has been requested with the tentative map application.
- C. Time Limits.** The time limits for acting and reporting on tentative parcel or tract maps and appeals, as specified in this Division and by the Act, may be extended by mutual consent of the subdivider and the applicable review authority.
- D. Appeals.** The subdivider or any interested person adversely affected by a decision of the review authority with respect to a tentative parcel or tract map may appeal, in compliance with the applicable appeals procedures specified in Government Code Section 66452.5, Section 9108.07 (Appeals), and as follows:
1. If the Commission is the review authority, then the appeal shall be to the Council which is established as the appeals board.
 2. If the review authority is not the Commission, then the first appeal shall be to the Commission. The Commission's decision may be appealed to the Council.
 3. Any appeal shall be filed with the applicable review authority within 10 days after the action of the review authority from which the appeal is being taken.
 4. Before accepting for filing of an appeal, the City shall charge and collect an appeal fee which shall be paid in compliance with the Fee Schedule.
 5. Upon the filing of an appeal, the applicable review authority shall set the matter for a public hearing. The hearing shall be held within 30 days after the date of filing the appeal.
 6. The hearing shall be noticed as specified in Subsection 9105.03.050 (Tentative Map Public Hearing and Action), above.
 7. Within 10 days following the conclusion of the public hearing, the applicable review authority shall declare its findings based upon the testimony and documents produced before it. The review authority may sustain, modify, or overrule any recommendations or rulings of the previous review authority and may make the findings specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above.
- E. Modifications to the Tentative Map**
- 1. Changes before Approval.** Modifications to the submitted tentative parcel or tract map may be made by the subdivider during the review and hearing process, and before subdivision approval, upon the approval of the Director or the applicable review authority. A tentative parcel or tract map modified before action by the applicable review authority need not be renoticed for public hearing. If a tentative parcel or tract map has been appealed to the Council, that map shall not be modified and approved without first receiving a report and recommendation from the previous applicable review authority (i.e., Director, City Engineer, or the Commission), in compliance with Table 5-1 (Subdivision Review Authorities).

2. **Changes Following Approval.** Once a tentative parcel or tract map is approved, any changes shall be in compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions).

9105.03.070 Conditions of Approval

Along with the approval of a tentative parcel or tract map, the review authority may adopt any conditions of approval deemed reasonable and necessary to carry out the purposes of this Development Code, including conditions regarding the matters described in Subparagraph A. (Dedications and Improvements), below; provided, that all conditions shall be consistent with the requirements of the Act and this Division.

A. Dedications and Improvements

1. As a condition of approval of a tentative parcel or tract map, the City may require dedications and improvements as necessary to ensure that the lots to be created:
 - a. Are provided with adequate public services and utilities, including any appropriate cable television services, to meet the needs of future residents or users;
 - b. Are of adequate design in all respects in compliance with this Development Code;
 - c. Act to mitigate any potential environmental impacts specified in the Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), or by other means; and
 - d. Provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.
2. All improvements shall comply with adopted City standards.

B. Access

1. Except as provided below, lots created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the City's Streets and Highways Manual, or shall be ensured of access to the City road system by an approved access which connects a lot(s) to a maintained public street or State highway.
2. Private road easements may be approved for access to each lot if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.
3. Road easements of record established before the effective date of this Division shall be recognized as legal access to each lot of the proposed subdivision.
4. Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each lot of the proposed subdivision.

- C. Conditions Modifying Subdivision Design - Time for Compliance.** When modifications in design require a change in the conditions of approval of a tentative parcel or tract map, the subdivider shall, at least 30 days before the submission of a final map, submit the appropriate number of copies of the tentative map as modified to the Department for review for confirmation by the City Engineer.

9105.03.080 Effective Date of Tentative Map Approval

The approval of a tentative map shall become effective for the purposes of filing a final tract or parcel map, including compliance with the conditions of approval, 10 days following the date of decision by the applicable review authority in compliance with Government Code Section 66452.5, if no appeal is filed in compliance with Section 9108.07 (Appeals).

9105.03.090 Completion of Subdivision Process

- A. Effect of Approval on Prior Approvals.** The approval or conditional approval by the review authority of any revised or new parcel map or tentative map shall annul all previous subdivision designs and approvals for the same site.
- B. Compliance with Conditions, Improvement Plans.** After approval of a tentative parcel or tract map in compliance with this Division, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file, and receive approval of improvement plans in compliance with Section 9105.09 (Subdivision Design and Improvements), before constructing any required improvements.
- C. Parcel or Final Map Preparation, Filing, and Recordation**
1. A parcel map for a subdivision of four or fewer lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision, unless a parcel map has been waived in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).
 2. A final map for a subdivision of five or more lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision.
 3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Division.

9105.03.100 Vesting on Approval of Vesting Tentative Map

- A. Purpose.** The purpose of this Subsection is to establish procedures necessary for the implementation of the provisions of Government Code Section 66452 relating to vesting tentative maps.
- B. Application Filing**
1. Whenever a provision of the Act or this Division requires the filing of a tentative parcel or tract map, a vesting tentative map may instead be filed.
 2. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as is required of tentative maps in compliance with this Division, except as otherwise provided in this Subsection.
 3. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
 4. The application shall include all of the information and materials specified in the most up-to-date Department handout for vesting tentative map applications, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), above.
- C. Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Act and/or this Division for the expiration of approved or conditionally approved tentative maps.
- D. Vesting on Approval of Vesting Tentative Map**
1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with Government Code Section 66474.2.
 2. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred a vested right to proceed with development in substantial compliance with the

ordinances, policies, and standards in effect at the time the vesting tentative map was approved or conditionally approved.

3. Notwithstanding Subparagraph 1, above, the review authority may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it first determines any of the following:
 - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
 - b. The condition or denial is required in order to comply with State or Federal law.
4. The review authority may alter any condition(s) of a vesting tentative map through an amendment in compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.

E. Expiration of Vested Rights

1. The vested rights referred to in this Subsection shall expire if a final map is not approved before the expiration of the vesting tentative map, as provided in the Act.
2. If the final map is approved, the vested rights shall last for the following periods of time:
 - a. An initial time period of 12 months.
 - b. A subdivider may apply for a 12-month extension at least 60 working days before expiration in compliance with Subsection 9105.03.110 (Tentative Map Expiration and Extensions), below.
 - c. If the extension is denied, the subdivider may appeal that denial within 10 days after the denial, in compliance with Section 9108.07 (Appeals).

9105.03.110 Tentative Map Expiration and Extensions

- A. Valid Timeframe.** An approved tentative parcel or tract map is valid for 24 months after its effective date, except as otherwise provided by Government Code Section 66452.6, which, under specified circumstances, allows for a tentative map to be deemed valid for 36 months, unless otherwise extended in compliance with the provisions of this Division and the Act.

B. Expiration of an Approved Map

1. Expiration of an approved tentative parcel or tract map or vesting tentative map shall terminate all proceedings.
2. The application shall not be reactivated unless a new tentative parcel or tract map application is filed in compliance with this Division.

C. Filing of Extension Request

1. The time limits for acting on maps and associated appeals, as specified in this Division and Government Code Sections 66410 et seq., may be extended by mutual consent of the subdivider and the applicable review authority.
2. An extension request shall be in writing and shall be filed with the Director not less than 30 days before the date of expiration of the approval or previous extension, together with the required filing fee in compliance with the Fee Schedule.

- D. Approval of First Extension — Director.** The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative parcel or tract map;

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project; and
3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

E. Additional Extensions — Commission

1. The Commission may grant additional extensions to the initial time limit, only after first making all of the findings specified in Subparagraph D (Approval of First Extension - City Engineer), above.
2. The aggregate period of time for all extensions shall not exceed the maximum limits specified in Government Code Section 66452.6.

F. Appeal of Decision. If the tentative map extension request is denied, the subdivider may appeal the denial within 10 days after the effective date of the denial of the extension in compliance with Section 9108.07 (Appeals).

G. Filing of a Lawsuit

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction affecting the validity of the approval or conditional approval of a tentative parcel or tract map, the subdivider may apply to the City within 10 days of the service of the initial petition or complaint upon the City for a stay of the time in which a tentative parcel or tract map will expire.
2. Within 40 days after receiving the request, the Director shall stay the map's expiration date until final conclusion of the action, if the Director determines that the action affects the validity of the tentative parcel or tract map approval.

9105.03.120 Amendments to Approved Tentative Maps and Conditions

- A. Minor Changes to Approved Tentative Maps – Director.** A subdivider may request minor changes or amendments to an approved tentative parcel or tract map or its conditions of approval before recordation of a final map in compliance with this Subsection. Changes to a parcel or final map after recordation are subject to Subsection 9105.05.070 (Correction and Amendment of Recorded Maps).
- B. Minor Changes Defined.** Minor changes or amendments to a tentative parcel or tract map that may be requested by a subdivider in compliance with this Subsection include minor adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subparagraph G. (Required Findings for Approval), below.
- C. Changes Other Than Minor Changes.** All proposed changes or amendments not covered by this Subsection shall require the filing and processing of a new tentative parcel or tract map in compliance with this Division.
- D. Application for Changes.** The subdivider shall file an application and filing fee, in compliance with the Fee Schedule, with the Department, using the forms furnished by the Department, together with the following additional information:
1. A statement identifying the tentative parcel or tract map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
 2. Any additional information deemed appropriate by the Director.
- E. Processing of Application.** Proposed changes to a tentative parcel or tract map or conditions of approval shall be processed using the same procedures as the original tentative parcel or tract map, except as otherwise provided by this Subsection.

- F. Review Authority.** The Director shall be the review authority for reviewing and either approving or denying minor changes to approved tentative maps.
- G. Required Findings for Approval.** The Director may approve changes or amendments to an approved tentative parcel or tract map or its conditions of approval if the Director first finds all of the following findings to be true, and that all of the applicable findings for approval specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above, can still be made:
1. No lots are added, deleted, or substantially altered;
 2. No proposed structure locations are substantially altered;
 3. The changes are consistent with the intent and spirit of the original tentative parcel or tract map approval; and
 4. There are no resulting violations of this Division, the Act, or other applicable laws.
- H. Effect of Changes on Time Limits.** Approved changes to a tentative parcel or tract map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits specified in Subsection 9105.03.110 (Tentative Map Expiration and Extensions), above, nor extend any right(s) in compliance with a vesting tentative map.
- I. Recording of Amendments.** Minor changes or amendments shall be indicated on the approved map and certified by the City Engineer.

9105.03.130 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a tentative map application.

9105.03.140 Tentative Parcel Map for Urban Lot Splits

The tentative parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.03.020 (Forms and Contents), and Section 9105.05.090 (Final Parcel Map process).

Section 9105.05 – Parcel Maps and Final Maps

Subsections:

- 9105.05.010 Purpose
- 9105.05.020 Waiver of Parcel Map
- 9105.05.030 Final Tract and Parcel Map Form and Content
- 9105.05.040 Filing and Processing of Final Tract and Parcel Maps
- 9105.05.050 Final Tract or Parcel Map Approval and Recordation
- 9105.05.060 Supplemental Information Sheets
- 9105.05.070 Correction and Amendment of Recorded Maps
- 9105.05.080 Post Decision Procedures
- 9105.05.090 Final Parcel Map for Urban Lot Splits

9105.05.010 Purpose

This Section establishes requirements for the preparation, filing, processing, approval, conditional approval, or denial, and recordation of final parcel and final tract maps, following approval of a tentative parcel or tract map, consistent with the requirements of the Act and this Section.

9105.05.020 Waiver of Parcel Map

- A. Eligibility for Waiver.** The following subdivisions shall be eligible for waiver of the requirements that a parcel map be filed, except where the tentative map of the subdivision, the conditions of approval, or the requirements of the Act or of this Division provide for or require the provision of road, drainage, sewer, water, or other easements or the delineation of flood or geologic hazard, drainage ways, or building restrictions:
1. Lot line adjustments, or the distribution of all of an existing lot(s) between adjacent lots when approved by resolution;
 2. Those of a lease-project; or
 3. Those described in Government Code Section 66426.
- B. Requests for Waiver.** Waiver requests shall be in writing on a standard form provided by the Department. The request shall include:
1. A request for waiver, signed and acknowledged by all owners of record of the land comprising the minor land division;
 2. A description of each proposed lot;
 3. The submission of documentation (i.e., preliminary title report) as it deems necessary to verify the information presented in the request for waiver. All submissions shall be legible and readily reproducible. Before approval of a request for waiver, the subdivider shall complete or guarantee completion of the conditions of approval as if a parcel map were to be filed;
 4. The Commission may require the submission of a plat map, showing sufficient ties, dimensions, and bearings to adequately establish the boundaries of the minor land division and of each proposed lot. Record information, when available, may be utilized.
- C. Waiver of Parcel Map Fee.** Upon submission of a request for waiver the subdivider shall pay a filing fee in compliance with the Fee Schedule. The subdivider shall also pay a sum of money equal to the amount required by law for filing with the County Recorder a certificate of compliance for the lots comprising the division.

D. Eligibility for Waiver. Within 20 days following the acceptance of a request for waiver or within any additional time as may be necessary, the Commission may waive the requirement that a parcel map be filed as provided in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), if it first finds all of the following:

1. The design of each lot described in the request for waiver is in substantial compliance with the tentative map, as approved; and
2. The subdivision complies with all applicable requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Act, this Division, and the Municipal Code. When a waiver is granted in compliance with this Subsection, the Commission shall, within 60 working days, cause a certificate of compliance, describing each approved lot, to be filed for record with the County Recorder. The certificate of compliance shall state that the requirement that a parcel map of the division of land be filed has been waived and that the lots comprising the division may be sold, leased, financed, or transferred in full compliance with all applicable provisions of the Act and this Division.

9105.05.030 Final Tract and Parcel Map Form and Content

A. Form and Content. The form and content of final tract and parcel maps shall be as required by the Act and this Division. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, this Development Code, this Division, and all conditions of approval.

B. Authorized Preparers

1. The final tract or parcel map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor.
2. A final tract or parcel map shall be based upon a field survey made in compliance with the Professional Land Surveyors Act and as required by this Division.

C. Certificates and Acknowledgments

1. Before filing, the certificates and acknowledgements required by the Act and this Section shall appear on the map and may be combined where appropriate.
2. The certificates and acknowledgments shall appear on the face of the map unless the City Engineer advises the subdivider that the certificates and acknowledgments are to be made by separate instrument.
3. If a certificate or acknowledgment is made by separate instrument, there shall appear on the map a reference to the separately recorded documents.

D. Monuments. The location, number, and type of monuments shall be as specified in the Act and this Subsection and shall be in compliance with the standards prescribed in the California Business & Professions Code Section 8771.

E. Documentation Required for City Review and Approval

1. The subdivider shall submit prints of the map to the City Engineer for checking, who will distribute the map to other City departments and agencies for review.
2. The preliminary prints shall be accompanied by documents, plans, and reports in a form approved by the City Engineer, including but not limited to all of the following.
 - a. Improvement Plans.** Improvement construction plans as required by the City Engineer.

b. Soils Report

- (1) A preliminary soils report, based upon test borings and prepared in compliance with the requirements of the Building Code, as it may be amended and as referenced in Municipal Code Article VIII (Building Regulations), shall be required for all tract maps and for those parcel maps which involve commercial or industrial development.

- (a) The soils report shall be prepared by a State-registered civil or soils engineer.

- (b) The requirement of a preliminary soils report may be waived or reduced in scope by the City Engineer if, in the City Engineer's opinion, the soil characteristics in the vicinity of the proposed subdivision have been established by previous analyses.

- (2) Parcel maps which propose the construction of single-family dwellings shall require the preparation of a report which includes the subsurface soil classification, as well as the results of an expansive index test.

c. Title Report. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days from the filing of the final map.

d. Improvement Cost Estimate. An improvement cost estimate, which shall include all improvements located within public or private rights-of-way, common areas, or easements, on-site and off-site drainage improvements, and utility trench backfill as provided by the subdivider, except for those utility facilities to be installed by a utility company under the jurisdiction of the Public Utilities Commission.

e. Deeds for Easements and Rights-of-way

- (1) Deeds for easements or rights-of-way required which are not proposed to be dedicated on the final map.

- (2) The subdivider shall provide written evidence acceptable to the City Engineer in the form of rights of entry or permanent easements across private property outside of the subdivision granting access to perform necessary construction work and allowing the maintenance of facilities, if required.

f. Traverse Closure Calculations. Traverse closure calculations for the boundary blocks, easements, monument lines, lots, and street centerlines.

g. Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations.

h. Organization Documents

- (1) Any proposed declaration of covenants, conditions, and restrictions (CC&Rs) and all other organization documents for the subdivision in a form prescribed by the Civil Code Section 1355.

- (2) All documents shall be subject to review and approval by the Director and the City Attorney.

i. Letter of Certification from Water Agencies. The subdivider shall submit written certification from the affected water provider that adequate domestic water facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.

j. Other Reports. Any additional calculations, data, reports, or information specified by the City Engineer.

9105.05.040 Filing and Processing of Final Tract and Parcel Maps

A. Official and Timely Filing of Map

1. The subdivider shall cause the map to be officially filed with the City Engineer at least 90 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted in compliance with

Subsection 9105.03.110 (Tentative Map Expiration and Extensions), together with the filing fee(s) in compliance with the Fee Schedule.

2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the tentative map approval, including all conditions of approval, the Act, the Municipal Code, this Development Code, this Division, and applicable City standards have been complied with.
3. The filing of the official copy of the map with the City Engineer shall constitute the timely filing of the map.

B. Review of Map

1. After the issuance of a receipt for the map, the City Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Act, this Subsection, and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in correct form, the matters shown on the map are sufficient, and the City Engineer is satisfied that all of the conditions of approval have been met, the City Engineer shall endorse approval of the map.
3. The City Engineer shall combine with the map the agreements, easements, and securities as required by this Section.
4. The material shall be transmitted to the Council for its consideration of the map.

C. Time Limit for Filing Map. If the subdivider fails to file the map with the City Engineer and the required accompanying data with the appropriate City departments within 24 months, or other period of time specified in Government Code Section 66452.6 and Subsection 9105.03.110 (Tentative Map Expiration and Extensions), following the effective date of tentative map approval by the review authority, or within any authorized extension of time, the tentative map approval or conditional approval shall become void. In this case, a new filing fee shall be paid, in compliance with the Fee Schedule, and an application for a new tentative map shall be filed.

1. If 120 days before the submittal of a map, the subdivider has failed to comply with the tentative map conditions which require the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest, including an easement or license, then at the time the map is filed with the local agency, to allow the improvements to be made, the subdivider shall enter into an agreement with the City through the Director to pay all costs of the City in acquiring the property.
2. The City shall have 120 days from the filing of the map, in compliance with Government Code Section 66457, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with Code of Civil Procedure Title 7 (commencing with Section 1230.010) of Part 3, including proceedings for immediate possession of the property under Code of Civil Procedure Title 7 Article 3 (commencing with Section 1255.410).
3. In the event the City fails to meet the 120-day time limitation, the condition for construction of off-site improvements shall be conclusively deemed to be waived.
4. Before approval of the map, the City may require the subdivider to enter into an agreement to complete the improvements, in compliance with Subparagraph 9105.05.050.D (Map with Incomplete Improvements), below, at the time the City acquires an interest in the land which will allow the improvements to be made.
5. "Off-site improvements," as used in this Subsection, do not include improvements which are necessary to ensure replacement or construction of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 50093.

9105.05.050 Final Tract or Parcel Map Approval and Recordation

After determining that the map is in compliance with Subsection 9105.05.030 (Final Map and Parcel Map Form and Content), above, and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Government Code Section 66442, and forward the map to the City Clerk for Council action in the following manner.

A. Applicable Review Authority. The applicable review authority is specified in Table 5-1 (Subdivision Review Authorities).

B. Review and Approval by the Review Authority

1. **Timing of Review Authority's Review.** The review authority shall approve or deny the map after it receives the map from the City Engineer or, in the case of the Council, at its regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Director and the subdivider.
2. **Criteria for Approval**
 - a. The review authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of this Development Code that were applicable at the time that the tentative map was approved, and is in substantial compliance with the approved tentative map and all conditions of approval.
 - b. If the map does not conform, the review authority shall not approve the map.
 - c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of the Act and this Section. If the map(s) does not conform, it shall not be approved.
3. **Applicable Ordinances, Policies, and Standards.** In determining whether to approve or deny a map, the review authority shall apply only those ordinances, policies, and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.
4. **Action Not to Approve a Final Tract or Parcel Map**
 - a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Section, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
 - b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map involving four or fewer parcels, the Director, does not materially affect the validity of the map.

C. Map with Dedications

1. If a dedication or offer of dedication is required on the map, the Council or City Engineer shall accept, accept subject to improvement, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.
2. If the Council or City Engineer rejects the offer of dedication, the offer shall remain open and may be accepted by the Council or City Engineer at a later date in compliance with Government Code Section 66477.2.
3. Any termination of an offer of dedication shall be processed in compliance with Government Code Section 66477.2 using the same procedures as specified by Streets and Highway Code Part 3 of Division 9.

D. Map with Incomplete Improvements. If improvements required by this Development Code, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the review authority shall require the subdivider to enter into an agreement with the City as specified in Government Code Section 66462, and Subsection 9105.09.070 (Improvement Agreement Required), as a condition precedent to the approval of the map.

E. Recording of Final Tract and Parcel Maps

1. After action by the review authority to approve the map, and after the required signatures and seals have been affixed, together with the filing fee(s) in compliance with the Fee Schedule, the City Clerk shall transmit the map back to the City Engineer.
2. The City Engineer shall establish an appointment with the County Recorder for filing.
3. The County Recorder shall oversee the recording of the map.

9105.05.060 Supplemental Information Sheets

In addition to the information required by this Section to be included in all final tract and parcel maps, additional information may be required to be submitted and recorded simultaneously with a final or parcel map as required by this Subsection.

A. Preparation and Form

1. The additional information required by this Subsection shall be presented in the form of an additional map sheet(s), unless the City Engineer determines that the type of information required would be more clearly and understandably presented in the form of a report or other document(s).
2. The additional map sheet(s) shall be prepared in the same manner and in substantially the same form as required for final tract and parcel maps by Subsection 9105.05.030 (Final Tract and Parcel Map Form and Content).

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

1. **Title.** A title, including the number assigned to the accompanying final or parcel map by the City Engineer, the words "Supplemental Information Sheet;"
2. **Explanatory Statement.** A statement following the title that the supplemental information sheet is recorded along with the subject final or parcel map, and that the additional information being recorded with the final or parcel map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;
3. **Location Map.** A location map, at a scale not to exceed one inch equals 1,200 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 existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
6. **Information Required by Conditions of Approval.** Any information required by the review authority (e.g., areas subject to earthquakes and other similar environmental constraints) to be included on the supplemental information sheet(s) because of its importance to potential successor(s)-in-interest to the property, including any other easements or dedications.

9105.05.070 Correction and Amendment of Recorded Maps

A recorded final tract or parcel map (referred to as a map) may be amended by the City Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision in compliance with Government Code Chapter 3, Article 7.

A. Type of Corrections Allowed in Compliance with Government Code Section 66469

1. **Filing of a Certificate of Correction or an Amending Map.** In the event that errors in a map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Government Code Chapter 3, Article 7.
2. **Error Defined.** For the purposes of this Subsection, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to acreage, lot numbers, street names, and identification of adjacent record maps.
3. **Other Corrections.** Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
4. **Review Authority.** The City Engineer shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66469.
5. **Application and City Engineer's Review Process**
 - a. An application to amend a recorded map in compliance with Government Code Section 66469 shall be filed with the City Engineer.
 - b. The City Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.
 - c. The City Engineer may request additional information based upon that determination and shall approve the certificate of correction or the amending map if all of the required findings specified in Subparagraph 6. (Required Findings), below can be made.
6. **Required Findings.** A map may be amended only if the City Engineer first finds all of the following to be true:
 - a. The change(s) requested only involves a minor map annotation correction(s);
 - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
 - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
 - d. The map, as amended, is still in compliance with Government Code Section 66474.

B. Type of Corrections Allowed in Compliance with Government Code Section 66472.1. In the event that there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:

1. Application and City's Review Process

- a. An application to amend a recorded map in compliance with Government Code Section 66472.1 shall be filed with the City Engineer.
- b. Once approved by the City Engineer, the application shall be sent to the Council for approval of either a certificate of correction or an amending map.
- c. The Council shall approve the application if all of the required findings specified in Subparagraph 3. (Required Findings), below can be made.

2. **Review Authority.** The Council shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66472.1.
 3. **Required Findings.** A map may be amended only if the Council first finds all of the following to be true:
 - a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
 - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
 - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
 - d. The map, as amended, is still in compliance with Government Code Section 66474.
- C. Recordation.** After approval, the certificate of correction or amending map shall be submitted to the County Recorder for recordation.
- D. Amendment of an Approved Subdivision.** In the event that a subdivider wishes to amend (e.g., change or modify) the characteristics of an approved subdivision (e.g., a recorded final tract or parcel map), including but not limited to the number or configuration of lots, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Subsection 9105.09.070 (Improvement Agreement Required), the subdivider shall file a new tentative, final, or parcel map in compliance with this Division or comply with the requirements of Government Code Section 66499.20.2.

9105.05.080 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a final tract or parcel map application.

9105.05.090 Final Parcel Map for Urban Lot Splits

The final parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.05.030 (Form and Content for Maps), and Section 9105.05.040 (Filing and Processing of Maps).

Section 9105.07 – Additional Subdivision Procedures

Subsections:

9105.07.010 Purpose
9105.07.020 Certificates of Compliance
9105.07.030 Lot Line Adjustments
9105.07.040 Lot Mergers
9105.07.050 Reversions to Acreage
9105.07.060 Post Decision Procedures

9105.07.010 Purpose

This Section establishes requirements consistent with the Act for certificates of compliance, lot line adjustments, lot mergers, and reversions to acreage.

9105.07.020 Certificates of Compliance

A. General Provisions

1. The City shall process and approve or deny applications for certificates of compliance in compliance with Government Code Sections 66499.34 and 66499.35, and this Subsection.
2. Filing criteria and applicability – when required.
 - a. A recorded certificate of compliance may be requested by any person owning real property to have the Director determine whether the property complies with the provisions of the Act and this Development Code.
 - b. A certificate of compliance may be required by the Department with the recordation of a Notice of Merger.
 - c. A recorded certificate of compliance shall be required for all lot line adjustments.
 - d. When contiguous deeds or surveys have ambiguities in which the property boundary cannot be ascertained as determined by the Director and an agreement is reached to establish the line by all parties, a boundary line agreement and a certificate of compliance shall be recorded.
 - e. When determined by the Director, a certificate of compliance may be required for the remainder lot(s) on final or parcel maps.

B. Application

1. An application for a certificate of compliance shall be filed with the Director and processed in compliance with Section 9107.03 (Application Processing Procedures).
2. The application shall include the most up-to-date information and materials specified in the Department handout for certificate of compliance applications.
3. The applicant shall pay the processing fee specified by the Fee Schedule and the sum of money equal to the amount required by law for filing with the County Recorder the certificate of compliance.
4. The Director may require the submission of supporting information as deemed necessary by the Director to determine compliance.
5. All submissions shall be legible and readily reproducible.

C. Review Authority. The Director shall be the review authority for reviewing and either approving or denying certificates of compliance.

D. Review and Action

1. The Director shall review the completed application in light of public records and applicable law.
2. If the Director is able to determine from this review that the lot is clearly in compliance with the provisions of this Division and the Act, a certificate of compliance shall be issued by the Director and delivered to the County Recorder for recordation.
3. If the Director is unable to determine from this review that the lot is in compliance with the provisions of this Division and the Act, but can do so with appropriate conditions, a conditional certificate of compliance shall be issued by the Director and delivered to the County Recorder for recordation.
 - a. In compliance with this Subparagraph, the Director may impose conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property, and which had been established at the time by the Act or local ordinance enacted in compliance with the Act.
 - b. Upon making a determination and establishing conditions, the Director shall cause a conditional certificate of compliance to be filed for record with the County Recorder. The certificate shall serve as notice to the property owner who has applied for the certificate in compliance with this Subsection, a grantee of the property owner, or a subsequent transferee or assignee of the property that fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property.
4. If the Director is unable to determine from this review that the lot is clearly in compliance, the procedures specified in Government Code Section 66499.35 shall apply.

9105.07.030 Lot Line Adjustments
Amended by Ord. No. 2347

A. Conditions for Allowing Lot Line Adjustments

1. **Purpose.** This Subsection provides a procedure for the filing, review, and determination of a lot line adjustment which allows for an adjustment of the lot lines between four or fewer existing adjoining lots:
 - a. Where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than originally existed are not created;
 - b. Where the resulting lots shall be in compliance with applicable building regulations, this Development Code and the General Plan. The City is authorized to condition the approval of a lot line adjustment upon the relocation of certain existing utilities, infrastructure, and/or easements; and
 - c. Where a draft deed is submitted with a lot line adjustment application reflecting the proposed lot configuration and legal description.
2. **Lawfully Created Lots**
 - a. Any lot created by a tract map or parcel map is a lawfully created lot.
 - b. In addition, any lot created before March 4, 1972 with a deed or record of survey shall be conclusively presumed, by the City, to be a lawfully created lot for the purposes of this Division.
3. **Compliance with Government Code Section 66412(d).** Lot line adjustments shall be allowed in compliance with Government Code Section 66412(d); provided, all of the following provisions are complied with.

4. **Preparation of the Application.** An application for a lot line adjustment shall be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying by the State.

5. **Application Requirements**

- a. An application for a lot line adjustment shall be filed with the Director, shall include the signature(s) of all owner(s) of record of the properties involved, and shall be processed in compliance with Section 9107.03 (Application Processing Procedures).
 - b. The application shall include the most up-to-date information and materials specified in the Department handout for lot line adjustment applications, together with the required fee in compliance with the Fee Schedule.
 - c. Incomplete applications shall not be accepted.
 - d. All completed applications shall be consecutively numbered, shall become part of the permanent official records of the City, and shall contain copies of all notices and actions pertaining to the application.
 - e. It is the responsibility of the applicant to provide evidence in support of the findings required by Subparagraph C (Processing of Lot Line Adjustment Application - Findings Required for Approval), below.
6. **Survey May Be Required.** The Director may, at the Director's sole discretion, require a survey of the properties involved, if the Director finds the survey necessary in order to provide an adequate description of the subject properties.

- B. Review Authority.** The Director shall be the review authority for reviewing and either approving or denying lot line adjustments.

C. Processing of Lot Line Adjustment Application - Findings Required for Approval

1. The Director may approve a lot line adjustment only after first making all of the following findings:
 - a. The lot line adjustment would not:
 - (1) Create any new lots;
 - (2) Include any lots created illegally;
 - (3) Involve more than four lots; or
 - (4) Involve lots that are not adjoining.
 - b. No street or alley dedication or improvements are necessary to properly service the properties involved in the proposed lot line adjustment;
 - c. The lots, as proposed by the lot line adjustment, will conform, in all respects, to the minimum provisions of this Division and those of this Development Code;
 - d. The lot line adjustment does not create additional lots;
 - e. All lien holders, record owners, and trust deed holders consent in writing to the lot line adjustment; and
 - f. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days from the filing date of the lot line adjustment application, is submitted.
2. Where the Director finds all of the above facts to be present, the Director shall approve the lot line adjustment, and the owner(s) of the lots involved shall cause a map, in a form approved by the Director, to be recorded.

3. The Director may impose conditions of approval, to be satisfied before the recordation of the lot line adjustment, as the Director finds reasonable and necessary to ensure that the lot line adjustment fully complies with the Act, the Municipal Code, the General Plan, and all applicable building codes.
4. If the Director finds any of the foregoing facts specified in Subparagraph 1, above, not present, the lot line adjustment shall be denied.
 - a. The applicant shall be advised of the Director's action.
 - b. In case of denial, the applicant shall have the option of:
 - (1) Appealing the decision to the Commission in compliance with Section 9108.07 (Appeals); or
 - (2) Filing a parcel or tract map in compliance with this Division.

D. Documentation

1. Notice of the action on an application for a lot line adjustment shall be issued by the Director in writing to the applicant within five working days.
2. Approval of a lot line adjustment does not transfer title, adjust liens, mortgages or deeds of trust, nor does it adjust assessments.
3. At the conclusion of processing the lot line adjustment application, the applicant shall submit an amended deed of trust reflecting the revised legal descriptions of the affected lots for any lots encumbered by a deed of trust. The revised legal descriptions of affected lots shall also be reflected in any mortgages and liens.
4. In compliance with approval of a lot line adjustment, the applicant shall file a certificate of compliance reflecting the adjustments in compliance with Subsection 9105.07.020 (Certificates of Compliance).
5. Within seven days of the issuance of a notice of the action on an application for a lot line adjustment, notice of the decision shall be forwarded to the Commission and Council.

E. Appeal

1. The applicant or any interested party may appeal an approval, conditional approval, or denial of an application for a lot line adjustment.
2. Appeals shall be made to the Commission in compliance with Section 9108.07 (Appeals).
 - a. The appeal shall be made in writing and delivered to the Department within 10 days following the decision of the Director and shall be accompanied by an appeal fee in compliance with the Fee Schedule.
 - b. Upon receipt in proper form of an appeal, the Director shall schedule a public hearing to be held within 30 working days.
 - c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
3. After action on an appeal by the Commission, an appeal may be made to the Council.
 - a. The appeal shall be made in writing and delivered to the City Clerk within 10 days following the decision by the Commission and shall be accompanied by an appeal fee in compliance with the Fee Schedule.
 - b. The public hearing shall be held within 30 working days following the date the appeal is filed.

- c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

F. Completion of Lot Line Adjustments. Approval or conditional approval of a lot line adjustment shall not become effective until 10 days after the issuance of the notice of the action on an application for a lot line adjustment, unless the lot line adjustment approval is appealed in compliance with Section 9108.07 (Appeals).

G. Expiration, Extension, and Alterations

1. In the event the approved lot line adjustment is not recorded with the County Recorder's office within 12 months following the effective date of the approval by the Director or an approved lot line adjustment has been altered, the lot line adjustment or lot consolidation, as may be applicable, shall be void and of no further force and effect and shall not be recorded with the County Recorder's office.
2. If the applicant still wishes to proceed with the lot line adjustment or consolidation, a new application shall first be submitted in compliance with this Subsection.

9105.07.040 Lot Mergers

A. Purpose

1. This Subsection is provided in compliance with Government Code Division 2, Chapter 3, Article 1.5 (Merger of Parcels) for the purpose of establishing the authority of the City to merge two or more lots or units of land held by the same owner.
2. Lot mergers may be voluntary mergers initiated by the property owner(s) or mandatory mergers initiated by the City.
3. Lots may also be merged in compliance with Government Code Sections 66499.20.2, or 66499.20.3 pertaining to the reversion to acreage.

B. Voluntary Merger of Contiguous Lots

1. **Intent.** It is the intent of this Subsection to allow property owners to request a voluntary merger of contiguous lots that are under the same ownership.
2. **Review Authority.** The Director shall be the review authority for reviewing and either approving or denying lot mergers.
3. **Process**
 - a. The property owner shall file an application for a lot merger.
 - b. The merger of the subject lots become effective when the Director causes a notice of merger specifying the names of the record owners and a description of the real property to be filed for record with the County Recorder.
4. **Requirements.** A lot may be voluntarily merged with one or more contiguous lots held by the same owner:
 - a. If any one of the contiguous lots held by the same owner does not conform to standards for minimum lot size or dimension specified by the applicable zone;
 - b. If the property owner wishes to construct a structure across the property line(s) of two or more contiguous lots; or
 - c. If at least one of the lots meet one or more of the requirements specified in the Government Code Section 66451.11(b).

C. Where These Provision Do Not Apply

1. This Subsection shall not apply to the sale, lease, or financing of one or more contiguous lots or units of land which have been created under the provisions of City ordinances regulating the division of real property and Government Code Sections 66410 et seq., applicable at the time of their creation, or to lots or units which were not subject to the provisions at the time of their creation, even though the contiguous lots or units are held by the same owner.
2. However, if any one of the contiguous lots or units held by the same owner does not conform to standards for minimum lot size to allow use or development in compliance with this Development Code and the standards established by Subsection D (Unmerged Parcels Prior to January 1, 1984), below, then those lots or units shall be merged.

D. Unmerged Lots Prior to January 1, 1984. Any lots or units which were deemed unmerged, before January 1, 1984, under the Act and which have not been merged subsequently shall be considered separate lots or units for purposes of this Subsection.

E. Mandatory Merger of Nonconforming Contiguous Lots under Single Ownership. Contiguous lots or units of land held by the same owner on the date that notice of intention to determine status is filed shall be involuntarily merged if one of the lots or units does not conform to the minimum lot size to allow use or development in compliance with this Development Code, and if all of the following requirements are satisfied in compliance with Government Code Section 66451.11(b):

1. At least one of the affected lots is not developed with any structure for which a Building Permit was issued or for which a Building Permit was not required at the time of construction, or is developed only with an accessory structure(s), or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous lot or unit.
2. With respect to any affected lot, one or more of the following conditions exists:
 - a. Comprises less than 5,000 square feet in area at the time of the determination of merger;
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - c. Does not meet current standards for sewage disposal and domestic water supply;
 - d. Does not meet slope stability standards;
 - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
 - g. Its development would create health or safety hazards; or
 - h. Is not consistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.
3. Subparagraph E. 2, above, shall not apply if any of the conditions specified in Government Code Sections 66451.11(A), (B), (C), (D) or (E) exist.

F. Proceedings for Notice of Intention to Determine Status

1. Whenever the Director has knowledge that real property has merged in compliance with this Subsection, the Director shall deliver, by certified mail, to the current record owner(s) of the property a notice of intention to determine status.
 - a. The notice of intention shall state that the affected lots may be merged in compliance with this Subsection; that the owner may request, within 30 days from the date the notice of intention was recorded, a hearing before the Commission to present evidence that the property does not meet the standards for merger; and that the notice of intention was recorded with the County Recorder on the date the notice of intention was mailed to the property owner(s).

- b. Upon receipt of a request for a hearing, the Director shall set the hearing for a date not less than 30 days but not more than 60 days from the date of receipt of the request.
 - c. The property owner(s) shall be notified of the hearing by certified mail.
 - d. After the hearing, the Commission shall determine whether the affected property has merged in compliance with this Subsection.
 - e. A determination of non-merger may be made whether or not the affected property meets the standards for merger specified in Subparagraph E (Mandatory Merger of Nonconforming Contiguous Parcels under Single Ownership), above.
 - f. The determination shall be made and notification of the determination shall be mailed to the property owner(s) within five working days following the date of the hearing.
2. If the lots have merged, the Director shall file a notice of merger with the County Recorder within 30 days following the date of the hearing, unless the determination has been appealed in compliance with Subparagraph 3, below, and Section 9108.07 (Appeals).
 - a. The notice of merger shall specify the name(s) of the record owner(s) and shall particularly describe the real property.
 - b. If the lots have not merged, the Director shall record a release of the notice of intention within 30 days following the date of the determination, and shall mail a copy of the release to the owner(s).
 - c. If no hearing is requested, the determination shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing.
3. If the property owner(s) requested a hearing, the determination of the Commission may be appealed to the Council within 10 days following the date of mailing the notice of determination by filing a written appeal with the City Clerk, in compliance with Section 9108.07 (Appeals).
 - a. A fee in compliance with the Fee Schedule shall be paid at the time of filing the appeal.
 - b. Upon receipt of an appeal and payment of the fee, the City Clerk shall place the matter on the Council agenda not less than 30, but not more than 60, days following the date the appeal was filed.
 - c. If, after a hearing, the Council grants the appeal, the City Clerk shall, within 30 days, record a release of the notice of intention with the County Recorder.
 - d. If the appeal is denied, the City Clerk shall, within 30 days, record a notice of merger with the County Recorder.
 - e. A copy of either the release or the notice of merger shall be sent to the property owner(s).

G. Unmerger

1. **Deemed Unmerged.** Any lot or unit of land which merged in compliance with the provisions of any law before January 1, 1984, but for which a notice of merger was not recorded on or before that date are deemed unmerged, if on January 1, 1984, all of the criteria established by Government Code Section 66451.30(a) are met, and if none of the conditions specified in Government Code Section 66451.30(b) exist.
2. **Filing of a Certificate of Compliance.** Upon request of a property owner, the Director shall file a certificate of compliance whenever the Director determines that a lot is unmerged in compliance with this Subparagraph.

H. Request for Determination of Lot Merger

1. Director's Determination of Merged or Unmerged

- a. A property owner may request that the Director determine whether property has merged in compliance with Subparagraph E (Mandatory Merger of Nonconforming Contiguous Lots under Single Ownership), above, or is deemed unmerged in compliance with Subparagraph G (Unmerger), above. The property owner's request shall be in the form of an application for a Certificate of Compliance.
- b. A request for determination (Certificate of Compliance) shall be made in writing and shall be accompanied by a fee in compliance with the Fee Schedule.

2. **Determination of Merged.** Upon determination that property has merged, the Director shall issue to the property owner(s) and record with the County Recorder a notice of merger.

3. **Determination of Unmerged.** Upon determination that property is deemed unmerged, the Director shall issue to the property owner(s) and record with the County Recorder a certificate of compliance showing each lot as a separate lot.

9105.07.050 Reversions to Acreage

A. Purpose and Filing Provisions

1. The purpose of this Subsection is to provide a procedure for the merger of separate lots into one lot, in compliance with Government Code Section 66499.20.2.
2. A reversion to acreage shall be initiated, processed, reviewed, and approved or denied in compliance with Government Code Chapter 6, Article 1.
3. An application for reversion submitted by a property owner(s) shall include all information required by the Director, and shall include the fee required by the Fee Schedule.
4. A parcel map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous lots, in compliance with Government Code Section 66499.20.1.

- B. Review Authority.** The Council shall be the review authority for reviewing and either approving or denying reversions to acreage requests.

C. Processing Procedures and Public Hearing Required

1. The Commission shall hold a public hearing on all petitions for, and Council initiations of, reversions to acreage.
2. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
3. The Commission shall render its decision in the form of a written recommendation to the Council.
4. The recommendation shall include the reasons for the recommendation and shall be transmitted to the Council.
5. Upon receipt of the recommendation of the Commission, the Council shall hold a public hearing.
6. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
7. The Council may approve a reversion to acreage only if it first makes all of the findings required by Subparagraph D (Required Findings), below.

D. Required Findings. The review authority shall approve a reversion to acreage only after first making all of the following findings, as required by Government Code Sections 66499.16:

1. Dedications or offers of dedication to be abandoned or vacated by the reversion to acreage are unnecessary for present or prospective public purposes; and
2. Either
 - a. All owners of an interest in the real property within the subdivision have consented to the reversion;
 - b. 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 record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
 - c. No lots shown on the final or parcel map have been sold within five years from the date the map was filed for record.

E. Recordation Procedures

1. After the hearings before the Commission and the Council and approval of the reversion to acreage, the final or parcel map, as applicable, shall be delivered to the City Engineer.
2. The reversion to acreage shall be effective upon the final or parcel map being filed for recordation by the County Recorder.
3. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force or effect.

F. Effect of Reversion. The filing of a final or parcel map, as applicable, to complete a reversion to acreage shall also constitute the merger of the separate lots into one lot, in compliance with Government Code Section 66499.20.2.

9105.07.060 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on any application filed in compliance with this Section.

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Section 9105.09 – Subdivision Design and Improvements

Subsections:

- 9105.09.010 Purpose
- 9105.09.020 Applicability of Design and Improvement Standards
- 9105.09.030 Subdivision Design Standards
- 9105.09.040 Subdivision Improvement Requirements
- 9105.09.050 Site Preparation and Grading for Subdivision Construction
- 9105.09.060 Improvement Plans
- 9105.09.070 Improvement Agreement Required
- 9105.09.080 Improvement Security
- 9105.09.090 Installation of Improvements
- 9105.09.100 Monuments
- 9105.09.110 Soils Reports

9105.09.010 Purpose

- A. Requirements for the Design and Layout.** This Section establishes standards for the design and layout of subdivisions, and the design, construction, and installation of public improvements within subdivisions.
- B. Creation of New Usable Lots.** The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable lots that are consistent with the General Plan and any applicable specific plan.

9105.09.020 Applicability of Design and Improvement Standards

The requirements of this Section apply as follows.

A. Extent of Required Improvements

1. Each subdivision of four or fewer lots, and each subdivision of five or more lots, shall provide the improvements required by this Subsection, and any additional improvements required by conditions of approval.
2. Improvements required to be installed or agreed to be installed by a subdivider as a condition precedent to the filing of a final map or parcel map shall comply with the requirements of this Subsection. The improvements shall be provided and developed in compliance with the conditions imposed as a condition of approval of the tentative map or tentative parcel map in compliance with any agreement or bond made or entered into by the subdivider for that purpose, and in compliance with the standards and specifications specified by administrative regulations and ordinances of the City applicable at the time of approval of the tentative map or tentative parcel map.

B. Applicable Design Standards, Timing of Installation

1. **Construction of Off-Site Improvements.** The subdivider shall construct all on- and off-site improvements in compliance with the standards approved by the City Engineer.
2. **Completion of Improvements.** No parcel or final map shall be presented to the Council for approval and no parcel map shall be presented to the City Engineer for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City for the work in compliance with Subsection 9105.09.040 (Subdivision Improvement Requirements), below.

3. Improvements, Other Than Street Improvements

- a. Plans, profiles, and specifications for improvements, other than street improvements, and grading and drainage plans, shall be submitted to the City Engineer not later than the time a final map or final parcel map is submitted for checking and certification. The plans shall show all details of the proposed improvements, grading, and drainage needed for approval of the plans by the City Engineer. The details may include requirements of other governmental agencies whose jurisdiction some portion of the plan may encompass. Final plans shall be submitted for approval by the City Engineer before a final map is transmitted to the Council for approval or parcel map is certified for filing by the City Engineer if:
 - (1) The subdivider applies for a reimbursement agreement; or
 - (2) Another governmental agency, whose approval of plans is necessary, will not approve preliminary plans.
- b. Preliminary plans may be submitted to the City Engineer when sufficient engineering data is furnished by the subdivider to demonstrate that the preliminary design meets the City's standards and specifications, is practicable from a maintenance standpoint, and is consistent with sound engineering practices and that the final plans will conform to the preliminary plans with only minor changes.

4. Street Improvements

- a. Plans, profiles, and specifications for all street improvements shall be subject to the approval of the City Engineer. The plans shall be furnished to the City Engineer no later than the time of submitting the final map or parcel map to the City Engineer for checking and shall be subject to the approval of the City Engineer before any map shall be certified by the City Engineer. The plans, profiles, and specifications shall show full details of the proposed improvements and shall be in compliance with the standards and specifications of the City Engineer. The plans shall also include the design grade for an existing highway or for a future street provided the City Engineer determines that the grade is necessary to properly locate slope and drainage easements, if any.
- b. If streets or other public ways are to be dedicated on a final map or by separate instrument before filing a parcel map and the subdivider is required to grade, pave, or install curbs, gutters, or sidewalks within the easements, the subdivider shall provide a copy of the final map or parcel map, as applicable, which delineates all structures within the easements. The maps shall be submitted to the City Engineer when street improvement plans are submitted for approval.
- c. Each street, whether public or private, shall be improved with full width grading, full height Portland cement concrete curbs and gutters, full width roadway paving, installation of incidental drainage facilities, street signs, sidewalks, street lights on public streets, and any other improvements for traffic and drainage needs as are required for the appropriate development of the division of land.
- d. If a portion of an existing street constitutes any portion of the boundary of the division of land and the street is unimproved, or the Council determines that the improvements are insufficient for the general use of the lot owners in the division of land and for local neighborhood traffic and drainage needs, the Council may require the subdivider to improve or agree to improve the street as specified in Subparagraphs 4.c, above and Subparagraph 5.g, below.
- e. The Council may require the remodeling of an existing street. The remodeling shall be in compliance with the improvement requirements specified in Subparagraphs 4.c, above and Subparagraph 5.g, below.
- f. Except for full width grading, the subdivider shall not be required to improve streets shown on a final map or a parcel map as future streets.

5. Other Improvement Requirements

- a. Fencing of Watercourses or Drainage Facilities.** The subdivider shall provide a chain link fence or equivalent, not less than six feet high, along each side of any portion of a dedicated right-of-way for any watercourse or drainage facility within a proposed division of land if the Council finds that the location, shape, slope, width, velocity of the water, or other characteristics of the watercourse or drainage facility makes the fencing of the right-of-way necessary for the protection of the general public. The fencing shall have an adequate number of gates to facilitate cleaning and maintenance and shall not contain openings below the fence in excess of four inches vertical.
- b. Protective Improvements.** The Council may require specified protective structures to be installed as are necessary for the proper functioning and maintenance of the improvements required to remove a flood or geological hazard and as are necessary for the protection of property adjacent to the division of land.
- c. Sidewalks.** Sidewalks shall be installed in compliance with City standards, except when the Council specifies otherwise.
- d. Street Trees and Plants.** The subdivider shall pay the cost of trees in the parkway panels of streets and highways within or adjacent to a division of land. The type or species and location of the trees shall be determined by the Public Works Director.
- e. Temporary Improvements.** Temporary improvements may be required before, or concurrent with, permanent improvements. In these instances, the temporary improvements shall be installed in a manner approved by the City Engineer.

C. Subdivision Improvement Standards - Conditions of Approval

- 1. The applicable subdivision improvement and dedication requirements of this Subsection and any other improvements and dedications required by the review authority shall be described in conditions of approval adopted for each approved tentative map.
- 2. The design, construction, or installation of all subdivision improvements shall comply with the requirements of the City Engineer.

D. Oversizing of Improvements

- 1. At the discretion of the review authority, 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 Government Code Chapter 4, Article 6.
- 2. In the event that oversizing is required, the City shall comply with all applicable provisions of Government Code Sections 66485 et seq., including the reimbursement provisions of Government Code Section 66486.
- 3. If a lot proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement before the recordation of the parcel or final map, or the issuance of a Building Permit for construction on the lot, whichever occurs first.

- E. Exceptions.** Exceptions to the requirements of this Section may be requested and considered in compliance with Subparagraph 9105.09.030 J (Exceptions), below.

9105.09.030 Subdivision Design Standards

- A. Purpose.** This Subsection establishes standards for the design and layout of subdivisions.

B. Applicability. Each subdivision shall be designed in compliance with the standards of this Subsection, except where an exception is granted in compliance with Subparagraph 9105.09.030 J (Exceptions), below.

C. Roads and Streets. The layout, design, and construction of proposed roads and streets shall comply with the General Plan, and adopted City street standards.

1. Street Alignment Plan

- a. If the General Plan (or any applicable specific plan) designates a general location of a proposed street and any portion of the street may be wholly or partially located within a proposed subdivision or may be affected by a proposed subdivision before the approval of the subdivision, a specific alignment plan shall be prepared and adopted.
- b. Each street shall conform in width and alignment with that shown or indicated on the General Plan or any standards adopted in compliance with the General Plan.
- c. As a condition of approval of the subdivision, the subdivider shall be required to make dedications and construct reasonable improvements as required by the specific alignment plan.
- d. The Council may require that future streets and alleys be provided for the future division of lots shown on the tentative or parcel map and for the development of adjoining property.
- e. These requirements may be waived by the Director upon recommendation of the City Engineer, if the proposed street is located upon a section line or its precise alignment cannot be otherwise determined.

2. Circulation Standards

- a. **Streets and Street Layout.** The layout, design, and construction of proposed streets shall comply with the General Plan, this Development Code, and/or other requirements that may be deemed appropriate by the City Engineer and/or Director.
- b. **Subdivision Access**
 - (1) Depending on the size of the subdivision and the length of the streets, the subdivision and each of its phases shall have a minimum of two points of vehicular ingress and egress from existing and surrounding streets.
 - (2) Where the subdivider provides evidence that this access is physically impossible or a cul-de-sac is proposed, this requirement may be waived or modified by the City Engineer, after receiving a recommendation from the Fire Department.

D. Additional Standards

1. Applicable Standards. The following additional standards shall apply:

- a. Freeways, limited access, and unlimited access State highways shall conform to the standards of the California Department of Transportation and where the same are involved in any subdivision, they shall receive special attention. The standards of the California Department of Transportation shall be deemed to be the minimum standards acceptable.
- b. Street intersections shall be as follows:
 - (1) Where one or both intersecting streets serve residential development, their intersecting right-of-way lines shall be rounded with a curve having a radius of 15 feet, unless otherwise determined by the City Engineer.

- (2) Where one or both intersecting streets serve commercial, industrial, mixed use development, their intersecting right-of-way lines shall be rounded with a curve having a radius of 25 feet, unless otherwise determined by the City Engineer.
 - (3) Where two alleys intersect, a cutoff of not less than 10 feet at the intersection of the right-of-way lines shall be provided.
 - c. Special local streets where freeways, grade separations, parkways, railroads, or other dominant factors are involved shall receive special attention.
 - d. The alignment of streets shall provide the required frontage for each lot in the proposed subdivision and, where necessary, to provide for the future development of adjacent properties.
 - e. Centerline jogs of 150 feet or more shall be avoided wherever practicable.
 - f. On any street, no centerline curve radius of less than 200 feet shall be provided.
 - g. Suitable tangents, when possible, shall be used between all curves.
 - h. The applicable review authority may require that an alley be provided at the rear of lots which are intended for multifamily residential, commercial, industrial, and/or mixed use land uses.
 - i. In areas where no official plans exist, the layout of all improvements, including curbs, gutters, parkways, planting strips, sewer lines, sidewalks, streets, street lights, trees, and private water mains located within the public rights-of-way, shall be in compliance with adopted City standards, and where no standards have been adopted, the arrangements shall be subject to review and approval by the City Engineer.
2. **Interconnected Streets.** Streets proposed within a new subdivision shall be interconnected and shall connect with adjacent streets external to the subdivision, to provide multiple routes for pedestrian and vehicle trips from, to, and within the subdivision, as determined by the review authority to be appropriate.
3. **Street Extensions and Stub Streets**
- a. **Street Extensions.** Where the subdivision adjoins unsubdivided land, streets in the subdivision shall be extended to the adjacent unsubdivided land, as prescribed by the review authority, to provide access to the unsubdivided land in the event of its future subdivision.
 - b. **Stub Street Improvements**
 - (1) In the case of stub end streets extending to the boundary of the property, a barricade, the design to be approved by the City Engineer, shall be constructed at the end of the stub end street, pending the extension of the street into adjacent property.
 - (2) Where required by the review authority, a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
4. **Right-of-Way and Roadway Widths.** The following right-of-way and roadway widths shall apply:
- a. Streets and alleys shall have minimum right-of-way and roadway widths as shown in the Streets and Highways Design Manual (Currently Division 4 – Design of Streets, pages 23 and 24) developed and maintained by the City Engineer. Alternative cross sections may be used where the applicable review authority finds that existing improvement patterns or neighborhood design warrant use of the alternative cross sections.
 - b. In the interest of good planning and the orderly development of the City, the applicable review authority may, at its sole discretion, permit variations of the above minimum cul-de-sac right-of-way widths, lengths, and alignments, for good cause.

5. Dead-End and Cul-de-Sac Streets

- a. Subdivision design shall not include dead-end streets (including cul-de-sacs), except where through streets cannot be provided because of existing development or an environmental feature requiring protection and/or preservation (e.g., a creek channel). The exception shall be subject to the approval of the applicable review authority.
- b. The length of a dead-end street shall not exceed a distance of more than 500 feet, and as determined by the Fire Department based on consideration of specific street conditions. The length shall be measured from the center of the closest intersection to the center of the cul-de-sac bulb. Dead-end streets shall provide a suitable turn-around designed with a minimum diameter of 80 feet between right-of-way lines, and as determined to be suitable on a case-by-case basis, in coordination with the Fire Department and to the satisfaction of the City Engineer.
- c. One sided cul-de-sacs shall be prohibited anywhere within the City.

6. Intersection Design. All streets shall normally intersect as nearly as possible at right angles, except when it can be shown that any other street pattern will improve the design of the subdivision without hindering traffic safety to the satisfaction of the City Engineer.

7. Street Grades. Streets shall have a grade of not less than four tenths of one percent or more than 10 percent, except where the applicable review authority, upon the advice of the City Engineer, determines a Variance to the grade limitations is appropriate.

8. Pedestrian Walkways away from Street Frontages

- a. As part of subdivision approval, the City may require dedicated and improved pedestrian walkways in locations away from street frontages where necessary to provide safe and convenient pedestrian access to a public facility or to otherwise provide convenient connections between existing pedestrian routes.
- b. Where walkways are required, the City Engineer shall specify the standards for their design and construction.

9. Street Dedications

- a. A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
- b. Even a street that complies with all applicable City standards may not be accepted for dedication.
- c. Acceptance of street dedication is subject to the recommendation(s) of the City Engineer and the approval of the review authority.

E. Lot Design. The arrangement, shape, and size of proposed lots shall comply with this Subsection, and with any General Plan policy, specific plan requirement, or other Municipal Code provisions that apply to proposed subdivisions.

1. General Lot Design Standards

- a. Each proposed lot shall be determined by the review authority to be “buildable” because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Development Code.
- b. No lot shall be created that is divided by a City, County, school district, or other taxing district boundary line.
- c. If a proposed lot is in more than one zone classification, then the area, depth, and width of the lot shall be in compliance with the minimum requirements of the most restrictive zone classification.
- d. The lot area, depth, and width requirements shall not apply to any lot which the subdivider offers to deed or dedicate to the public.

- e. Easements intended for vehicular access and parkways required by the City shall not be included in the determination of the area, depth, and width of the lot.
- f. No subdivision shall be approved which leaves unsubdivided islands, strips or lots, or property unsuitable for subdividing, which is not either accepted by the City or other appropriate entity for public use, or maintained as common area, within the boundaries of the subject development.

2. Lot Area, Depth, and Width Requirements

- a. **Compliance with Division 2 Required.** The minimum area, depth, and width for new lots shall be as specified in Division 2 (Zones, Allowable Uses, and Development Standards) for the applicable zone, except as otherwise provided by this Subsection.
- b. **Minimum Lot Area Requirements for Common Interest Projects.** The minimum lot area requirements of Division 2 (Zones, Allowable Uses, and Development Standards) shall not apply to individual condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original lot(s) that is the location of the condominium or townhouse development.
- c. **Modifications.** The Commission, after making a finding that a modification(s) to the requirements of this Subparagraph is necessary by reason of the size, shape, topography, or other conditions of the property within the subdivision or of adjacent property, may, by majority vote grant a modification(s) to this Subparagraph that is not prohibited by the Act, this Division, and that is not inconsistent with the General Plan.

3. Dimensions. The dimensions of new lots shall comply with the applicable provisions of Division 2 (Zones, Allowable Uses, and Development Standards), or as otherwise required by the review authority.

4. Lot Line Orientation. Side lot lines shall be at right angles to the street on straight streets and shall be approximately radial on curved streets.

5. Lot Configuration. The layout of proposed lots and streets shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation. See also the lot design provisions regarding energy conservation in Subparagraph G. (Energy Conservation), below.

- a. **Street Frontage Required.** Each proposed lot shall have frontage on a public street. The frontage width shall be at least the minimum lot width required by the applicable zone as specified in Division 2 (Zones, Allowable Uses, and Development Standards), except where a flag lot is approved by the applicable review authority in compliance with Subparagraph 5.c (Flag Lots), below.

b. Double-Frontage Lots Prohibited

- (1) Newly proposed double-frontage lots with streets located along both the front and rear lot lines shall be prohibited. (An alley is not considered a street for the purposes of this Subparagraph.)
- (2) For existing double-frontage lots as described in Subparagraph (1), above, the Director shall determine which frontage(s) shall be considered as the "lot front" or "lot frontages" for the purposes of compliance with the minimum setback requirements specified in Division 2 (Zones, Allowable Uses, and Development Standards).

- c. **Flag Lots Prohibited.** New flag lots shall be prohibited.

F. Energy Conservation. Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, in compliance with Government Code Section 66473.1 and as follows.

- 1. **Street Layout.** The streets proposed in a subdivision shall be planned in a primarily east-west orientation where feasible.

2. **Lot and Building Site Design.** Proposed lots shall be designed, where feasible, to provide building sites that allow the orientation of structures in an east-west alignment for southern exposure, and to take advantage of existing shade or prevailing breezes.

G. Environmental Health. Lands to be subdivided for residential, park, playground, or land recreation purposes may be subject to environmental quality standards as established by ordinances and regulations of the different departments and agencies within the City.

H. Fire Protection

1. Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely handle evacuations.
2. The subdivision shall be served by water supplies for community fire protection in compliance with the standards established by the Fire Department.
3. In hazardous fire areas, all flammable or combustible vegetation shall be removed from around all structures, in compliance with Fire Department requirements. Where erosion is probable, the slopes shall be planted with fire resistive ground cover.

I. Exceptions

1. Conditional exceptions to the standards and regulations specified in this Subsection may be authorized by the review authority, and only if exceptional or special circumstances apply to the subject property.
2. The special circumstances may include extreme topography, limited size, dominating drainage problems, unusual shape, or the impracticability of employing a comprehensive plan or layout by reason of prior existing recorded subdivision of contiguous properties.

9105.09.040 Subdivision Improvement Requirements

- A. General Improvement Installation.** All culverts, curbs, drainage structures, fire hydrants, gutters, pavements, sanitary sewer lines, sidewalks, streets (public or private), street lights, street name signs, and water mains shall be installed by and at the cost of the subdivider when not prohibited by the Act, and shall conform to grades and specifications established and approved by the City.
- B. Bicycle/Walking Paths and Hiking/Equestrian Trails.** The subdivider shall construct bicycle paths, multiple use trails, and/or access to multiple use trails within an approved subdivision in compliance with the Circulation, and open Space, and Conservation Elements of the General Plan and any applicable specific plan.
- C. Fire Hydrants.** The subdivider shall supply and install fire hydrants, along with their associated underground water pipes, of sizes and locations as required and approved by the City Engineer and Fire Department, and in compliance with Subparagraph L (Water Mains and Fire Hydrants), below.
- D. Monuments.** The subdivider shall supply and install monuments in compliance with the requirements of the City Engineer, Government Code Chapter 4, Article 9, and Subsection 9105.09.100 (Monuments), below.
- E. Private Facilities – Maintenance.** A subdivision with common area(s) or private streets shall have conditions, covenants, and restrictions (CC&Rs) approved by the applicable review authority to provide for the proper maintenance of the common area(s) and/or private streets, and to establish standards for maintenance.
- F. Private Streets.** A subdivision which proposes to provide private streets within its boundaries shall comply with all of the following provisions:
1. Private streets and private access require the approval of the City Engineer;

2. Pedestrian access shall be provided from the private street or private access to an existing or future street or public pathway, if vehicular access cannot be provided;
3. Private streets or private access shall not obstruct traffic circulation or cut off future development from public access or utilities;
4. Streets must be public if they are designed to connect to an adjacent site, or will serve lots on an adjacent site;
5. Private streets shall be constructed in compliance with the City's design standards for public streets;
6. Private streets or private access shall provide public utility easements for sewer, stormwater, and water conveyance systems wherever applicable;
7. Appropriate accessibility shall be maintained at all times for emergency vehicles, as determined by the City Engineer; and
8. Private streets or private access shall be owned in common by the owners of the property served by the private streets/private access or by a homeowners' association (HOA).

G. Public Utilities. Each approved and newly created lot shall be provided connections to public utilities, including electricity, gas, sewer, telecommunications, and water services, which shall be installed as part of the subdivision improvements as provided by this Subsection.

1. Underground Utilities Required

- a. Utility lines, including communications, electric, telephone, and street lighting, located within or directly serving each subdivision, shall be placed underground.
- b. The subdivider is responsible for complying with the requirements of this Subparagraph without expense to the City, and shall make necessary arrangements with the appropriate utility company for the installation of the facilities. For the purposes of this Subparagraph, appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground.
- c. This Subparagraph shall also apply to existing utility or common carrier routes in use at the time the subdivision is completed which do not provide service to the area being subdivided, except for high voltage transmission lines or other utilities with good cause as excepted on a case-by-case basis by the City Engineer.
- d. The Council, based on the recommendations of the City Engineer, may waive the requirements of this Subparagraph if topographical, soil, or any other conditions make the underground installations unreasonable or impractical.

2. Cable Television Systems. If a local cable television system (or comparable technology system provider) is available to serve the project, any subdivision for which a tentative map is required, or a parcel map for which a tentative map was not required, shall be designed to provide the appropriate cable television system an opportunity to construct, install, and maintain on land reserved for cable television service or by separate instrument, any equipment necessary to extend cable television services to each residential lot in the subdivision.

- a. "Appropriate cable television system," as used in this Subparagraph, means those franchised or licensed to serve the geographical area in which the subdivision is located.
- b. This Subparagraph shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

3. Reimbursement for Relocation or Replacement

- a. Whenever the City imposes as a condition of its approval of a tentative parcel or tract map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone

corporation or cable television system, common carrier, or other public utility, the developer or subdivider shall reimburse the appropriate facility provider for all costs for the replacement, undergrounding, or relocation.

- b. All costs shall be paid as required by the responsible cable television system, common carrier, or other public utility.
- c. Under no circumstances shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities.

H. Sewage Disposal

- 1. Each lot within an approved subdivision shall be provided a connection to the City's and/or Sanitation District's sewage collection, treatment, and disposal system, in compliance with the requirements of the City Engineer and the outlet to be used for the sewers shall be designated by the City Engineer.
- 2. The subdivider shall also pay the City's and/or Sanitation District's required connection fee.
- 3. When sanitary sewer mains are existing, the subdivider shall pay for these improvements in cash, in compliance with the provisions of Municipal Code for the developed lots.
- 4. All sanitary sewer mains, appurtenances, and service connections shall be constructed or laid to the line and grade established by the City Engineer and shall be of a design and size as designated.
- 5. Sewers shall not be installed in utility easements, except in special cases and circumstances, subject to the approval of the City Engineer.

I. Street Lighting

- 1. The subdivider shall provide an ornamental street lighting system in each division of land of four lots or more and one lot condominium divisions of land. Plans for the installation of the system shall be submitted to the City Engineer for approval.
- 2. All proposed subdivisions shall provide street lighting facilities designed and constructed in compliance with the City's adopted improvement standards and specifications.
- 3. The subdivider shall pay for street light maintenance on decorative fixture lighting as required by the City.

J. Street Signs and Street Names

1. Street Names

- a. All public and private streets located within a proposed subdivision shall have names in compliance with the procedures established by the City Engineer.
- b. The duplication of an existing street name within the same area shall not be allowed in a new subdivision, unless the street is an obvious extension of and contiguous to an existing street.

2. Street Name Signs

- a. The subdivider shall be responsible for the cost of materials, manufacturing, and installation of street name signs.
- b. One set of signs shall be installed at each intersecting street identifying each street name at a location(s) determined by the City Engineer.
- c. All street name signs shall be designed, ordered, and installed by the Public Works Services Department.

K. Storm Drainage. Stormwater runoff from the subdivision shall be collected and conveyed by an approved storm drain system.

1. A subdivision that lies in the path of existing watercourses or overflows from existing watercourses, or natural drainage from upstream properties, shall not be approved unless adequate dedicated right(s)-of-way and improvements are provided as deemed satisfactory by the City Engineer.
2. When the City Engineer determines that a subdivision may cause an unnatural increase or concentration of surface waters onto downstream property, the subdivision shall not be approved unless drainage outlets are provided that will be adequate to render the City harmless from any damages caused by the increase or concentration of water.
3. The location, size, and type of watercourses or drainage works, and all drainage of streets and other drainage works between streets, shall comply with City standards or as required by the City Engineer.
4. When the City Engineer determines that drainage right(s)-of-way are necessary, the subdivider shall offer to dedicate upon the tentative, parcel, or final map of the subdivision the necessary right(s)-of-way for the drainage facilities.
5. Where dedication is offered or granted, the right(s)-of-way shall be shown as lots lettered alphabetically on the tentative, parcel, or final map. The offer of dedication or grant shall be made by an appropriate statement on the title sheet of the final map.

L. Water Mains and Fire Hydrants. The subdivider shall install, or agree to install, water mains and fire hydrants in the division of land for the general use of the lot owners and for fire protection. The installation of the water mains and fire hydrants shall comply in all respects with all statutes, ordinances, rules, and regulations applicable to water mains and fire hydrants. In the absence of these statutes, ordinances, rules, and regulations, required domestic water flows shall be determined by the Water Manager and required fire flows, duration of required fire flows, and fire hydrant type and location shall be determined by the Fire Chief. Water mains and fire hydrants may be required on existing streets or highways adjacent to or within the division of land, provided the existing improvements are insufficient for the general use or fire protection of the lot owners.

M. Special Facilities. Special facilities as required by the General Plan, any applicable specific plan, or as a special condition of the subject zone shall be provided.

9105.09.050 Site Preparation and Grading for Subdivision Construction

A. Grading. Before the issuance of a Building Permit, a grading plan prepared and signed by a registered civil engineer shall be submitted to and approved by the City Engineer. Grading plans shall show the elevations of the natural ground at all lot corners, the finished grade at corners, the finished pad elevation, finished floor elevations, rates and directions of all drainage swales, elevation height of all retaining or perimeter walls and finished sidewalk elevations at all front lot lines, and existing topographic elevations and drainage direction a minimum of 100 feet outside the boundary of proposed project area and/or map or as required by the City Engineer.

1. **Minimum Slopes.** The minimum grade of all drainage swales on lots shall be one-half of one percent, unless approved differently by the City Engineer.
2. **Pad Elevation.** All building pad elevations shall be established in compliance with Municipal Code Article VIII (Building Regulations).
3. **Drainage Plan**
 - a. No inter-lot or "cross drainage" shall be allowed.
 - b. Each lot shall drain its own water to a public street, approved public or private drainage facility, or natural drainage course without passing through or across an adjacent lot, except where a legal right exists (e.g., a drainage easement), and is authorized by the City Engineer.
 - c. No lot shall drain water over the bank of a flood control channel.

4. **Grading Practices**

- a. All grading within the City shall employ the best available management practices, as determined by the City Engineer, to minimize airborne dust, erosion, sedimentation, and unnecessary grading.
- b. Each building site on sloping lots shall be individually prepared.

5. **Grading Exceptions.** Specific exceptions to the above grading requirements may be authorized at the discretion of the City Engineer.

6. **Bonding**

- a. The City may require, as a condition of approval that a bond be secured before any grading.
- b. This bond would be used to install landscaping and appropriate erosion control measures as needed if the subdivider abandons the project after grading occurs.
- c. All bonding shall be in compliance with Subsections 9105.09.070 (Improvement Agreement Required) and 9105.09.080 (Improvement Security), below.

7. **As-Built Grading Plan.** Upon completion of grading operations the subdivider or individual lot owner shall furnish to the City Engineer two prints of an as-built grading plan prepared by the subdivider's or owner's engineer.

8. **Compliance with Uniform Building Code Required.** Every map approved in compliance with the provisions of this Division shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damages to off-site property, in compliance with Uniform Building Code Appendix Chapter 70, as adopted and amended from time to time by the City.

9. **Retaining Walls**

- a. Retaining walls shall be required at grade differences in compliance with the Building Code, unless a recorded slope easement is obtained.
- b. Retaining walls shall be constructed in compliance with Section 9103.05 (Fences and Walls) and any other adopted City standards.
- c. Retaining walls one foot or more in height shall be constructed of masonry or concrete, and shall be engineered to City standards.

B. Erosion and Sediment Control. A proposed subdivision shall be designed so that all grading incorporates appropriate erosion and sediment control measures.

9105.09.060 Improvement Plans

After the approval of a tentative map and before the construction of any improvements or recording of the final map, the subdivider shall submit plans to the City in the following manner.

A. Preparation and Content. Improvement plans shall be prepared by a California registered professional engineer and shall include all of the following information:

1. All calculations, design reports, drawings, specifications, and other information required by the City Engineer;
2. Grading, drainage, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision; and
3. The improvement plan/specification checking and construction inspection fees required by the Fee Schedule.

- B. Submittal of Plans.** Improvement plans shall be submitted to the City Engineer and other appropriate reviewing agencies for review and approval. Upon the approval of improvement plans in compliance with Subparagraph C. (Review and Approval), below, the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements, based on guidelines provided by the City.
1. **Street and Drainage Plans and Profiles.** Plans, profiles, and specifications of proposed street and drainage improvements shall be submitted to the City Engineer, checked and approved before presentation of the final map to the Council for acceptance. These plans and profiles shall show full details of the proposed improvements in compliance with City standards.
 2. **Water Systems Plans.** Plans, specifications, and all necessary details of the proposed water system shall be submitted to the City Engineer for review; provided, the water purveyor, if different from the City, has certified that it has reviewed and approved all of the plans, specifications, and all necessary details of the proposed water system and is willing and able to supply water upon request.
 - a. **Connections.** The subdivider shall install an approved water connection to the property line of each lot within the subdivided area and pay the applicable water connection fees as established by City resolution or ordinance.
 - b. **Mains.** Water mains and related systems and services shall be constructed to serve each lot within the subdivided area and shall be of a size and design as established by the City Engineer.
 3. **Sanitary Sewer Plans.** Plans, profiles, specifications, and all necessary details of the sanitary sewers to be installed shall be submitted to the City Engineer for review and approval; provided, that before submitting the plans, they shall have been approved by the entity that will serve the subdivision, or if a private sewage disposal company is to provide service, the plans shall have been approved by the City Engineer.
- C. Review and Approval.** Improvement plans shall be reviewed and approved by the applicable agency within the time limits specified by Government Code Section 66456.2.
- D. Effect of Approval**
1. The final approval of improvement plans shall be required before approval of a parcel or final map.
 2. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

9105.09.070 Improvement Agreement Required

If all required improvements, engineering, and inspections are not satisfactorily completed before a parcel or final map is approved, the subdivider shall, before the approval of the parcel or final map, enter into an improvement agreement with the City where in consideration of the acceptance by the Council or City Engineer of the streets, easements, and any other land offered for dedication, the subdivider and the subdivider's contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement in compliance with Government Code Section 66499.3.

9105.09.080 Improvement Security

- A. Security Required.** If the proprietors, owners, or sellers of the subdivision request the Council to approve the map before the actual completion of any of the work required under the tentative map and to ensure that the work covered by the improvement agreement specified in Subsection 9105.09.070 (Improvement Agreement Required), above, will be completed, improvement security shall be furnished, in an amount, form, and manner consistent with the Act and/or as approved by the Council based on a recommendation(s) of the City Engineer, to guarantee the faithful performance of any act or agreement.

B. Forfeiture on Failure to Complete. If the owners, subdividers, or sellers neglect or fail for any reason to complete any improvements and work within two years from the date the agreement is executed, the Council may, upon notice in writing served by registered mail addressed to the last known address of the owners, subdividers, or sellers signing the contract, determine that the improvement work or any part of the work is uncompleted and may cause to be forfeited to the City, the sum of money or bond(s) given for the faithful performance of the work as may be necessary to complete the work.

C. Exoneration of Improvement Security

1. **Duty of City Engineer.** It shall be the duty of the City Engineer to inspect or receive certificates of completion of all improvements installed as to their compliance with this Subsection and City standards.
2. **Release of Security.** The security furnished by the owners, subdividers, or sellers may be released in the following manner.
 - a. Security given for faithful performance of any act or agreement shall be released upon the performance of the act subject to a 10 percent withholding until final completion and acceptance of the required work.
 - b. Security guaranteeing the payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment shall, after passage of the time within which claims of lien are required to be recorded in compliance with Civil Code Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 and other acceptance of the work, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice of the claims given in writing to the Council, and if no claims have been recorded, the security shall be released in full.
 - c. The release of security shall not apply to any required guarantee and warranty period, nor to the amount of the security deemed necessary by the City for the guarantee and warranty period, nor to cost and reasonable expenses and fees, including reasonable attorney's fees.
 - d. Maintenance security necessary for guarantee and warranty of the work for a period of 12 months following completion and acceptance of the work against any defective work or labor completed, or defective materials furnished, shall be released if no claims of defective work have been filed with the Council.
 - e. In the event of defective work, the security shall be held until all work is considered satisfactory and acceptable by the City Engineer.

9105.09.090 Installation of Improvements

All subdivision improvements required as conditions of approval of a tentative map approved in compliance with this Division shall be installed as specified in this Subsection.

A. Timing of Improvements. Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Subsection 9105.09.040 (Subdivision Improvement Requirements), above, and before the approval of a parcel or final map in compliance with Section 9105.05 (Parcel Maps and Final Maps), except where:

1. Improvements are deferred in compliance with Section 9105.09.070 (Improvement Agreement Required); or
2. To avoid breaking up street paving, underground utility, or service lines required to be installed as part of a subdivision and which are planned to run across or underneath a street or alley right-of-way shall be installed before the preparation of subgrade and before the surfacing of any streets or alleys.
3. In the event that the development of the subdivision requires the utility company to perform utility construction work, the subdivider shall pay a deposit satisfactory to the utility company within sufficient time to allow construction work to be performed before subgrade preparation.
4. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.

B. Inspection of Improvements. The inspection of the construction and installation of required subdivision improvements shall occur in the following manner.

1. Authorized Representative

- a. 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.
- b. The designated representative shall be present at the work site at all times while work is in progress.
- c. 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

- (1) The agency that has required a specific action shall make any inspections as it deems necessary to ensure that all construction complies with the approved improvement plans.
- (2) Where required by the agency, the subdivider shall enter into an agreement with the City to pay the full cost of any contract inspection services determined to be necessary by that agency.

b. Access to Site and Materials. The agency that has required a specific action 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

- (1) The work done and all materials furnished shall be subject to the inspection and approval of the agency that has required a specific action.
- (2) 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

- (1) 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 agency that has required a specific action.
- (2) In the event that the appropriate agency determines that subdivision improvements are not being constructed as required by the approved plans and specifications, it shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume the work.
- (3) Any work done after issuance of a stop work order shall be a violation of this Subsection.

3. Notification

- a. The subdivider shall notify the City Engineer as part of condition compliance upon the completion of each stage of construction as specified in this Subsection.
- b. Further construction may only be completed if all required actions included in the conditions of approval have been accomplished and signed off by the agency that has required the action(s).

9105.09.100 Monuments

The location, number, and type of monuments shall be as specified in Government Code Chapter 4, Article 9 in compliance with the standards specified in California Business & Professions Code Section 8771 and Subparagraph 9105.05.030 D (Final Tract and Parcel Map Form and Content – Monuments).

9105.09.110 Soils Reports

A. Purpose. This Subsection provides standards for the preparation and review of soils reports, in compliance with Government Code Chapter 4, Article 7.

B. Preliminary Soils Report. A preliminary soils report based upon adequate test borings and prepared by a registered civil engineer shall be required for every subdivision for which a final map is required or when required as a condition of development when soils conditions warrant the investigation and report. The preliminary soils report shall be submitted with the tentative map application.

1. **Form of Preliminary Soils Report.** A preliminary soils report may be divided into two parts (i.e., soils reconnaissance and soils investigation and report) in the following manner:

a. Soils Reconnaissance

- (1) The soil reconnaissance shall include a complete description of the site based on a field investigation of soils matters.
- (2) The soils matters reviewed shall include erosion, settlement, stability, 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.

b. Soils Investigation and Report. This soils 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.

- (1) The report shall also recommend any required corrective action for the purpose of preventing structural damage to subdivision improvements and the structures to be constructed on the lots.
- (2) The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.
- (3) 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, a subsequent soils investigation of each lot in the subdivision may be required and shall be submitted to and approved by the Building Inspection Department and the City Engineer before approval of a parcel or final map.

2. **Preliminary Soils Report Waiver.** The preliminary soils report may be waived if the City Engineer determines that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.

C. Final Soils Report. A final soils report prepared by a registered civil engineer shall be required where a preliminary soils report was required, unless the final report is waived by the City Engineer.

1. **Filing of Report.** The final soils investigation and report shall be filed with the improvement plans.

2. **Content of Report**

- a. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.

- b. 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.
- D. **Geologic Investigation and Report.** If the City Engineer determines that conditions warrant, a geologic investigation and report may also be required.

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Section 9105.11 – Dedications, Reservations, and Exactions

Subsections:

- 9105.11.010 Purpose
- 9105.11.020 Dedications
- 9105.11.030 Reservations

9105.11.010 Purpose

This Section establishes requirements for the for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

9105.11.020 Dedications

A. Dedications Required. Required dedications and easements shall include all of the following.

1. **Restricted Use Areas.** The right to restrict the erection of structures within those portions of lots which are shown as being subject to flood hazard, inundation, or geological hazard on a tentative parcel or tract map shall be dedicated.
2. **Natural Watercourses.** In the event that a division of land is traversed by a major watercourse, channel, creek, stream, or swale, the review authority may require that an adequate right-of-way be dedicated for storm drainage purposes.
3. **Reversion to Acreage.** The review authority may require dedications as a condition precedent to filing a map for the purpose of reverting to acreage land previously subdivided.
4. **Sewers and Drains.** If sewers or drains or both are required for the general use of lot owners in a division of land and the sewers or drains are not to be installed within public highways, streets, or alleys, the necessary easements shall be granted.

B. Dedications and Improvements

1. **Offer for Dedication.** All streets, highways, and lots shown on the final tract or parcel map and intended for any public use shall be offered for dedication for public use by certificate on the final map.
2. **Future Dedication.** Streets or portions of streets may be offered for future dedication where the immediate widening and improvement is not required, but where it is necessary to ensure that the City can later accept dedication when the streets are needed for the further development of the area or adjacent areas. The offers shall be made by certificate on the final map.
3. **Improvements Required.** The subdivider shall improve, or agree to improve, all land dedicated for streets, highways, public ways, and easements as a condition precedent to acceptance and approval of the final map when the areas of abutting lots are one acre or less, and the improvements may be required if the areas of abutting lots exceed one acre each. The improvements shall include bridges, culverts, curbs, grading, gutters, sanitary sewers, sidewalks, storm drains, street lights, surfacing, and other structures or improvements as may be required by ordinance or deemed by the review authority to be necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs.
4. **Grades.** All improvements shall be installed to grades approved by the City Engineer.
5. **Plans, Profiles, and Specifications.** Plans, profiles, and specifications of proposed improvements shall be furnished to the City Engineer at the time of submitting the final map, and be approved by the City Engineer before the final map

is filed with the review authority. The plans and profiles shall show full details of the proposed improvements which shall be in compliance with all applicable City standards.

C. General Work and Improvements Required

1. The minimum work and improvements which the subdivider shall be required to make, or enter into an agreement to make, in the subdivision before the acceptance and approval of the final tract map by the Council, or approval of the final parcel map by the review authority both as specified in Subsection 9105.09.040 (Subdivision Improvement Requirements), shall include all of the following:
 - a. Adequate distribution lines for domestic water supply to each lot;
 - b. Sewage collection system, unless the City determines that main lines of an adequate disposal system are not reasonably available;
 - c. Adequate drainage of the subdivision streets, highways, ways, and alleys;
 - d. Adequate grading and surfacing of streets, highways, ways, and alleys;
 - e. Curbs and gutters, crossgutters, and sidewalks; provided, the sidewalks may be omitted in whole or part in the event that the applicable review authority determines that the omission of sidewalks is desirable or justified by reason of particular circumstances, which shall be specified in writing in the determination;
 - f. Monuments;
 - g. Fire hydrants at locations designated by the Fire Department;
 - h. Street name signs, at least two for each intersection;
 - i. Necessary barricades and safety devices;
 - j. Street trees, in compliance with the requirements of the Department of Public Works;
 - k. An ornamental street lighting system, together with required underground conduit and wiring, shall be required.
 - (1) The ornamental system shall be installed by the subdivider; the subdivider shall be liable for and pay all costs incurred in installing the entire system and all related appurtenances.
 - (2) Installation of street lighting shall be in compliance with the plans and specifications of, or approved by, the City Engineer.
 - (3) The system shall be installed subject to the inspection of the City Engineer and electrical provider;
 - l. All new and preexisting lighting, power, cable, and telephone lines shall be undergrounded within all street rights-of-way adjacent to and within the subdivision boundaries and all utility lines leading from the poles to the new lots shall also be undergrounded, all by and at the expense of the subdivider.
 - (1) The estimate of cost shall be prepared by a licensed civil engineer at the expense of the subdivider and reviewed and recommended for approval by the City Engineer before it is accepted by the City.
 - (2) Subject to review and approval by the City Engineer, high voltage transmission lines may be exempted.
2. All improvements shall conform to the standards and specifications established by the Council.

D. Acceptance of Dedications

1. Council Action and Certification

- a. At the time the Council or City Engineer approves a final map, it shall also accept, subject to improvement, or reject any offer of dedication.
- b. The City Clerk shall certify on the map the action of the Council.

2. Deferred Acceptance

- a. If at the time the final map is approved, any streets, alleys, paths, public utility easements, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements are rejected subject to Code of Civil Procedure Section 771.010, the offer of dedication shall remain open and the Council or City Engineer may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, alleys, paths, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements for public use, in compliance with Subparagraph B. 2. (Future Dedication), above.
- b. The acceptance shall be recorded in the office of the County Recorder.

9105.11.030 Reservations

The subdivider, as a condition of approval of a tentative map, may be required to reserve areas of real property for fire stations, libraries, parks, or other public uses, in compliance with Government Code Sections 66479 and 66480.

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Section 9105.13 – Enforcement

Subsections:

- 9105.13.010 Purpose
- 9105.13.020 Violations
- 9105.13.030 Prohibitions and Falsifications
- 9105.13.040 Remedies

9105.13.010 Purpose

This Section establishes provisions that are intended to ensure compliance with the requirements of this Division and this Development Code and any conditions of tentative map or parcel map approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

9105.13.020 Violations

Enforcement of these Subdivision Regulations shall be as specified in the Act and Section 9108.15 (Enforcement).

9105.13.030 Prohibitions and Falsifications

- A. **Guilty of a Misdemeanor.** Any person, firm, or corporation violating any of the provisions of this Division or the Act shall be deemed guilty of is a misdemeanor or an infraction, and upon conviction thereof shall be punishable as provided in Municipal Code Chapter 2 (Penalty Provisions) and Municipal Code Section 1200 (Violations a Misdemeanor or Infraction).
- B. **Separate Offense.** Each person, firm, or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Division is permitted, continued, or committed by the person, firm, or corporation and shall be punishable as provided in Municipal Code Chapter 2 (Penalty Provisions) and Municipal Code Section 1200 (Violations a Misdemeanor or Infraction), and any alley, lot, street, or other feature made the subject of this Division maintained contrary to the provisions of this Division shall constitute a public nuisance.
- C. **Transaction Voidable.** Any deed of conveyance, mortgage, deed of trust, or other lien or lease or sale or contract to sell, mortgage, lien, or lease made contrary to the provisions of this Division is voidable at the sole option of the beneficiary, buyer, grantee, mortgagee, tenant, or person contracting to purchase or to accept a lien or mortgage or to lease as a tenant, their heirs, personal representative, or trustee in insolvency or bankruptcy within 12 months after the date of the execution of the deed of conveyance, mortgage, deed of trust, other lien, lease, or sale, or contract, but the deed of conveyance, sale, mortgage, deed of trust, lien, lease, or contract, is binding upon any assignee, or transferee of the grantee, beneficiary, buyer, mortgagee, tenant, or person contracting for the lot, other than those specified above, and upon the grantor, landlord, mortgagor, trust, vendor, or person so contracting, their assignee, devisee, or heir.
- D. **Falsifications.** Fraudulent misrepresentation of pertinent information shall be sufficient reason to invalidate an approval obtained in compliance with this Division.

9105.13.040 Remedies

- A. **Section 9108.15 (Enforcement).** Remedies and procedures for violations shall be as specified in the Act and in Section 9108.15 (Enforcement).
- B. **Other Remedies.** The provisions of this Section are not intended to prohibit any legal, equitable, or summary remedy to which the City or other political subdivision, or any person may otherwise be entitled, and the City or other political subdivision or person may file suit in a court of competent jurisdiction, to restrain or enjoin any attempted or proposed division of land in violation of the Act or of this Division.

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Section 9105.15 – Dedication of Land for Park and Recreational Facilities

Subsections:

- 9105.15.010 Purpose and Recitals
- 9105.15.020 Applicability
- 9105.15.030 Special Park Funds
- 9105.15.040 Park Facilities Impact Fee
- 9105.15.050 Limitations on the Use of Fees

9105.15.010 Purpose and Recitals

- A. Purpose.** This Section establishes requirements for the collection of fees for parks and related recreational purposes to serve the residents of newly created subdivisions.
- B. Council Recitals.** The Council finds, determines, and declares as follows:
1. In 1975, the State Legislature amended the Act (Government Code Sections 66410 et seq.) to enable the City to require the dedication of land, the payment of fees, or a combination of both, for park or recreational purposes as a condition of approval of a subdivision;
 2. Before the City may avail itself of Government Code Sections 66410 et seq., it shall have an Open Space and Conservation Element (referred to in the General Plan as the Parks, Recreation, and Community Resources Element) to the General Plan with definite principles and standards for the park and recreational facilities to serve the residents of the City; and
 3. The Council has adopted the Parks, Recreation, and Community Resources Element of the General Plan.

9105.15.020 Applicability

- A. Subdividers Shall Provide Park and Recreational Facilities.** Every subdivider who subdivides land shall pay a fee, as specified in this Section, for the purpose of providing park and recreational facilities to serve future residents of the subdivision.
- B. Application – Exceptions.** The provisions of this Section shall apply to all subdivisions, as that phrase is defined in Government Code Sections 66410 et seq., except for the following:
1. Condominium projects which consist of the subdivision of air space in an existing apartment structure which is more than five years old when no new dwelling units are added;
 2. Industrial subdivisions;
 3. Parcel maps containing four or fewer lots; and
 4. For a shopping center with no residential development or uses.
- C. Applicability to Parcel Maps and Multi-Dwelling Unit Developments**
1. The requirements of this Subparagraph shall also apply to persons filing parcel maps for approval by the City and to persons constructing new multi-unit residential developments within the City, except as provided in this Section.
 2. In compliance with the provisions of this Section, persons subject to the provisions of this Subparagraph shall pay the required fee(s).

9105.15.030 Special Park Funds

- A. Authority.** The Mitigation Fee Act allows the City to establish and collect development impact fees for municipal facilities and services based on statutory findings. The fees may be established by resolution of the Council.
- B. Establishment.** There is created a special fund to be known and designated as the Park Facilities Impact Fee Program ("Program"). The Council may establish by resolution, from time to time, a park facilities impact fee, the proceeds of which shall be deposited in the Program.
- C. Purpose of fees**
1. The fee advances a legitimate interest of the City by enabling the City to provide park and recreation facilities and services to new development.
 2. The purpose is to provide a funding source for the cost to acquire and develop the land for new parks and recreation facilities and the improvement and development of park and recreation facilities.

9105.15.040 Park Facilities Impact Fee

- A. Council Resolution 6602.** Council Resolution 6602, effective March 14, 2008, established a Park Facilities Impact Fee based on the following amounts:
1. \$2.85 per square foot for single-family projects;
 2. \$3.73 per square foot for multifamily projects; and
 3. For remodels or demolitions, a residence will only be charged for the new net livable square footage.
- B. Fee Amendments.** The fee may be amended by Council resolution from time-to-time to respond to current costs.

9105.15.050 Limitations on the Use of Fees

The fees received in compliance with this Section shall be used only for the purpose of providing park and recreational facilities to serve the subdivision for which received, and the amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

Section 9105.17 – Non-Residential Condominiums

Subsections:

- 9105.17.010 Purpose
- 9105.17.020 Definitions
- 9105.17.030 Submittal Requirements
- 9105.17.040 Site Requirements
- 9105.17.050 Structural and Electrical Requirements
- 9105.17.060 Inspection and Fees
- 9105.17.070 Post Decision Procedures

9105.17.010 Purpose

- A. Commercial and industrial condominium projects differ from other commercial and industrial subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas.
- B. The purpose of this Section is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominium units.
- C. This Section applies to commercial and industrial condominiums in compliance with Government Code Section 66427.
- D. If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this Section and Section 9105.19 (Residential Condominiums) shall be read together, with the relevant requirements applying to the applicable portions of the project.

9105.17.020 Definitions

For the purpose of this Section, the following definitions, in addition to those specified in Division 9 (Definitions), shall apply unless the context clearly indicates or requires a different meaning:

Association. A nonprofit corporation or unincorporated association created for the purpose of managing a condominium or other common interest development in compliance with Civil Code Section 1351.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a lot of real property, together with a separate interest in space in a commercial, industrial, or residential structure located on the same real property (e.g., apartment, office, or store). A condominium may include, in addition, a separate interest in other portions of the real property in compliance with Civil Code Section 783.

Declaration. The document (covenants, conditions, and restrictions (CC&Rs), or however titled) which contains the restrictive covenants of the development, consistent with Civil Code Section 1353.

9105.17.030 Submittal Requirements

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium is treated as a subdivision subject to the provisions of the Act and this Division. In addition to standards applicable to regular subdivisions, no new condominium project or portion of a project shall be approved, unless all of the items specified in this Section have been submitted with the tentative map and approved by the City.

- B. Application Requirements.** The application shall include all of the information and materials specified in the most up-to-date Department handout for non-residential condominiums, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9105.17.040 Site Requirements

A condominium tentative map may be approved, conditionally approved, or denied, based upon an evaluation of the proposed condominium plan in relation to all of the following criteria:

- A. Architectural and Site Design.** Architectural evaluation shall include, but not be limited to, all of the following, in compliance with Section 9107.19 (Site Plan and Design Review):

1. The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;
2. The design of all exterior surfaces of the structures shall create an aesthetically pleasing project; and
3. General architectural and site considerations, including site layout and topography, the location of structures, access, building materials, circulation, colors, lighting, open space, screening, signing, and similar elements have been designed to provide a desirable environment. The design should minimize visibility of all service areas (e.g., delivery, outdoor storage, and solid waste storage), backflow prevention devices, and other utilities from public areas.

B. Environmental Preservation

1. The design, location, and orientation of all structures shall be arranged to preserve natural features by minimizing the disturbance to the physical environment.
2. Natural features (e.g., historic landmarks, slopes, and/or trees) shall be delineated in the development plan and considered when planning the location and orientation of structures, parking areas, paved areas, play areas, open spaces, underground services, walks, and finished grade elevations.

C. Landscaping

1. All setback areas fronting on or visible from an adjacent public street, and all open space areas shall be landscaped in an attractive manner and provided with a method for the maintenance of the areas in compliance with Section 9103.09 (Landscaping).
2. Decorative design elements (e.g., benches, exterior recreational facilities, fountains, planters, pools, sculptures, walls, and similar elements) may be allowed; provided, the elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.
3. Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.
4. The landscaping shall be consistent with the zone in which the condominium project is proposed.

D. Lighting

1. The subdivider shall install an on-site lighting system on all vehicular access ways and along major walkways.
2. The lighting shall be directed onto the driveways and walkways within the development and shielded to eliminate off-site glare away from adjacent properties.
3. Appropriate lighting shall also be installed within all covered and/or enclosed parking areas.

- E. Open Space – Common.** Common open space areas shall be designed and located within the project to afford maximum use by all owners of the project.
- F. Building Envelopment, Intensity, and Lot Coverage Provisions.** Building envelopment (i.e., height and structure setbacks), intensity, and lot coverage provisions shall conform to the Development Code requirements for the zone in which the condominium project is proposed, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- G. Parking.** Off-street parking and loading shall be provided in compliance with Development Code requirements for commercial, industrial, and mixed-use projects, as specified in Section 9103.07 (Off-Street Parking and Loading). Parking assignments shall be designated in the recorded declaration.
- H. Solid Waste and Recycling Collection Areas.** Solid waste and recycling collection areas shall be in compliance with Subsection 9103.01.110 (Refuse Collection Enclosures).
- I. Width of the Public Rights-of-Way and Roadways.** The width of the public rights-of-way and roadways of the street(s) abutting the subject property shall conform to the minimum standards of the Circulation Element of the General Plan.
- J. Proposed Declaration.** The proposed declaration shall include a clear designation of parking and sign rights, and a method for resolving differences. The declaration shall include a provision substantially as follows:

The City of Arcadia Development Code regulates (1) the uses of property and required parking and (2) allowable signs. The City will not issue a Building Permit or a Sign Permit unless it is first authorized in writing by the association. This authorization shall be submitted with an application to the City. For parking, the authorization shall include a comprehensive parking layout and calculation to show there is sufficient parking for the proposed development. For signs, the authorization shall indicate the total signs allocated to the property and to each unit. This provision may not be modified without the written consent of the City.

9105.17.050 Structural and Electrical Requirements

- A. Structural Requirements.** A condominium project is to be subject to the structural requirements specified in Municipal Code Article VIII (Building Regulations).
- B. Circuit Breakers Panels**
 - 1. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit.
 - 2. The breaker panels shall be accessible without leaving the unit.

9105.17.060 Inspection and Fees

- A. Compliance with Article VIII Required.** Building inspection and associated fees shall be in compliance with Municipal Code Article VIII (Building Regulations).
- B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the Municipal Code.

9105.17.070 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a non-residential condominium application.

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Section 9105.19 – Residential Condominiums

Subsections:

- 9105.19.010 Purpose
- 9105.19.020 Condominium Defined
- 9105.19.030 Submittal Requirements
- 9105.19.040 Site Requirements
- 9105.19.050 Structural Requirements
- 9105.19.060 Other Requirements
- 9105.19.070 Inspection and Fees
- 9105.19.080 Post Decision Procedures

9105.19.010 Purpose

- A. Residential condominium projects differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual dwelling units and jointly held common areas.
- B. The purpose of this Section is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominium dwelling units.
- C. If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this Section and Section 9105.17 (Non-Residential Condominiums) shall be read together, with the relevant requirements applying to the applicable portions of the project.

9105.19.020 Condominium Defined

For the purpose of this Section, the following definitions, in addition to those specified in Division 9 (Definitions), shall apply unless the context clearly indicates or requires a different meaning:

- A. **Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a lot, together with a separate interest in space in a commercial, industrial, or residential structure located on the real property (e.g., apartment, office, or store) in compliance with Civil Code Section 783.
- B. **May also Include.** A condominium may include, in addition, a separate interest in other portions of the real property.

9105.19.030 Submittal Requirements

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium is treated as a subdivision subject to the provisions of the Act and this Division. In addition to standards applicable to regular subdivisions, no new condominium project or portion of a project shall be approved, unless all of the items specified in this Section have been submitted with the tentative map and approved by the City.
- B. **Application Requirements.** The application shall include all of the information and materials specified in the most up-to-date Department handout for residential condominiums, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9105.19.040 Site Requirements

A condominium tentative map may be approved, conditionally approved, or denied, based upon an evaluation of the proposed condominium plan in relation to all of the following criteria.

A. Architectural and Site Design. Architectural evaluation shall include, but not be limited to, all of the following, in compliance with Section 9107.19 (Site Plan and Design Review):

1. The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;
2. The design of all exterior surfaces of the structures shall create an aesthetically pleasing project;
3. Consideration shall be given to the appearance of garages when viewed from outside the subdivision; and
4. General architectural and site considerations, including site layout and topography, the location of structures, access, building materials, circulation, colors, lighting, open space, screening, signing, walls, and similar elements have been designed to provide a desirable environment.

B. Environmental Preservation

1. The design, location, and orientation of all structures shall be arranged to preserve natural features by minimizing the disturbance to the physical environment.
2. Natural features (e.g., historic landmarks, slopes, and/or trees) shall be delineated in the development plan and considered when planning the location and orientation of structures, parking areas, paved areas, play areas, open spaces, underground services, walks, and finished grade elevations.

C. Landscaping

1. All setback areas fronting on or visible from an adjacent public street, and all leisure, open space, and recreation areas shall be landscaped in an attractive manner and provided with a method for the maintenance of the areas in compliance with Section 9103.09 (Landscaping).
2. Decorative design elements (e.g., benches, exterior recreational facilities, fountains, planters, pools, sculptures, walls, and similar elements) may be allowed; provided, the elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.
3. Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.
4. The landscaping shall be consistent with the zone in which the condominium project is proposed.

D. Lighting

1. The subdivider shall install an on-site lighting system on all vehicular access ways and along major walkways.
2. The lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties.
3. Appropriate lighting shall also be installed within all covered and/or enclosed parking areas.

E. Building Envelopment, Density, and Lot Coverage Provisions. Building envelopment (i.e., height and structure setbacks), density, and lot coverage provisions shall conform to the Development Code requirements for the zone in which the condominium project is proposed, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

F. Open Space – Common

1. Common open space areas shall be designed and located within the project to afford use by all residents of the condominium project. These common areas may include, but are not limited to, game courts or rooms, garden roofs, play lots, putting greens, sauna baths, and/or swimming pools.

2. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement shall not be located within 15 feet of any door or window of a dwelling unit.
- G. Parking.** Off-street parking shall be provided in compliance with Development Code requirements for condominium and townhouse projects, as specified in Section 9103.07 (Off-Street Parking and Loading).
- H. Solid Waste and Recycling Storage Areas.** Solid waste and recycling storage areas shall be in compliance with Subsection 9103.01.110 (Refuse Collection Enclosures).
- I. Width of the Public Rights-of-Way and Roadways.** The width of the public rights-of-way and roadways of the street(s) abutting the subject property shall conform to the minimum standards of the Circulation Element of the General Plan.

9105.19.050 Structural Requirements

A condominium project shall be subject to the structural requirements specified in Municipal Code Article VIII (Building Regulations).

9105.19.060 Other Requirements

A. Storage Space – Private

1. Where the proposed dwelling units are to be constructed with other than an attached garage, a minimum of 200 cubic feet of storage space shall be provided outside of the dwelling unit for each condominium unit.
2. The storage space shall have a minimum horizontal surface area of 24 square feet of enclosed, lockable storage space.

B. Circuit Breakers Panels

1. Each dwelling unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit.
2. The breaker panels shall be accessible without leaving the unit, except for townhouse units.

9105.19.070 Inspection and Fees

- A. Compliance with Article VIII Required.** Building inspection and associated fees shall be in compliance with Municipal Code Article VIII (Building Regulations).
- B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the Municipal Code.

9105.19.080 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a residential condominium application.

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Section 9105.21 – Non-Residential Condominium Conversions

Subsections:

- 9105.21.010 Purpose
- 9105.21.020 Definitions
- 9105.21.030 Tenant Notification
- 9105.21.040 Submittal Requirements
- 9105.21.050 Procedures
- 9105.21.060 Review Standards
- 9105.21.070 Standards for Condominium Conversions
- 9105.21.080 Findings
- 9105.21.090 Inspection and Fees
- 9105.21.100 Post Decision Procedures

9105.21.010 Purpose

- A. Commercial and industrial condominium conversion projects differ from other commercial and industrial subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas.
- B. The purpose of this Section is to address the special attributes of condominium conversions and to adopt development standards which will protect both the community and the purchasers of condominium units.
- C. This Section applies to commercial, industrial, and mixed-use condominium conversions, in compliance with Government Code Section 66427.

9105.21.020 Definitions

For the purpose of this Section, the following definitions, in addition to those specified in Division 9 (Definitions), shall apply unless the context clearly indicates or requires a different meaning:

Association. A nonprofit corporation or unincorporated association created for the purpose of managing a condominium or other common interest development in compliance with Civil Code Section 1351.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a lot, together with a separate interest in space in a commercial, industrial, or residential structure located on the real property (e.g., apartment, office, or store). A condominium may include, in addition, a separate interest in other portions of the real property in compliance with Civil Code Section 783.

Condominium Conversion. The conversion of an existing structure into separately owned commercial, industrial, or mixed-use units.

Declaration. The document (covenants, conditions, and restrictions [CC&Rs], or however titled) which contains the restrictive covenants of the development, consistent with Civil Code Section 1353.

9105.21.030 Tenant Notification

The applicant shall send a certified letter of notification to each tenant at least 30 days before the filing of an application for a subdivision in compliance with this Section, with a statement that all tenants have been notified of all of the following information:

- A. The name, address, and telephone number of the current owner and/or applicant and of any person designated by the applicant as the person to be contacted for future information;

- B. The approximate date on which the application for a subdivision is proposed to be filed;
- C. The approximate date on which the unit is to be vacated by non-purchasing tenant(s);
- D. The anticipated price range and terms of sale for each type of unit;
- E. The proposed property owners' association fees;
- F. A copy of the applicable condominium conversion regulations;
- G. The address and telephone number of the City's Development Services Department for use in seeking additional information about the proposed conversion; and
- H. Notification to tenants that, upon filing an application, the structure(s) subject to subdivision and selected units may be inspected by City representatives.
- I. The owner or subdivider shall provide the Department with sufficient evidence, satisfactory to the Director, that all tenant noticing requirements specified in this Section have been properly accomplished.

9105.21.040 Submittal Requirements

- A. Subdivision Procedures.** Under Government Code Section 66426, a commercial, industrial, or mixed-use conversion is treated as a subdivision subject to the provisions of the Act and this Division. In addition to standards applicable to regular subdivisions, no condominium conversion project or portion of a project shall be approved unless all of the items specified in this Section have been submitted with the tentative map and approved by the City.
- B. Application requirements.** The application shall include all of the information and materials specified in the most up-to-date Department handout for non-residential condominium conversions, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9105.21.050 Procedures

- A. Subdivision Procedures.** Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Act and this Division.
- B. Acceptance of Reports – Copy to Buyers**
 - 1. The final form of all of the information required by Subsection 9105.21.040 (Submittal Requirements), above, shall be as approved by the City.
 - 2. The information in its final, accepted form shall remain on file with the Director for review by the public.
 - 3. The subdivider shall provide each purchaser with a copy of the information (in its final, accepted form).
- C. Inspections and Associated Fees**
 - 1. Before submitting the final map, the subdivider shall request that an inspection of the premises be made by the Director for compliance with Subsection 9105.21.090 (Inspection and Fees), below.
 - 2. A project inspection(s) shall be made by the Building Official, the City Engineer, and the Director.
 - 3. The inspection shall include common areas, public improvements, site improvements, structures, and other related facilities.

4. A deficiency list shall be compiled during the inspection of all corrections required to comply with the requirements of this Section, Subsection 9105.21.090 (Inspection and Fees), below, and other applicable Development Code requirements.
5. When the final inspection is complete, a copy of the deficiency list shall be transmitted to the subdivider.
6. All deficiencies shall be corrected to the satisfaction of the City before filing of the final map.
7. When plans for corrective work are required, they shall be as approved by the appropriate City official specified in Subparagraph 2, above, before filing of the final map.
8. The City shall charge the usual fees, if applicable, or an hourly fee (estimated actual hourly cost to the City) for the inspection and processing.
9. The subdivider shall post a cash deposit in an amount equal to the estimated cost of all inspection(s).
10. The deposit shall be applied towards the inspection fee with any refund or balance due to be resolved before the approval of the final map by the applicable review authority.
11. Any balance due to the City shall be paid before recordation of the final map.

9105.21.060 Review Standards

In reviewing requests for conversion of existing commercial, industrial, and/or mixed-use space to condominiums, the review authority as specified in Table 5-1 (Subdivision Review Authorities), shall consider all of the following:

- A. Whether or not the amount and impact of the displacement of tenants if the conversion is approved would be detrimental to the health, safety, or general welfare of the community;
- B. The need and demand for lower cost commercial, industrial, and/or mixed-use ownership opportunities which are increased by the conversion of commercial, industrial, and/or mixed-use space to condominiums; and
- C. If the review authority determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be denied.

9105.21.070 Standards for Condominium Conversions

The following standards apply to a condominium conversion. These standards shall be satisfied, or security provided in a form approved by the City Attorney, before the final map is approved.

- A. **Building Regulations.** The project shall comply with the applicable standards of the City adopted Building Code in effect at the time the last Building Permit was issued, in compliance with Municipal Code Article VIII (Building Regulations).

B. Fire Prevention

1. **Fire Warning Systems.** Each unit shall be provided with a fire warning system complying with the Building and Fire Code standards adopted by the City in type and locations.
2. **Maintenance of Fire Protection Systems.** All fire alarm systems, fire hydrants, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times.

C. Landscape Maintenance

1. All landscaping shall be restored or new landscaping shall be installed to achieve a high degree of appearance and quality as specified in Section 9103.09 (Landscaping).
2. Provisions shall be made for continuing maintenance of all landscaped areas.

3. All existing and new landscaping is subject to review and approval by the Director.

D. Parking. Off-street parking and loading shall be provided in compliance with this Development Code for commercial, industrial, and mixed use projects as specified in Section 9103.07 (Off-Street Parking and Loading).

E. Refurbishing and Restoration

1. Each accessory structure, driveway, fence, landscaped area, main structure, sidewalk, utility, wall, and any additional element required by the Director shall be refurbished and restored as necessary to achieve a high degree of appearance, quality, and safety.

2. The refurbishing and restoration is subject to the review and approval by the Director.

F. Sewer

1. The sewer system shall be inspected and brought up to current standards, subject to the approval of the City Engineer.

2. If the structure proposed for condominium conversion has not been levied a sanitary sewer line charge or other charges or fees required for ownership units, the owner or subdivider shall pay any charges required by the responsible sewerage authority, and shall provide to the City proof of the payment.

G. Sound Transmission

1. **Vibration Transmission** All permanent mechanical equipment (e.g., compactors, compressors, motors, and pumps) which is determined by the Building Official to be a source of structural vibration or structural-borne noise shall be vibration isolated with inertia blocks or bases or vibration isolator springs in a manner approved by the Building Official.

2. **Noise Standards**

a. The structures shall comply with all interior and exterior sound transmission standards of the State Administrative Code, Title 24, and the Building Code.

b. Where present noise standards cannot reasonably be met the Director may require the subdivider to notify potential buyers of the noise deficiency currently within the unit(s).

H. Utility Metering. Each unit shall be separately metered for electricity, gas, and water, unless the declaration provides for the association to take responsibility for these utilities.

I. Windows and Doors

1. All windows and doors shall be inspected and brought up to current energy efficiency standards, subject to the approval of the Building Official.

2. All windows and doors shall meet applicable window and door emergency escape/rescue requirements.

9105.21.080 Findings

The review authority may approve or conditionally approve a commercial, industrial, or mixed use condominium conversion application only after first making all of the following findings:

A. All provisions of this Section and all applicable provisions of this Development Code are met;

B. The proposed conversion is consistent with the General Plan and any applicable specific plan;

- C. The proposed conversion will conform to all Municipal Code provisions in effect at the time of tentative map approval, except as otherwise provided in this Section; and
- D. The overall design and physical condition of the condominium conversion will achieve a high degree of appearance, quality, and safety and is appropriately conditioned to ensure this achievement.

9105.21.090 Inspection and Fees

- A. Compliance with Article VIII Required.** Building inspection and associated fees shall be in compliance with Municipal Code Article VIII (Building Regulations).
- B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the Municipal Code.

9105.21.100 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a non-residential condominium conversion application.

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Section 9105.23 – Residential Condominium Conversions

Subsections:

- 9105.23.010 Purpose
- 9105.23.020 Procedures and Application Required
- 9105.23.030 Building Conditions/Inspections
- 9105.23.040 Noticing and Tenants Rights
- 9105.23.050 Development Regulations and Required Upgrades
- 9105.23.060 Review Standards
- 9105.23.070 Findings
- 9105.23.080 Inspection and Fees
- 9105.23.090 Post Decision Procedures

9105.23.010 Purpose

- A. This Section establishes regulations for the conversion of residential apartments into condominiums.
- B. These regulations work to provide for the housing needs for all economic segments of the community while also protecting the rights of the tenant; protecting the health, safety, and welfare of the public and potential purchasers; promoting home ownership; and increasing owner-occupied units that are affordable to all economic segments of the community.

9105.23.020 Procedures and Application Required

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Act and this Division.
- B. **Application.** The application shall include all of the information and materials specified in the most up-to-date Department handout for residential condominium conversions, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9105.23.030 Building Conditions/Inspections

- A. As part of the application review process, the premises shall be inspected by the Building Official to evaluate the condition of the structure(s). All inspection costs shall be incurred by the owner or subdivider.
- B. The Building Official shall inspect all structures and premises for needed repairs and upgrades to bring the project into compliance with the adopted Building Code requirements, Housing Code requirements, and State requirements for residential condominiums applicable at the time of Building Permit and/or other permit issuance.
- C. The Fire Department shall inspect all structures and premises to determine the sufficiency of fire protection systems serving the structures and premises, report on any deficiencies, and indicate which deficiencies are required to be corrected by law.
- D. The Director shall inspect all structures, improvements, and premises for compliance with Development Code requirements applicable to the project.

9105.23.040 Noticing and Tenants Rights

Noticing shall be required as provided in the Act and shall include, but is not limited to, all of the following:

- A. At least 60 days before submittal of the tentative tract map and application to the City for processing, the owner or subdivider shall send a notice to each and every tenant in the structure(s) to be converted. The notice shall contain the following information:
 - 1. All of the information specified in the most up-to-date Department handout for residential condominium conversions and which shall be delivered in a manner that provides for proof of delivery; and
 - 2. The address and telephone number of the City's Development Services Department for use in seeking additional information about the proposed conversion.
- B. A least 60 days before submittal of the tentative tract map, the owner or subdivider shall give written notice of the intent to convert to each person applying for rental of a unit in the subject property immediately before acceptance of any rent or deposit from the prospective tenant.
- C. The City shall provide each tenant with written notification of planned public hearings for the application for conversion.
- D. Within 10 days of submittal of an application for a subdivision public report to the State Department of Real Estate, the owner or subdivider shall give written notice of application for the public report to each tenant, and each tenant shall be advised that upon issuance of the public report, it will be made available to any tenant upon request, free of charge.
- E. At least 180 days before termination of tenancy due to the conversion or proposed conversion, the owner or subdivider shall provide each tenant with 180 days written notice of the intention to convert.
- F. Each tenant shall be given an exclusive right to contract for the purchase of their respective unit upon the same terms and conditions that the unit will be initially offered to the general public or on terms more favorable to the tenant, and the exclusive right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report by the State Department of Real Estate.
- G. No units may be sold in the structure proposed for conversion unless the conversion is approved by the City and until after the final tract map is recorded and a subdivision public report has been issued by the State Department of Real Estate.
- H. Unless tenants of the structure proposed to be converted were given written notice of the intention to convert by the owner or subdivider, or by their respective agent(s), at the time the tenants signed rental or lease agreements, the owner or subdivider shall compensate the tenants for their reasonable relocation expenses.
- I. The owner or subdivider shall provide the Department with sufficient evidence, satisfactory to the Director, that all tenant noticing requirements specified in this Section have been properly accomplished.

9105.23.050 Development Regulations and Required Upgrades

- A. **Building Inspection Deficiencies.** Deficiencies found during the building inspection shall be corrected at the owner's or subdivider's expense to the satisfaction of the Building Official.
- B. **Fire Protection System Inspection Deficiencies.** Deficiencies found during the fire protection system inspection shall be corrected as required by the Fire Department.
- C. **Zoning Compliance Inspection Deficiencies.** Deficiencies found during the zoning compliance inspection shall be corrected as required by the Director.
- D. **Upgrades Required.** The owner or subdivider shall be required to upgrade all of the following:
 - 1. **Building Components and Systems.** Components and systems with a remaining life of five years or less shall be replaced
 - 2. **Electrical.** Electrical system and equipment shall be in compliance with the adopted Electrical Code.

3. **Fire Detection Systems.** Early-warning smoke detection systems in the living quarters and fire protection appurtenances, as required by current State and local law, shall be required for all residential condominium conversions.
 4. **Fire Protection Systems.** Fire protections systems for individual units and for the project as a whole shall be provided as required by the Fire Department and applicable City codes.
 5. **Landscaping and Irrigation Systems.** Street trees, all yard landscaping, and all irrigation systems required by Section 9103.09 (Landscaping) shall be provided.
- E. Laundry Facilities.** A laundry area shall be provided in each unit; or if common laundry areas are provided, the facilities shall consist of not less than two sets of automatic washers and dryers for each five units or fractions thereof.
- F. Parking.** All parking shall be provided in compliance with Section 9103.07 (Off-Street Parking and Loading), including any requirement for covered and guest parking.
- G. Pest Control.** The owner or subdivider shall repair or replace any damaged or infested areas in need of repair or replacement, as shown in the structural pest control report, which shall be prepared by a State licensed structural pest control operator and shall be dated and filed at least 30 days, but not more than 60 days, before the submittal of the final map.
- H. Sewer**
1. The sewer system shall be inspected and brought up to current standards, subject to the approval of the City Engineer.
 2. If the apartment proposed for condominium conversion has not been levied a sanitary sewer line charge or other charges or fees required for ownership units, the owner or subdivider shall pay any charges required by the responsible sewerage authority, and shall provide to the City proof of the payment.
- I. Sound Attenuation/Proofing**
1. All floor-to-ceiling assemblies between separate units shall meet the standards for the sound transmission class specified in applicable Building and/or Health and Safety Codes for residential condominium units.
 2. The compliance shall be certified in the inspection report.
 3. Occupancy Permits shall not be issued without first meeting these sound attenuation/proofing compliance requirements.
- J. Street Improvements**
1. The owner or subdivider shall improve or post security with the City guaranteeing the installation of required public right-of-way improvements to City standards in compliance with Subsection 9108.11.070 (Performance Guarantees).
 2. These improvements may include, but shall not be limited to, curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and streetlights.
- K. Windows and Doors**
1. All windows and doors shall be inspected and brought up to current energy efficiency standards, subject to the approval of the Building Official.
 2. All windows and doors shall meet applicable window and door emergency escape/rescue requirements.

9105.23.060 Review Standards

In reviewing requests for conversion of existing apartments to condominiums, the review authority, as specified in Table 5-1 (Subdivision Review Authorities), shall consider all of the following:

- A. Whether or not the amount and impact of the displacement of tenants if the conversion is approved would be detrimental to the health, safety, or general welfare of the community;
- B. The need and demand for lower cost home ownership opportunities which are increased by the conversion of apartments to condominiums; and
- C. If the review authority determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be denied.

9105.23.070 Findings

The review authority may approve or conditionally approve a residential condominium conversion application only after first making all of the following findings:

- A. All provisions of this Section and all applicable provisions of this Development Code are met;
- B. The proposed conversion is consistent with the General Plan and any applicable specific plan;
- C. The proposed conversion will conform to all Municipal Code provisions in effect at the time of tentative map approval, except as otherwise provided in this Section; and
- D. The overall design and physical condition of the condominium conversion will achieve a high degree of appearance, quality, and safety and is appropriately conditioned to ensure this achievement.

9105.23.080 Inspection and Fees

- A. Compliance with Article VIII Required.** Building inspection and associated fees shall be in compliance with Municipal Code Article VIII (Building Regulations).
- B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the Municipal Code.

9105.23.090 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a residential condominium conversion application.

Division 6:

Nonconforming Uses, Structures, and Lots

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Section 9106.01 – General Nonconforming Provisions

Subsections:

- 9106.01.010 Intent and Purpose
- 9106.01.020 Establishment of Legal Nonconforming Status
- 9106.01.030 Continuation and Maintenance
- 9106.01.040 Continuation of Incidental Nonconformity
- 9106.01.050 Revocation of Nonconforming Use or Structure
- 9106.01.060 No Reversion to Nonconformance

9106.01.010 Intent and Purpose

- A. Intent.** The following provisions shall apply to all nonconforming uses, structures, and lots existing as of the effective date of this Division. A mere change in ownership or tenancy without any change in use, occupancy, or development shall not affect any of the legal nonconforming rights, privileges, and responsibilities provided under this Division.
1. To limit the number and extent of nonconforming uses, structures, lots, parking, signs, and characteristics of use created by adoption of this Development Code, it is the City's intent to generally allow nonconformities to continue until they are removed, but not to encourage their continuance.
 2. It is further the intent of this Division that nonconformities shall not be altered, enlarged, expanded, extended, moved, reestablished, or changed to another nonconforming use after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Division.
 3. The eventual intent is that nonconformities, including certain classes of nonconforming uses, nonconforming structures of nominal value, and certain uses not meeting parking, performance, or screening standards, are to be altered to conform.
 4. This Division shall not apply to any use or structure established in violation of the previously adopted Zoning Ordinance for the City, unless the use or structure presently conforms to the provisions of this Development Code.
- B. Purpose.** This Division provides regulations for nonconforming land uses, structures, and lots that were lawful before the adoption or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Development Code or an amendment that changed applicable requirements.

9106.01.020 Establishment of Legal Nonconforming Status

A. Time of Beginning of Nonconformity

1. **Development Code or Previous Zoning Ordinance** The effective date of this Development Code or previous Zoning Ordinance shall determine the time of beginning for all existing nonconformities.
2. **Zoning Map Amendments**
 - a. The provisions of this Division shall apply to uses, structures, and lots which become nonconforming due to any Zoning Map amendment which reclassifies any zone in compliance with this Development Code.
 - b. The effective date of Zoning Map amendments and related boundary adjustments shall determine the time of beginning of a nonconforming use, structure, lot, or nonconformity with parking, performance, screening standards, or other applicable Development Code provisions.

3. **Annexations.** The effective date of an annexation shall determine the time of beginning for a nonconformity in a newly annexed area.
- B. Proof of Legal Nonconformity.** The property owner has the burden to prove the claim of legal nonconformity and the related protected status that comes with that claim as specified in this Division.
1. **Property Owner's Responsibility.** The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property or use is a legal nonconformity as specified in this Division.
 2. **City is Not Responsible.** The City is not responsible to prove the absence of legal nonconformity.
 3. **Director's Determination**
 - a. The process begins with the property owner submitting sufficient written evidence to the Director justifying that the nonconformity is legal and subject to the protected status specified in this Division.
 - b. The Director shall consider the evidence and make a determination as to the legality of the nonconformity and the available protections provided by this Division.
 - c. The Director's determination of legal nonconformity shall be appealable in compliance with Section 9108.07 (Appeals).
- C. By Reason of a Subsequent Reduction.** Whenever any lot or structure is rendered nonconforming within the meaning of this Division solely by reason of a reduction in a required front, side, or rear setback; yard area; lot area; or reduction in off-street parking facilities, and solely by reason of: (1) dedication to, or customary purchase by, the City for any public purpose; or (2) eminent domain proceedings, which result in the acquisition by the City of a portion of the subject property, the same shall not be deemed nonconforming within the meaning of this Division.

9106.01.030 Continuation and Maintenance

- A. Continuation.** Except as otherwise provided in this Division, any use, structure, or lot legally in place on the effective date of any ordinance creating the nonconformity may continue as a legal nonconforming use, structure, or lot, respectively.
1. If the nonconforming use of land is discontinued or changed, as those terms are defined in this Development Code, any future use of the land shall be in conformity with the provisions of this Development Code.
 2. The nonconforming use of land shall not, in any way, be expanded or extended either on the same or adjoining property.
- B. Maintenance.** Routine maintenance and repair of uses, structures, or lots which do not increase or alter the nonconformity may be performed.

9106.01.040 Continuation of Incidental Nonconformity

Notwithstanding any other provision of this Division, when a nonconformity exists incidental to a nonconforming use, that nonconformity may continue, provided the nonconforming use is brought into compliance with the regulations that would be applicable to the use if it were located in the most restrictive zone which permits the use by-right.

9106.01.050 Revocation of Nonconforming Use or Structure

The Commission may revoke the right to continue a nonconforming use or structure. Revocation procedures, including notice and hearing, shall be in compliance with the provisions specified in Section 9108.09 (Permit Modifications and Revocations).

9106.01.060 No Reversion to Nonconformance

When any nonconformity is eliminated or brought into conformance with the current regulations of this Development Code, the nonconforming rights and privileges with respect to that nonconformity are terminated and shall not be restored.

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Section 9106.03 – Nonconforming Uses

Subsections:

- 9106.03.010 Continuation of Legal Nonconforming Uses
- 9106.03.020 Nonconforming Uses Eligible for Conditional Use Permit or Other Approval
- 9106.03.030 Modifications or Extensions of Legal Nonconforming Use or Structure
- 9106.03.040 Discontinuance of Legal Nonconforming Uses

9106.03.010 Continuation of Legal Nonconforming Uses

Except as otherwise listed below, a legal nonconforming use of a structure(s) may continue indefinitely.

- A. Nonconforming Residential Uses.** A nonconforming use located in a residential zone may be maintained and continued. Alterations or expansions may be allowed upon the approval of a Modification granted in compliance with Division 7 (Permit Processing Procedures).
- B. Nonconforming Commercial and Industrial Uses.** Sites with nonconforming commercial and industrial uses shall be properly maintained, provided that there is no addition, alteration, or enlargement to any use.
- C. Nonconforming Animal Keeping.** Any nonconforming animal keeping, whether a primary use or an accessory use, shall be terminated or made conforming within three years from the date on which the use was rendered nonconforming.
- D. Conversion of a Nonconforming Use.** If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

9106.03.020 Nonconforming Uses Eligible for Conditional Use Permit or Other Approval

- A. Nonconforming Until Approval is Granted.** Any nonconforming use that is eligible to be considered for a Conditional Use Permit, Minor Use Permit, or other discretionary approval under this Development Code shall be considered to be a nonconforming use unless and until the permit or other approval is granted.
- B. Absence of Conditional/Minor Use Permit.** A use lawfully existing without the approval of a Conditional Use Permit or Minor Use Permit that would be required by this Development Code shall be deemed conforming only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.).
- C. Previous Conditional/Minor Use Permit in Effect.** A use that was authorized by a Conditional Use Permit or Minor Use Permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the original Conditional Use Permit or Minor Use Permit conditions of approval.

9106.03.030 Modifications or Extensions of Legal Nonconforming Use or Structure Amended by Ord. No. 2401

- A.** A legal nonconforming use shall not be modified in any manner that expands, extends, or enlarges the use beyond its existing scope/area, or other portion(s) of a structure, upon the date the nonconformity was created, except as specified below.
 - 1. The changes are, in and of themselves, in conformance with the provisions of this Development Code.
 - 2. The changes are limited to minor alterations, improvements, or repairs that do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use.
 - 3. The changes are required by other laws.

4. The changes are determined, by the Director, to be small additions to legal-nonconforming single-family residential properties (including multifamily dwelling units on a single-family lot) and are subject to the approval of a Modification granted in compliance with Division 7 (Permit Processing Procedures).
 5. The changes are incidental to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible.
- B. If the nonconforming use is discontinued, any future use of the structure(s) shall be in compliance with the provisions of this Development Code; provided, however, that all nonconforming uses of a conforming structure shall be discontinued as provided in this Division.
- C. No change made to any development or use shall be construed as automatically allowing an extension of any time limit for the termination of a nonconformity.
- D. Allowable changes to nonconforming uses within a commercial or industrial development. A nonconforming use located within a commercial or industrial development may be replaced by another similar nonconforming use only after the Director first finds all of the following:
1. The nonconforming use is similar to or less intensive than the use originally allowed in the development;
 2. The nonconforming use generally adheres to the intent of the General Plan and any applicable specific plan;
 3. The nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
 4. The use of the entire development has not been ceased or discontinued for a period of 180 consecutive days or more.

9106.03.040 Discontinuance of Legal Nonconforming Uses **Amended by Ord. No. 2401**

- A. Effect of Discontinuance.** If any legal nonconforming use ceases to operate or is discontinued for a period of 180 consecutive days or more, subsequent use of the land shall be in compliance with the applicable provisions of this Development Code. Maintenance/retention of a valid City issued Business License shall of itself not be considered a continuation of the use.
- B. Cessation or Discontinuance Defined.** A nonconforming use shall be considered ceased or discontinued when any of the following apply:
1. Cessation or discontinuance of a nonconforming use shall be deemed by the Director as an abandonment of the use, irrespective of the owner's or occupant's intent;
 2. Discontinuance shall include cessation of a use regardless of intent to resume the use;
 3. The intent of the owner to cease or discontinue utilization of the nonconforming use is apparent, as determined by the Director;
 4. Where characteristic furnishings and equipment associated with the nonconforming use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been ceased or discontinued for a period of 180 consecutive days or more; or
 5. Where there are no business receipts or utility payments for the 180-day period.
- C. Discontinuance of Use.** If the conforming use is discontinued, the nonconforming structure shall either be removed or made to comply with the regulations governing the zone in which the structure is located.

Section 9106.05 – Nonconforming Structures

Subsections:

- 9106.05.010 Continuation of Legal Nonconforming Structures
- 9106.05.020 Modification or Expansion of Legal Nonconforming Structures
- 9106.05.030 Destruction of Legal Nonconforming Structures
- 9106.05.040 Residential Exceptions
- 9106.05.050 Discontinuance of Legal Nonconforming Structures
- 9106.05.060 Off-Site Relocation

9106.05.010 Continuation of Legal Nonconforming Structures

- A. May Be Continued.** Any legally established nonconforming structure that does not conform to the provisions of this Development Code may be continued indefinitely, provided no additions, enlargements, or structural alterations are made. If a nonconforming structure is removed, every future use of the premises shall be in compliance with the provisions of this Division.
- B. Exceptions.** The following are exceptions to the indefinite continued use of a legal nonconforming structure as specified in Subsection A, above:
- 1. Residential Structures.** Any increase in the number of residential units of nonconforming structures designed and occupied for residential use shall be prohibited.
 - 2. Residential Zones.** Every nonconforming structure (other than a residential structure), which was designed or intended for a use not allowed in the subject zone, shall be completely removed or structurally altered to conform to the standards of the subject zone, and every nonconforming use of a conforming structure shall be discontinued, in each instance within the time fixed by the Commission and approved by the Council. The time for the removal or alteration of nonconforming structure(s) shall not be fixed for a date before the expiration of the normal life of the structure(s) as determined in compliance with the evidence received by the Commission and Council. In no event shall the normal life of the structure(s) be fixed at less than 10 years from the date of its original construction.
 - 3. Utilities.** This Division shall not be construed or applied so as to require the removal of a Federal or State regulated public utility's structures or structures which house or support operating electrical and mechanical equipment, only used to provide service to the public, nor to prohibit structural alteration required to accommodate the equipment, provided that there is no change of use or enlargement of the lot area devoted to the use; and provided further that any existing variation from height limits and established setbacks in the applicable zone not be increased.
 - 4. Encroachments in Commercial Zones.** Within the commercial zones, any nonconforming encroachment into required setbacks may be required to be removed or reduced upon review by the Review Authority as follows:
 - a. When an expansion in floor area which is greater than 50 percent of the existing floor area is proposed for any structure maintaining a nonconforming encroachment; or
 - b. When an expansion in floor area anywhere within an integrated development is greater than 50 percent of the total floor area of all structures within the integrated development.
 - 5. Trash Facilities, Outdoor Storage, and Display.** Trash areas or facilities, outdoor storage areas, and outdoor display areas shall be made fully conforming at the time of any expansion or intensification of use on the site.

9106.05.020 Modification or Expansion of Legal Nonconforming Structures

A. Allowed Exceptions. A legal nonconforming structure shall not be modified in a manner that expands, extends, or enlarges the structure in any manner beyond its existing scope/area upon the date the nonconformity was created, except as follows:

1. The modifications are, in and of themselves, in compliance with the applicable provisions of this Development Code.
2. The modifications are limited to minor alterations, improvements, or repairs that do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming structure.
3. The modifications are required by other laws.
4. The modifications are incidental to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible.

B. Allowable Additions to Nonconforming Residential Structures. Additions may be made to residential structures that are nonconforming due to their placement on the lot as long as the additions are in compliance with the current applicable regulations of this Development Code.

C. Nonconforming Structures in the R-M, R-0, and R-1 Zones

1. Nonconforming structures and structures for which construction was commenced and completed in compliance with the Municipal Code under the authority of a valid Building Permit need not be brought into compliance with the Development Code regulations unless removal and reconstruction of the destroyed structure would result in the removal and replacement of 50 percent or more of the previously existing structure's exterior walls or foundation.
2. A nonconforming structure may be maintained and continued, provided there is no physical change other than necessary maintenance and repair to the structure.
3. An addition or alteration is allowed only if the new or altered portions of the structure comply with current applicable Development Code regulations, or may be allowed upon the approval of a Modification granted in compliance with Division 7 (Permit Processing Procedures).

D. Nonconforming Structures in the R-3 Zone

1. No Building Permit shall be issued for any structure to be erected upon property regulated by this Development Code unless the plans accompanying the application include the removal or remodeling to conform to the provisions of this Development Code of all nonconforming structures on the property, provided that a permit for the specified purposes listed below may be issued for any property containing a nonconforming single-family dwelling. Any construction on the property other than for the specified purposes shall require removal or remodeling in compliance with the provisions of this Division.
2. The specified purposes are limited to the following:
 - a. For 500 square feet of additional floor area (cumulative), including covered patios proposed to be added to the main single-family dwelling on the lot. A Modification, granted in compliance with the Modification procedures specified in Division 7 (Permit Processing Procedures), may allow for an additional 500 square feet of floor area (cumulative).
 - b. Other alterations to the main single-family dwelling, which do not create additional space.
 - c. Required parking facilities for the main single-family dwelling.
 - d. A swimming pool.

3. The R-1 zone regulations shall apply to the above specified purposes.
- E. **No Extensions of Time Limits.** No change made to any development or structure shall be construed as automatically allowing an extension of any time limit for the termination of a nonconformity.
- F. **Allowable Nonstructural Alterations to Commercial, Industrial, Mixed-Use, or Institutional Structure(s).** Necessary repairs and desired alterations may be made to nonconforming commercial, industrial, mixed-use, or institutional structures, provided that no structural alterations shall be made that would prolong the life of the supporting members of a structure (e.g., beams, bearing walls, columns, girders, etc.). Structural elements may be modified or repaired only if the Building Official first determines that the modification or repair is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure, or adjacent property and the cost does not exceed 50 percent of the appraised value of the nonconforming structure. However, structural improvements required to ensure greater protection from earthquakes shall be allowed without replacement cost limitations, provided the retrofitting is strictly limited to compliance with earthquake safety standards.

9106.05.030 Destruction of Legal Nonconforming Structures

A nonconforming structure(s) involuntarily damaged or partially destroyed by explosion, fire, act of nature, or act of the public enemy may be repaired or rebuilt and re-occupied only as follows:

- A. **Cost Does Not Exceed 75 Percent.** If the cost of repairing or replacing the damaged portion of the structure(s) does not exceed 75 percent of the structures' appraised value, immediately preceding the involuntary destruction, the structure may be restored, provided all of the following conditions are met:
 1. The reconstruction meets all applicable current Building Code requirements.
 2. Reconstruction begins within 12 months of the date of damage, unless otherwise allowed by the Director, and is diligently pursued to completion.
- B. **Cost Does Exceed 75 Percent.** If the cost of repairing or replacing the damaged portion of the structure(s) does exceed 75 percent of its appraised value, immediately preceding the involuntary destruction, the structure may not be restored, and any reconstruction or new construction shall be in full compliance with the current Development Code provisions.
- C. **Appraised Values and Repair/Replacement Estimates**
 1. All appraised values referred to in this Division shall be determined by a State licensed appraiser and confirmed by the Building Official.
 2. Estimates of repairing or replacing the damaged portion of the structure(s) for purposes of this Division shall be made by or shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the Building Code.

9106.05.040 Residential Exceptions

- A. **Reconstruction or Replacement – Single-Family Dwelling.** An involuntarily damaged or destroyed single-family nonconforming dwelling may be reconstructed or replaced with a new structure but only in compliance with all of the following provisions and the current Building and Fire Code requirements:
 1. Subject to all other regulations of this Development Code, a structure destroyed to the extent of not more than 75 percent of its appraised value by fire, explosion, or other casualty or Act of God or the public enemy, may be restored and the occupancy of use of the structure or part thereof which existed at the time of the partial destruction may be continued.
 2. When the site is legal-nonconforming based upon floor area ratio requirements in the single-family residential zones, the following applies if the main dwelling unit is damaged or destroyed in excess of 75 percent of its appraised value by fire or other causes beyond the control of the owner:

- a. If a Building Permit is issued within three years following the damage or destruction, legal-nonconforming rights are maintained for floor area ratio and the main dwelling unit may be built to its original gross floor area; and
- b. If a Building Permit is not issued within three years following the damage or destruction, the legal-nonconforming rights shall be deemed to have terminated.

B. Reconstruction or Replacement – Multifamily Dwelling. An involuntarily damaged or destroyed multifamily nonconforming dwelling unit(s) located in any zone other than M-1 (Industrial Zone) may be reconstructed or replaced with a new structure with the same footprint (including preexisting nonconforming setbacks), height, and number of dwelling units, in compliance with current Building and Fire Code requirements and Government Code Sections 65852.25 and 65863.4.

9106.05.050 Discontinuance of Legal Nonconforming Structures **Amended by Ord. No. 2401**

A. If Abandoned or Discontinued. If any legal nonconforming structure, except for residential structures located in single-family residential zones, is abandoned or the use thereof discontinued for a period of 180 consecutive days or more, subsequent structural and site development shall be in full compliance with all applicable provisions of this Development Code. Maintenance of a valid City issued Business License shall of itself not be considered a continuation of the structure.

B. Cessation or Discontinuance Defined. Use of a nonconforming structure shall be considered ceased or discontinued when any of the following apply:

1. Cessation or discontinued use of a nonconforming structure shall be deemed as an abandonment of the structure, irrespective of the owner's or occupant's intent;
2. Discontinuance shall include cessation of the use of a structure regardless of intent to resume the use;
3. The intent of the owner to cease or discontinue use of the nonconforming structure is apparent, as determined by the Director;
4. Where characteristic furnishings and equipment associated with the use of the structure have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been ceased or discontinued for a period of 180 consecutive days or more; or
5. Where there are no business receipts or utility payments available for the 180-day period.

C. Properties on the Market - Exempt. Any property which is listed on the real estate market shall not be considered abandoned or discontinued, but only if in compliance with all of the following provisions:

1. On the market for up to 180 days; and
2. The property shall be continually maintained in a proper condition subject to the approval of the Director.

9106.05.060 Off-Site Relocation

When a structure is relocated to another lot, it shall be made conforming in all respects with the provisions of this Development Code and all other applicable laws and regulations.

Section 9106.07 – Nonconforming Lot

9106.07.010 Continuation of Legal Nonconforming Lot

9106.07.020 Modification of Legal Nonconforming Lots

9106.07.010 Continuation of Legal Nonconforming Lot

Any lawfully created lot which becomes nonconforming with regard to lot area, street frontage, lot width, lot depth, or accessibility may continue indefinitely with the nonconformity and may be developed and used as if it were a conforming lot.

9106.07.020 Modification of Legal Nonconforming Lots

Legal nonconforming lots may not be modified in any manner that increases the degree of nonconformity. Where feasible, lot modifications (through lot merger or lot line adjustment – Division 5 [Subdivisions]) are encouraged to eliminate or minimize the degree of nonconformity.

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Section 9106.09 – Miscellaneous Nonconforming Provisions

- 9106.09.010 DBS Antennas
- 9106.09.020 Fencing and Wall Materials
- 9106.09.030 Landscaping
- 9106.09.040 Parking Nonconformities

9106.09.010 DBS Antennas

- A. Direct broadcast satellite (DBS) antennas constructed before April 3, 2009, when revised regulations regarding DBS antennas under Ordinance No. 2255 became effective, and which do not conform to all of the requirements of this Division, shall constitute a nonconforming use.
- B. No person shall maintain or operate any DBS antenna not fully in compliance with the provisions of Ordinance No. 2255 after two years from the effective date of Ordinance No. 2255.

9106.09.020 Fencing and Wall Materials

- A. Legally established nonconforming fencing material shall be allowed to continue. Where the nonconforming fencing material is to be replaced with a new fencing material, it will be subject to the requirements specified in Subsection 9103.05.040 (Prohibited Fencing Materials in All Zones).
- B. Any fences and landscaped buffers that are required along property lines shall be provided at the time of any expansion or intensification of a nonresidential use, unless this requirement is modified or waived through the approval of a Modification, granted in compliance with Division 7 (Permit Processing Procedures).
- C. Barbed wire fencing installations which legally exist at the time of the adoption of the Development Code shall be deemed legal nonconforming uses and are therefore allowed without approval by a Modification.

9106.09.030 Landscaping

- A. **Nonconforming Landscaping.** Any lawfully created use or structure that becomes nonconforming with regard to landscaping, including, but not limited to, landscaping coverage, parking lot coverage, distribution, installation, or maintenance of the landscaping, may continue indefinitely with the nonconformity as long as the use or structure continues as originally and lawfully created and allowed.
- B. **Floor Area Expansion.** If any floor area expansion is proposed and approved, all required landscaping shall be provided in compliance with the requirements specified in Section 9103.09 (Landscaping).

9106.09.040 Parking Nonconformities

- A. **Parking Spaces and Improvements.** Any nonconformity with respect to parking spaces or improvements may continue indefinitely, except that with any change of use, or an expansion or intensification of use, the additional parking required for the change, expansion, or intensification shall be in full compliance with the parking provisions specified in Section 9103.07 (Off-Street Parking and Loading).
- B. **Loading Spaces.** Any nonconformity with respect to loading areas may continue indefinitely, except that with any change, expansion, or intensification of use, the additional loading areas required for the change, expansion, or intensification shall be in full compliance with the loading space provisions specified in Section 9103.07 (Off-Street Parking and Loading).

C. Parking Lot Landscaping. Upon a review for any expansion, intensification, or reconfiguration of an existing parking lot, the designated Review Authority may require that any nonconformity with respect to interior landscaping and landscaped yards along streets and alleys for parking lots be made conforming with the landscaping provisions specified in Subsection 9103.07.120 (Landscape Standards for Parking Lots), to the fullest extent feasible as, determined by the Review Authority.

D. Nonconformities Regarding Garages

1. Any lawfully created use that becomes nonconforming with regard to garages, including but not limited to the number of parking spaces, may continue indefinitely with the nonconformity as long as the use continues as allowed. However, upon any change in land use, occupancy, or expansion of the use or structure, adequate off-street parking shall be in full compliance with the parking provisions specified in Section 9103.07 (Off-Street Parking and Loading).
2. Garages illegally converted to habitable rooms are strictly prohibited.

Division 7:

Permit Processing Procedures

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Section 9107.01 – City-Required Permits and Approvals

Subsections:

- 9107.01.010 Purpose and Intent**
- 9107.01.020 Discretionary Permits and Actions**
- 9107.01.030 Additional Permits May Be Required**
- 9107.01.040 Burden of Proof and Precedence**

9107.01.010 Purpose and Intent

Amended by Ord. No. 2347

Amended by Ord. No. 2363

This Division establishes the overall structure for the application, review, and action on City-required permit applications and identifies and describes those discretionary permits and other approvals required by this Development Code in Table 7-1 (Review Authority).

9107.01.020 Discretionary Permits and Actions

A. Administrative Permits and Actions. Except when combined with legislative actions or other non-administrative actions defined in this Division, the Director, also defined in this Development Code as the designee of the Director, is the designated Review Authority for the following quasi-judicial permits and actions, which are generally limited to interpretation of policy or relatively minor adjustments of Development Code standards. Additionally, the Director has primary administrative authority over certain activities which require the determination of compliance with applicable Development Code provisions. The Director, at the Director's sole discretion, may elevate the level of review to a higher Review Authority.

- 1. Administrative Modifications.** An administrative action granting exception (modification or deletion) to certain specified development standards of this Development Code in cases where strict compliance would result in a hardship as specified in and processed in compliance with Section 9107.05 (Administrative Modifications).
- 2. Certificates of Demolition.** An administrative action authorizing the issuance of a Certificate of Demolition in compliance with Section 9107.07 (Certificates of Demolition).
- 3. Development Code Interpretations.** An administrative interpretation of certain provisions of this Development Code in an effort to resolve ambiguity in the regulations and to ensure their consistent application in compliance with Section 9101.02 (Interpretation of the Development Code Provisions).
- 4. Home Occupation Permits.** An administrative permit authorizing the operation of a specified home based occupation in a particular location in compliance with the provisions of this Development Code and in compliance with procedures specified in Section 9107.13 (Home Occupation Permits).
- 5. Minor Use Permits.** An administrative permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Development Code and in compliance with procedures specified in Section 9107.09 (Conditional Use Permits and Minor Use Permits).
- 6. Reasonable Accommodations.** An administrative permit authorizing limited modifications to properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards and in compliance with procedures specified in Section 9107.17 (Reasonable Accommodations).
- 7. Sign-Related Permits**
 - a. Sign Permits.** An administrative permit authorizing a variety of signs, including individual signs for promotional advertising in compliance with specific provisions and conditions of this Development Code and Section 9103.11

2. **Development Agreements and Amendments.** An agreement between the City and a party with legal or equitable interest in the real property relating to the development of property in compliance with Section 9107.11 (Development Agreements).
3. **Development Code Text/Zoning Map Amendments.** An action authorizing either a text amendment to this Development Code or a map amendment changing the zoning designation of particular property in compliance with Section 9108.03 (Amendments).
4. **General Plan Text/Map Amendments.** An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of particular property in compliance with Section 9108.03 (Amendments).
5. **Specific Plans and Amendments.** A regulatory document prepared in compliance with Government Code Section 65450 et seq. for the systematic implementation of the General Plan for a particular area as specified in Section 9107.21 (Specific Plans).

D. Subdivision Maps and Other Approvals

1. **Subdivision of Land.** Regulations governing the subdivision of land are established in Division 5 (Subdivisions).
2. **Buildings and Construction.** Provisions for construction and building are established in Municipal Code Article VIII (Building Regulations).

9107.01.030 Additional Permits May Be Required

A land use on property that complies with the permit requirement or exemption provisions of this Development Code shall also comply with the permit requirements of other Municipal Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in this Development Code shall eliminate the need to obtain any permits required by:

- A. Any other Municipal Code provisions, including Building, Grading, or other construction permits; a Business License in compliance with Municipal Code Section 6211 (License Required), if required; or subdivision approval if required by Division 5 (Subdivisions); or
- B. Any applicable county, regional, State, or Federal regulations.

9107.01.040 Burden of Proof and Precedence

- A. Burden of Proof.** The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with this Division is the responsibility of the applicant.

B. Precedence

1. Each permit shall be evaluated on a case-by-case basis.
2. The granting of a prior permit either on the subject property or any other property within the City does not create a precedent and is not justification for the granting of a new permit under current review.

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Section 9107.03 – Application Processing Procedures

Subsections:

- 9107.03.010 Purpose and Intent
- 9107.03.020 Application Submittal
- 9107.03.030 Eligible Applicants
- 9107.03.040 Submittal Requirements
- 9107.03.050 Filing Fees and Requirements
- 9107.03.060 Initial Application Completeness Review
- 9107.03.070 Environmental Assessment
- 9107.03.080 Application Review and Determinations

9107.03.010 Purpose and Intent

Amended by Ord. No. 2347

Amended by Ord. No. 2363

Amended by Ord. No. 2375

- A. This Division provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by the City and specified in this Development Code.
- B. Table 7-1 (Review Authority), identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Development Code.

Table 7-1 Review Authority				
Type of Action	Applicable Code Section	Role of Review Authority ⁽¹⁾		
		Director	Commission	Council
Legislative Actions				
Development Agreements and Amendments	9107.11	Recommend ⁽¹⁾	Recommend	Decision
Development Code Amendments	9108.03	Recommend ⁽¹⁾	Recommend	Decision
General Plan Amendments	9108.03	Recommend ⁽¹⁾	Recommend	Decision
Specific Plans and Amendments	9107.21	Recommend	Recommend	Decision
Zoning Map Amendments	9108.03	Recommend	Recommend	Decision
Planning Permits and Approvals and Administrative Actions				
Administrative Modifications	9107.05	See Table 7-2 for specified thresholds		
Certificates of Demolition	9107.07	Decision	Appeal	Appeal
Conditional Use Permits	9107.09	Recommend	Decision ⁽²⁾⁽⁴⁾	Appeal
Home Occupation Permits	9107.13	Decision ⁽³⁾	Appeal	Appeal
Interpretations	9101.03	Decision ⁽³⁾	Appeal	Appeal
Minor Use Permits	9107.09	Decision ⁽³⁾	Appeal	Appeal
Planned Developments	9107.15	Recommend	Decision ⁽⁴⁾	Appeal
Reasonable Accommodations	9107.17	Decision	Appeal	Appeal
Sign Permits	9103.11	Decision ⁽³⁾	Appeal	Appeal
Site Plan and Design Review (See Table 7-3 for specified thresholds.)	9107.19	Decision ⁽³⁾	Decision/ Appeal ⁽⁴⁾	Appeal
Site Plan and Design Review: Homeowners Association Areas (See Table 7-4 for specified thresholds.)	9107.20	Decision ⁽⁶⁾	Appeal	Appeal
Temporary Use Permits	9107.23	Decision ⁽³⁾	Appeal	Appeal

CITY OF ARCADIA ZONING CODE – ARTICLE IX: DIVISION AND USE OF LAND
CHAPTER 1: DEVELOPMENT CODE

Protected Tree Permits				
Removal of Dead, Diseased, and Hazardous Tree	9110.01	Decision	Appeal	Appeal
Tree Encroachment	9110.01	Decision	Appeal	Appeal
Removal of Healthy Tree	9110.01	Decision	Appeal	Appeal
Variances	9107.25	Recommend	Decision ⁽⁴⁾	Appeal
Zoning Clearances (ADU)	9107.27	Issue	Appeal ⁽⁵⁾	Appeal ⁽⁵⁾

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision making body; "Decision" means that the Review Authority makes the final decision on the matter; "Issue" means that the Review Authority grants the Zoning Clearance after confirming compliance with all applicable provisions of this Development Code; and "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Section 9108.07 (Appeals).
- (2) The final Review Authority for a Conditional Use Permit granting a Density Bonus, in compliance with Section 9107.03 (Application Processing Procedures) shall be the Council, with the Commission first making a written recommendation to the Council.
- (3) The Director may defer action and refer the request to the Commission for consideration and final decision.
- (4) The Commission may defer action and provide a recommendation to the Council for consideration and final decision.
- (5) A Zoning Clearance (ADU) may only be appealed if a determination pursuant to 9103.070.050.D.4.a or 9107.27.030.D.1 has been made.
- (6) For Site Plan and Design Review: Homeowners Association Areas, the Director Review shall include reviews by the Director under the City Review process, reviews by the HOA ARB Chairperson under the Short Review process and reviews by the HOA Architectural Review Board under the Regular Review process

9107.03.020 Application Submittal

- A. Concurrent Filing.** An applicant for a development project that requires the filing of more than one application (e.g., Conditional Use Permit, Tentative Map, etc.), shall file all related applications concurrently, together with all application fees required by Subsection 9107.03.050 Filing Fees Requirements), below, unless these requirements are waived by the Director.
- B. Concurrent Processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest Review Authority designated by this Development Code for any of the applications. For example, a project for which applications for Zoning Map Amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Commission being the final decision making authority for the Conditional Use Permit as otherwise required by Table 7-1 (Review Authority), above. In the example cited, the Commission would still hear all of the applications (the Zoning Map Amendment and the Conditional Use Permit) and forward recommendations to the Council.
- C. Pre-Application Conference**
 1. A prospective applicant is strongly encouraged to request a pre-application conference with the Director or designated Department Staff member before completing and filing a permit application required by this Development Code.
 2. The purpose of a pre-application conference is to generally:
 - a. Inform the applicant of City requirements as they apply to the proposed project;
 - b. Discuss the City's review process, possible project alternatives, or modifications; and
 - c. Identify information and materials the City will require with the application, including any necessary technical studies and information anticipated for the environmental review of the project.
 3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by the City's representative.
 4. Failure of the City's representative to identify all required studies or all applicable requirements at the time of pre-application review shall not constitute a waiver of those studies or requirements.

9107.03.030 Eligible Applicants

- A. An application may only be filed by the owner of the subject property or a lessee or authorized agent of the property owner with the written consent of the property owner. With the Director's approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use.
- B. The application shall be signed by the owner of record or may be signed by the lessee or by authorized agent of the property owner if written authorization from the owner of record is filed concurrently with the application.

9107.03.040 Submittal Requirements

- A. Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Department or ARB Chairperson on a City application form, together with all required fees and/or deposits and all other information and materials specified in the most up-to-date Department handout for the specific type of application and/or as specified by the Director.
- B. Applicants are encouraged to contact the Director or ARB Chairperson before submitting an application to verify which materials are necessary for application filing.
- C. No application shall be received unless it fully complies with the requirements specified for the application.
- D. Applications filed in compliance with this Division shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the City, and shall contain copies of all notices and actions pertaining to the application.

9107.03.050 Filing Fees and Requirements

A. Fee Schedule

- 1. The Council shall establish a schedule of fees for the processing of the applications required by this Development Code, hereafter referred to as the Fee Schedule.
- 2. The Fee Schedule is intended to allow recovery of all costs to the maximum extent by law, incurred by the City in processing permit applications.
- 3. The Fee Schedule may be amended as often as deemed necessary by the Council.

B. Timing of Payment

- 1. Applications shall not be deemed complete, and processing shall not commence, on any application until all required fees or deposits have been paid. Payment of required fees and/or deposits shall not deem the application complete in compliance with Section 9107.03.060 (Initial Application Completeness Review), below.
- 2. Failure to timely pay supplemental requests for payment of required fees and/or deposits shall be a basis for denial or revocation of any permit or other requested entitlement, notwithstanding any other provisions of this Development Code.

C. Refunds and Withdrawals

- 1. Application fees cover City costs for public hearings, mailings, staff and consultant time and the other activities involved in processing applications.
- 2. No refund due to denial shall be allowed.
- 3. In the case of a withdrawal or rejection, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal or rejection.

9107.03.060 Initial Application Completeness Review

- A. Review for Completeness.** The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's most up-to-date list of required application contents and any additional written instructions provided to the applicant in any pre-application conference and/or during the initial application review period.
- 1. Notification of Applicant.** Except for Site Plan and Design Review (Section 9107.19) and Site Plan and Design Review: Homeowners Association Areas (Section 9107.20) for single-family dwellings and as required by Government Code Section 65943, within 30 days following application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.
 - 2. Appeal of Determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with Section 9108.07 (Appeals).
 - 3. Time for Submittal of Additional Information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by the following Subparagraph A. 4.
 - 4. Expiration of Application**
 - a. If an applicant fails to provide the additional information specified in the Director's letter within 90 days following the date of the letter, or shorter time frame as determined by the Director, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director for good cause shown.
 - b. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.
 - 5. Environmental Information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA), the City's CEQA guidelines, and Section 9107.03.070 (Environmental Assessment), below.
- B. Referral of Application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

9107.03.070 Environmental Assessment

- A. CEQA Review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:
1. The proposed project is exempt from the requirements of CEQA;
 2. The proposed project is not a "project" as defined by CEQA;
 3. A Negative Declaration may be issued;
 4. A Mitigated Negative Declaration may be issued; or

5. An Environmental Impact Report (EIR) and related documents shall be required.
- B. Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and the City's CEQA guidelines.
- C. Special Studies Required.** One or more special studies, paid for in advance by the applicant, may be required to complete the City's CEQA compliance review. These studies shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

9107.03.080 Application Review and Determinations

- A. Director's Evaluation.** The Director shall review all discretionary applications filed in compliance with this Division to determine whether they comply and are consistent with the provisions of this Development Code, other applicable provisions of the Municipal Code, the General Plan, and any applicable specific plan.
- B. Commission Investigation.** The Commission shall cause to be made by its own members, or members of its City Staff, an investigation of the facts bearing upon the application that will serve to provide all information necessary to ensure that the action on each application is consistent with the intent of this Development Code and with previously approved amendments, Modifications, or Variances.
- C. Staff Report.** The Director shall provide a written recommendation to the Commission and/or Council (as applicable) as to whether the application should be approved, approved subject to conditions, or denied.
- D. Report Distribution.** Each staff report shall be furnished to the applicant at the same time as it is provided to the Review Authority before action on the application.
- E. Administrative Act.** All acts performed by City officers under the provisions of this Division shall be construed as administrative acts performed for the purpose of ensuring that the purpose and intent of this Division shall apply in special cases, as provided in this Division, and shall not be construed as amendments to the provisions of this Division or the Official Zoning Map.
- F. Notice of the Decision.** Within five days after final action by the applicable Review Authority on an application, notice of the decision in the matter shall be mailed to the applicant at the address shown upon the application and to all other persons who have filed a written request for notices of decision with the Department.
- G. Not Construed as Amendments.** All acts performed by City officers under the provisions of this Division shall be construed as administrative acts performed for the purpose of ensuring that the intent and purpose of this Development Code shall apply in special cases as provided in this Division and shall not be construed as amendments to the provisions of this Development Code or the Official Zoning Map of the City.

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Section 9107.05 – Administrative Modifications

Subsections:

9107.05.010 Purpose and Intent

9107.05.020 Applicability

9107.05.030 Application Filing, Processing, and Review

9107.05.040 Allowed Modifications, Review Authority, and Noticing Requirements

9107.05.050 Findings and Decision

9107.05.060 Burden of Proof

9107.05.070 Conditions of Approval

9107.05.080 Use of Property before Final Action

9107.05.090 Post Decision Procedures

9107.05.010 Purpose and Intent

The purpose of the Administrative Modification is to provide a procedure to secure an appropriate improvement of a parcel, to prevent unreasonable hardship, and/or to promote uniformity of development.

9107.05.020 Applicability

- A. When practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Section occur by reason of a strict interpretation of any of the provisions of this Development Code, the applicable Review Authority specified in Table 7-2 (Allowed Modifications, Review Authority, and Noticing Requirements), may in specified cases, grant an Administrative Modification from the provisions of this Development Code under conditions deemed necessary to ensure that the spirit and purposes of this Development Code will be observed and public safety and welfare will be secured.
- B. The applicable Review Authority may approve an Administrative Modification that allows for an adjustment from any of the development standards specified in Table 7-2 (Allowed Modifications, Review Authority, and Noticing Requirements).

9107.05.030 Application Filing, Processing, and Review

- A. **Filing.** An application for an Administrative Modification shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Administrative Modification applications, together with the required fee in compliance with the Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9107.05.050 (Findings and Decision), below.
- B. **Processing and Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Section. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- C. **Notice and Hearing Requirements.** A public notice shall be required for a Major Director's Review and a public notice and hearing shall be required for a Commission's Review on an Administrative Modification application. If required, the public hearing shall be scheduled once the Director has determined the application complete. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Subsection 9107.05.040 (Allowed Modifications, Review Authority, and Noticing Requirements), below, and Section 9108.13 (Public Notices and Hearings).

9107.05.040 Allowed Modifications, Review Authority, and Noticing Requirements

Amended by Ord. No. 2347

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2375

Amended by Ord. No. 2401

- A. Table 7-2.** In order to secure an appropriate improvement of a parcel, prevent an unreasonable hardship, and/or to promote uniformity of development, the applicable Review Authority shall have the authority to approve, conditionally approve, or deny Administrative Modifications for those matters specified in Table 7-2 (Allowed Modifications, Review Authority, and Noticing Requirements), below. Table 7-2 also identifies the applicable Review Authority responsible for reviewing and making decisions on each type of Administrative Modification application allowed by this Section, as well as the type of notice or hearing, if any, required by this Section.

Table 7-2 Allowed Modifications, Review Authority, and Noticing Requirements			
Type of Administrative Modification Allowed¹	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Conversions of existing attic areas within main dwellings in the R-M, R-0, and R-1 zones; provided the requests do not result in an additional structure story or any exterior alterations within required setback areas		X	
Distance between structures	X		
Driveway and parking stall size requirements (Residential zones)	X		
Driveway and parking stall size requirements (Commercial, Industrial, and Downtown zones)		X	
Fence, wall, and hedge regulations, except along the street side of a corner parcel	X		
Fence and landscaped buffer regulations (Subsection 9106.09.020 B.)		X	
Front lot line determination	X		
Front yard setback for additions to existing structures		X	
Height of noncommercial structures - Solar panels only	X		
Height of noncommercial structures			X
Interior side setbacks in the R-M, R-0, and R-1 zones for detached accessory structures		X	
Interior side setbacks in the R-M, R-0, and R-1 zones for single-story additions to an existing dwelling where the portion of the addition(s) which does not comply with the setback requirements consists of a total of 30 linear feet or less and maintain(s) the same or greater setback than the existing structure walls; and further provided, a minimum interior side setback of three feet in the R-1 and five feet in the R-M and R-0 zones is maintained	X		
Interior side setbacks in the R-M, R-0, and R-1 zones for single-story additions to an existing dwelling where the portion of the addition(s) which does not comply with the setback requirements consists of a total of more than 30 linear feet and maintain(s) the same or greater setback than the existing structure walls; and further provided, a minimum interior side setback of three feet in the R-1 and five feet in the R-M and R-0 zones is maintained		X	
Interior side setbacks		X	
Landscaping and Hardscaping Standards		X	
Loading Requirements	X		
Lot Size (area, depth, and width)			X
Minimum Density		X	
Ornamental Features (height or number of features)		X	
Open Space Standards		X	
Nonconforming residential structures – alterations or expansions (Subsection 9106.05.020)		X	

Table 7-2
Allowed Modifications, Review Authority, and Noticing Requirements

Type of Administrative Modification Allowed ¹	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Nonconforming residential uses – alterations or expansions (Subsection 9106.03.010)		X	
Nonconforming single-family residential properties (small additions) (Subsection 9106.03.030.A.4)		X	
Parking Plan			X
Perimeter Parking Lot Landscaping	X		
Reduce the number of required parking spaces in a commercial, mixed-use, or industrial zoned properties	X (1-3 Spaces)	X (4-6 Spaces)	X (7 spaces or greater)
Rear setbacks – first floor additions to existing dwellings or detached accessory structures		X	
Rebuilding of single-family dwellings; provided the new portion(s) of the project comply with current Development Code requirements		X	
Setbacks for mechanical and plumbing equipment	X		
Setbacks for wireless communication facilities		X	
Sign regulations	X		
Special setbacks; provided a setback from a street shall be modified only with a written declaration of the City Engineer that the modification, if granted, will not adversely affect any foreseeable need for widening the street	X		
Street side setbacks for first floor additions to existing dwellings or for accessory structures		X	
Subdivision Design and Improvements (Section 9105.01.110)		X	
Swimming pool regulations	X		
Tennis and paddle tennis courts — Construction and operations standards		X	
Trash Enclosures in Subparagraphs 9103.01.130 C.2. relating only to the number and size of enclosures and D.2. the location of enclosures.	X		
Utility and storage space requirements	X		
When the maximum number of units allowed in the R-2 and R-3 zones has a fractional remainder of .05 or less, the Commission may allow the maximum number of units to be rounded up to the next highest whole number, but in no case greater than 30 du/acre in the R-3 zone.			X
Modifications Only to Commission			
Below-grade or subterranean parking in the R-M, R-0, and/or R-1 zones, provided the request does not result in more than one story below grade.			X
Modification to any of the setbacks for a new dwelling			X
Rebuilds			X
Second story setback on an existing dwelling			X

1. In cases where a specific modification is not listed but it is a standard that can be deviated under this Review Authority, the Director shall assign the modification to a category substantially similar in category, including its noticing requirements.

B. Notice Requirements for Minor Director's Review – Not Required.

Neither a notice nor public hearing shall be required for a Minor Director's Review of an Administrative Modification application. The Director may defer action and refer any Administrative Modification request to the Commission for consideration and final decision.

C. Notice Requirements for Major Director's Review – Notice Required

1. Notice shall be provided in compliance with Section 9108.13 (Public Notices and Hearings) and shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property may, in the judgment of the Director, be affected by the proposed project at least 14 days before the date of the Director's consideration and final decision as stated in the notice.
2. The mailed notice shall state that the Director will consider and decide whether to approve, conditionally approve, or deny the Administrative Modification application on a date specified in the notice.
3. The Director may defer action and refer any Administrative Modification request to the Commission for consideration and final decision.

D. Notice and Hearing Requirements for Commission's Review – Notice and Hearing Required. A notice and public hearing shall be required for the Commission's decision on an Administrative Modification application. The public hearing shall be scheduled once the Director has determined the application complete. The notice shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the Administrative Modification application. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

E. Appeal Provisions

1. **Minor and Major Director's Reviews.** The Director's Review of a Minor or Major Administrative Modification may be appealed to the Commission and then the Council in compliance with Section 9108.07 (Appeals).
2. **Commission's Review.** The Commission's Review of an Administrative Modification may be appealed to the Council in compliance with Section 9108.07 (Appeals).

9107.05.050 Findings and Decision

- A. Authorized Actions.** The applicable Review Authority shall record the decision in writing and shall recite the findings upon which the decision is based. The Director may also defer action on a Minor or Major Director's Review and refer the application to the Commission for review and final decision.
- B. Required Findings.** The applicable Review Authority may approve an Administrative Modification application, with or without conditions, only if it first makes at least one of the following findings.
1. Promote uniformity of development;
 2. Prevent an unreasonable hardship; or
 3. Secure an appropriate improvement of a parcel.

9107.05.060 Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by Subsection 9107.05.050 (Findings and Decision), above, is the responsibility of the applicant.

9107.05.070 Conditions of Approval

In approving an Administrative Modification application, the applicable Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the findings required by Subsection 9107.05.050 (Findings and Decision), above.

9107.05.080 Use of Property before Final Action

No permits or approvals shall be issued for any improvement involved in an application for an Administrative Modification until and unless the same shall have become final, in compliance with Subsection 9108.11.030 (Effective Dates of Permits).

9107.05.090 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on an Administrative Modification application.

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Section 9107.07 – Certificates of Demolition

Subsections:

- 9107.07.010 Purpose and Intent**
- 9107.07.020 Applicability/Permit Requirements**
- 9107.07.030 Procedures for Certificates of Demolition**
- 9107.07.040 Director's Review**
- 9107.07.050 Referral to Commission**
- 9107.07.060 Automatic Stay**
- 9107.07.070 Emergency Demolition**
- 9107.07.080 Post Decision Procedures**

9107.07.010 Purpose and Intent

The purpose of this Section is to provide a process for the application, processing, review, and issuance of Certificates of Demolition, if warranted, in compliance with this Section.

9107.07.020 Applicability/Permit Requirements

- A. Before Filing for a Project.** Before an application is filed for a project that would be subject to a Demolition Permit, the Director shall determine whether the structure is 50 years or older. The following information regarding the structure's age shall determine the Director's appropriate action:
1. If the structure is 50 years or older, or the age of the structure cannot be determined, the procedures specified in Subsection 9107.07.030 A., below shall be followed.
 2. If the structure is less than 50 years old, the Building Official shall issue a Demolition Permit if all other requirements for a permit are met.
 3. If the structure is older than 50 years and not exempt in compliance with CEQA, the procedures specified in Subsection 9107.07.030 B., below shall be followed.
- B. Enforcement and Penalties.** Any person that demolishes a structure without an approved Certificate of Demolition shall be guilty of a misdemeanor and subject to appropriate enforcement procedures in compliance with Section 9108.15 (Enforcement).

9107.07.030 Procedures for Certificates of Demolition

A. Structures that are 50 Years or Older, and Structures of Unknown Age

1. If the structure is 50 years old or older, or the age of the structure cannot be determined, a qualified Architectural Historian or Historian, at the expense of the property owner, shall conduct an assessment to determine if the structure and/or site has any historical significance and is eligible for listing in the California Register of Historic Resources. The application shall provide evidence and supporting documentation as to the historic significance or lack of significance of the structure, including photographic evidence as to the current condition, and an evaluation by a qualified Architectural Historian or Historian. If a survey was completed of the subject structure and the survey is more than five years old, the survey can only be used as a guide.
2. The qualified Architectural Historian or Historian shall document the structure and complete a full evaluation of the structure(s) and/or site and complete the California Department of Parks and Recreation Primary Record Form (DPR 523A), a Building, Structure, and Object (BSO) Record Form (DPR 523B), and Location Map Form (DPR 523J) and

submit the forms with the City's application for a Certificate of Demolition. Detailed instructions for preparing the documentation forms may be found at the California Office of Historic Preservation website.

3. If a complete set of DPR forms was required, the evaluator shall submit the completed DPR forms to the South Central Coastal Information Center (SCCIC) at the California State University at Fullerton where they all house all the historical resources within Los Angeles County in compliance with California Historical Resource Information System standards.
4. Individuals seeking information about consultant(s), who are qualified to do the requisite documentation, may search a website that is maintained by the Office of Historic Preservation at the CHRIS Consultants List website. The consultant shall meet one of the following criteria specified in the National Park Service's Secretary of Interior's Standards of professional qualifications:
 - a. **Architectural History.** The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:
 - (1) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 - (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
 - b. **Historic Architecture.** The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:
 - (1) At least one year of graduate study* in architecture preservation, American architecture history, preservation planning, or closely related field; or
 - (2) At least one year of full-time professional experience* on historic preservation projects.
 - (3) Note: *Graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

- B. Buildings or Structures that are Fifty (50) Years or Older, and Structures of Unknown Age That Are Not Exempt from CEQA.** The Evaluator shall determine if the building, structures, objects or site is eligible for listing in the California Register of Historical Resources, per the definitions in Section 21084.1 of the California Environmental Quality Act (CEQA) Statute and Section 15064.5 of the CEQA Guidelines. Under CEQA, evaluation of the potential impact to "historic resources" is a two-step process: the first is to determine whether the property is an "historic resource" as defined in Section 15064.5(a)(3) of CEQA; and, if it is an "historic resource," the second is to evaluate whether the action or project proposed by the Applicant would cause a "substantial adverse change" or "materially impaired" to the historic resource. Once this determination has been made, the type of environmental documentation needed for the proposed project can be determined.

9107.07.040 Director's Review

- A. Within 30 days following the receipt of an Application for a Certificate of Demolition and the evaluation of the structure that was completed by a qualified Architectural Historian or Historian, the Director shall evaluate the request and consider all of the following Secretary of the Interior's Standards:
1. The architectural, cultural, or historical significance of the structure;
 2. The age of the structure;
 3. The state of repair of the structure in question;

4. Additions, alterations, changes, modifications, and updates to the exterior architectural features of the structure that would disqualify it from consideration for registration on the National Register of Historic Places or on the California Register of Historic Places; and
 5. All other factors it finds necessary and appropriate to carry out the intent of this process.
- B. If the Director determines that the structure may be demolished or removed based on the evaluation completed by a qualified Architectural Historian or Historian, the Building Official shall issue a Demolition Permit after a Building Permit has been issued for a new replacement structure by Building Services.
- C. If the Director determines that there is substantial evidence that the structure reasonably meets national, State, or local criteria for historical significance, the Director may refer the request to the Commission.

9107.07.050 Referral to Commission

- A. **Complete Application.** An application for a Certificate of Demolition that has been referred by the Director to the Commission shall be accompanied by a California Environmental Quality Act (CEQA) Initial Study, full evaluation of the potential historic resource, plans, and specifications for the proposed new construction, including other necessary documents to support the request. An application shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures) and with the required fee in compliance with the Fee Schedule.
- B. **Notice and Hearing Required.** The Commission shall consider the Certificate of Demolition at a public hearing. The public hearing shall be scheduled once the Director has determined the application complete. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with to Section 9108.13 (Public Notices and Hearings).
- C. **Decision.** Should avoidance of demolition and/or preservation not be a feasible option, the Commission may require the qualified Architectural Historian or Historian to develop a mitigation program as part of the Initial Study that may include, but would not be limited to, formal documentation of the structure using historical narrative and photographic documentation, façade preservation, or placement of a plaque or historical marker.
- D. **Appeals**
1. Appeals from the Commission's decision shall be made to the Council. The appeal shall be filed and processed in compliance with Section 9108.07 [Appeals])
 2. Upon receipt of an appeal, the Director shall fix a date for a public hearing to be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

9107.07.060 Automatic Stay

If a structure is nominated to the California or National Register of Historical Resources, an automatic stay (no action may be taken by the City) shall be placed on the request to demolish the structure until the State Office of Historic Preservation completes a review of the nomination.

9107.07.070 Emergency Demolition

Structures that have been severely damaged as a result of an earthquake, fire, or other natural disaster, and which require immediate demolition because of an imminent threat to public safety, are exempt from the procedures specified in this Section. A determination to demolish a severely damaged structure for the reasons specified above shall be made by the Director based on a recommendation by the Building Official.

9107.07.080 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Certification of Demolition application.

Section 9107.09 – Conditional Use Permits and Minor Use Permits

Subsections:

- 9107.09.010 Purpose and Intent**
- 9107.09.020 Applicability**
- 9107.09.030 Application Requirements**
- 9107.09.040 Project Review, Notice, and Hearing**
- 9107.09.050 Findings and Decision**
- 9107.09.060 Conditions of Approval**
- 9107.09.070 Permit to Run with the Land**
- 9107.09.080 Post Decision Procedures**

9107.09.010 Purpose and Intent

- A. Purpose.** The purpose of this Section is to provide two distinct procedures for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.
- B. Special Consideration.** Certain types of land uses may require special conditions in a particular zone or physical location within the City as a whole because they possess unique characteristics or present special problems that make automatic inclusion as allowed uses either impractical or undesirable due to potential and unforeseeable impacts to the surrounding area.
- C. Intent.** The Conditional Use Permit and Minor Use Permit procedures are intended to provide sufficient flexibility in the use regulations in order to further the objectives of this Development Code and to provide the City with the opportunity to impose special conditions in order to mitigate potential impacts that could result from allowing the use(s) at the requested location.

9107.09.020 Applicability

Approval of a Conditional Use Permit or Minor Use Permit, as applicable, is required to authorize proposed land uses specified by Division 2 (Zones, Allowable Uses, and Development Standards) as being allowable in the applicable zone when subject to the approval of a Conditional Use Permit or Minor Use Permit.

9107.09.030 Application Requirements

- A.** An application for a Conditional Use Permit or Minor Use Permit shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Conditional Use Permit and Minor Use Permit applications, together with the required fee in compliance with the Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9107.09.050 (Findings and Decision), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B.** Applications filed in compliance with this Division shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the City, and there shall be attached copies of all notices and actions pertaining to the application.

9107.09.040 Project Review, Notice, and Hearing

Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Section and this Development Code.

A. Conditional Use Permits

1. The Commission shall conduct a public hearing on an application for a Conditional Use Permit before making a decision on the application.
2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
3. The Commission's decision is appealable to the Council in compliance with Section 9108.07 (Appeals).

B. Minor Use Permits. Before a decision on a Minor Use Permit is made, the City shall provide mailed notice in compliance with Section 9108.13 (Public Notices and Hearings), and as follows.

1. Notice Required

- a. The mailed notice shall state that the Director will decide whether to approve, conditionally approve, or deny the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
- b. Any written request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings specified in Section 9107.09.050 [Findings and Decision], below).
- c. If the Director determines that the evidence has merit and can be properly addressed by a condition(s) added to the Minor Use Permit approval, the Director may consider the permit without a hearing in compliance with Subparagraph 2. b., below.

2. Hearing

- a. If a public hearing is requested and the provisions of Subparagraph B. 1. c., above, do not apply, a hearing before the Director shall be scheduled, noticed, and conducted in compliance with Section 9108.13 (Public Notices and Hearings).
 - b. If no public hearing is requested, the Director shall render a decision on or after the date specified in the notice referred to in Subparagraph B. 1. a., above.
3. The Director's decision is appealable to the Commission and then the Council in compliance with Section 9108.07 (Appeals).

9107.09.050 Findings and Decision
Amended by Ord. No. 2375

A. Review Authority's Action. The application for a Conditional Use Permit or Minor Use Permit may be approved, approved subject to subject to conditions, or denied by the Review Authority.

B. Required Findings. The Review Authority may approve a Conditional Use Permit or Minor Use Permit only if it first makes all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable specific plan; and is allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and complies with all other applicable provisions of this Development Code and the Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of:

- a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, site improvements, loading, and parking;
 - b. Streets and highways adequate to accommodate public and emergency vehicle (e.g., fire and medical) access;
 - c. Public protection services (e.g., fire protection, police protection, etc.); and
 - d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).
4. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.
- C. Notice of Decision.** Within five days following final action by the Review Authority on an application for a Conditional Use Permit or Minor Use Permit, notice of the decision in the matter shall be mailed to the applicant at the address shown on the application and to all other persons who have filed a written request for notice with the Department.

9107.09.060 Conditions of Approval

- A. Reasonable and Necessary.** In approving a Conditional Use Permit or Minor Use Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will be in compliance with this Section, State law, and with the findings required by Subsection 9107.09.050 (Findings and Decision), above.
- B. Expansion of Uses.** No expansion of uses or services as described in the original application shall be allowed unless a Conditional Use Permit or Minor Use Permit, as applicable, is first filed and approved for the proposed expansion, in compliance with this Section.

9107.09.070 Permit to Run with the Land

A Conditional Use Permit or Minor Use Permit approved in compliance with the provisions of this Section shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Section.

9107.09.080 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Conditional Use Permit or Minor Use Permit application.

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Section 9107.11 – Development Agreements

Subsections:

- 9107.11.010 Purpose and Intent**
- 9107.11.020 Application**
- 9107.11.030 Filing, Processing, and Review**
- 9107.11.040 Contents of Development Agreement**
- 9107.11.050 Execution and Recordation**
- 9107.11.060 Amendment and Cancellation of Development Agreements**
- 9107.11.070 Modification or Suspension of Development Agreements**
- 9107.11.080 Periodic Review**
- 9107.11.090 Effect of Development Agreements**
- 9107.11.100 Approved Development Agreements**
- 9107.11.110 Post Decision Procedures**

9107.11.010 Purpose and Intent

- A. Purpose and Intent.** A development agreement is a contract between the City and a person with a legal or equitable interest in land subject to development, in compliance with Government Code Article 2.5 (Development Agreements) (Government Code Sections 65864 through 65869.5, inclusive). A development agreement is intended to provide assurance to the applicant that an approved project may generally proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City is provided assurance that the project would promote important Citywide goals and policies that have been officially recognized by the Council, and provide the City with significant, tangible benefits beyond those that may be required by the City through project conditions of approval.
- B. Construing the Provisions.** In construing the provisions of any development agreement entered into in compliance with this Section, those provisions shall be read to fully effectuate, and to be consistent with, the language of this Section, Government Code Article 2.5, and the agreement itself. Should any apparent discrepancies between the meaning of these documents arise, reference shall be made to the following documents, and in the following order:
1. The provisions of Government Code Article 2.5;
 2. The provisions of this Section; and
 3. The plain terms of the development agreement itself.

9107.11.020 Application

- A. Equitable Interest.** Person(s) having a legal or equitable interest in real property located within the City, or for property to be annexed to the City, may apply through the City Manager to enter into a development agreement provided the following criteria are met:
1. The status of the applicant, having a legal or equitable interest in the subject real property, is established to the satisfaction of the City Manager. A qualified applicant may also include an authorized agent of the applicant; and
 2. The application is made on approved forms, contains all lawfully required documents, materials, and information, and is filed with the City Manager in compliance with Section 9107.03 (Application Processing Procedures).

B. City Manager's Review and Recommendations

1. The City Manager is empowered to receive, review, process, and prepare, together with recommendations for Commission and Council consideration, all applications for development agreements.
2. The City Manager may require an applicant to provide proof of interest in the real property and of the authority of the agent to act for the applicant. The proof may include a preliminary report issued by a title company licensed to do business in the State evidencing the requisite interest of the applicant in the real property. Before processing the application, the City Manager may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into a development agreement.
3. The City Manager may call upon all other City departments for timely assistance in complying with this Section.
4. The City Manager shall review the application and may reject it if it is incomplete or inaccurate,
5. The City Manager shall endorse on the application the date it is received.

- C. Fees.** Processing fees, as established by the Fee Schedule, shall be collected for the filing and processing of an application for a development agreement made in compliance with this Section. Additionally, appropriate fees shall be established and collected for amendments to a development agreement and the periodic review identified in Subsection 9107.11.080 (Periodic Review), below.

9107.11.030 Filing, Processing, and Review
Amended by Ord. No. 2375

- A. Filing.** An application for a development agreement shall be filed with the City Manager in compliance with Section 9107.03 (Application Processing Procedures).
- B. Contents.** The application shall be accompanied by all of the detailed data/materials identified in the most up-to-date Department handout for development agreement applications, in compliance with Section 9107.11.040 (Contents of Development Agreement), below.
- C. Project Review Procedures.** Following receipt of a completed application, the City Manager shall investigate the facts necessary for action consistent with the purpose of this Section and shall prepare a report and recommendation indicating the application's compliance with the General Plan, any applicable specific plan, this Development Code, and the Zoning Map. Initial review of the application, including time requirements and requests for information, shall be conducted in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

D. Notice and Hearings

1. The City Manager, upon finding the application for a development agreement complete and in compliance with the provisions of the California Environmental Quality Act (CEQA), shall set the application, together with recommendations, for public hearing before the Commission. Following conclusion of the public hearing, the Commission shall make a written recommendation to the Council that it approve, conditionally approve, or deny the application, based on the findings identified in Subsection E. (Findings and Decision), below.
2. Upon receipt of the Commission's recommendations, the City Clerk shall set the application and written report of the Commission for a public hearing before the Council.
 - a. Following conclusion of the public hearing, the Council shall approve, conditionally approve, or deny the application, based on the findings identified in Subsection E. (Findings and decision), below. It may, but need not, refer matters not previously considered by the Commission during its hearing back to the Commission for report and recommendation. The Commission may, but need not, hold a public hearing on matters referred back to it by the Council.

- b. The Council may not approve the development agreement unless it first finds that the provisions of the development agreement are consistent with the General Plan, any applicable specific plan, this Development Code, and the Zoning Map,
- 3. Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with the following.
 - a. Notice of the hearings identified in this Subsection shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with Government Code Section 65867 and Section 9108.13 (Public Notices and Hearings).
 - b. The notice requirements referred to in this Subsection are declaratory of existing State law (Government Code Sections 65867, 65090 and 65091). If State law prescribes a different notice requirement, notice shall be given in that manner. The notices required by this Subsection are in addition to any other notices required by law for other actions to be considered concurrently with a development agreement.
 - c. The Commission and/or Council, as applicable, may direct that notice of the public hearings shall be given in a manner that exceeds the notice requirements specified by State law.
 - d. The failure to receive notice by any person entitled to notice required by State law or these regulations does not affect the authority of the City to enter into a development agreement.
 - e. The public hearings shall be conducted as nearly as may be in compliance with the procedural standards specified in Government Code Section 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The applicant has the burden of proof at the public hearing on the proposed development agreement.
 - f. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding concerning a development agreement. No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court on the ground of the improper admission or rejection of evidence or by reason of any error, informality, irregularity, neglect, or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever, unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

E. Findings and Decision. The Commission may recommend approval and the Council may approve a development agreement only if it first makes all of the following findings:

- 1. The development agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable specific plan, this Development Code, and the Zoning Map;
- 2. The development agreement will promote the public convenience, health, interest, safety, general welfare, and good land use practice;
- 3. The project will be compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;
- 4. The project will not adversely affect the orderly development of property or the preservation of property values;
- 5. The project will provide the City with important, tangible benefits beyond those that may be required by the City through project conditions of approval; and
- 6. For development agreements that include a subdivision, that the tentative map prepared for the subdivision will comply with Government Code Section 66473.7.

9107.11.040 Contents of Development Agreement

A. Mandatory Contents. A development agreement shall contain the applicable provisions specified in the most up-to-date Department handout for development agreement applications, in compliance with Government Code Section 65865.2, including specific language identifying the duration of the agreement.

B. Payment of Impact Fees, Deferral, and in Lieu Dedications

1. An application shall include a schedule of impact, public facilities, and service mitigation fees due and payable from the applicant at those times and in those amounts as established by separate resolution of the City, which is in effect at the time of execution of the development agreement.
2. A proposed development agreement may also provide:
 - a. For the limitation upon increases of applicable impact, public facilities, and service mitigation fees. The period for which the fee shall be limited shall be established in the agreement not to exceed five years from the execution of the development agreement. Upon expiration of the limitation period, the full amount of applicable impact, public facilities, and service mitigation fees as specified in the existing City ordinances or resolutions shall be payable in connection with the subject development project;
 - b. As determined by the City on a case by case basis, for the deferral of payment of impact fees, for those times and on those terms to be specified in the development agreement; and
 - c. For the applicant's construction and dedication of public improvements to partially or fully satisfy those impact fees applicable to the development project. The development agreement shall specifically identify the public improvements to be constructed and dedicated to the City as separate exhibits and the amount of fees to be satisfied by the construction and dedication.

C. Permissive Contents. A development agreement may also contain the applicable provisions specified in the most up-to-date Department handout for development agreement applications, in compliance with Government Code Section 65865.2.

D. Duration of a Development Agreement

1. **Maximum Initial Term.** The maximum initial term of a development agreement shall be 10 years.
2. **Single Extension**
 - a. The terms of a development agreement may provide for a single extension of the initial term for an additional five years following expiration of the initial term, provided all of the following have occurred:
 - (1) The developer provides written notice to the City at least 180 days before expiration of the initial term;
 - (2) The developer has made substantial progress in completing the project as determined in the sole discretion of the Council; and
 - (3) The developer is not then in uncured default of the development agreement.
 - b. The City may impose additional terms and conditions upon an extension to the term of a development agreement.

9107.11.050 Execution and Recordation

A. Adoption of Ordinance Becomes Effective

1. If the Council approves the development agreement, it shall do so by the adoption of an ordinance. The ordinance shall refer to and incorporate by reference the text of the development agreement.
2. The City shall not execute a development agreement until on or after the date upon which the ordinance approving the agreement, enacted in compliance with Subsection 9107.11.030 D (Notice and Hearings), above, becomes effective.
3. After the ordinance approving the development agreement takes effect, the City may enter into the agreement and the Mayor shall sign the agreement.

B. Recordation of Agreement

1. Within 10 days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.
2. If the parties to the agreement or their successor(s)-in-interest amend or cancel the agreement in compliance with Government Code Section 65868, or if the City terminates or modifies the agreement in compliance with Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of the action recorded with the County Recorder.

9107.11.060 Amendment and Cancellation of Development Agreements

- A. Proposed Amendment or Cancellation.** Either party or successor(s)-in-interest may propose an amendment to or cancellation, in whole or in part, of the development agreement previously entered into. Any amendment or cancellation shall be by mutual consent of the parties or their successor(s)-in-interest, except as provided under Government Code Section 65865.
- B. Same Procedures.** The procedure and notice requirements for proposing and adopting an amendment to or cancellation in whole or in part of the development agreement are the same as the procedure for entering into an agreement in compliance with this Section.
- C. City Initiated Amendment or Cancellation.** Where the City initiates the proposed amendment to or cancellation in whole or part of the development agreement, it shall first give notice to the applicant/contracting party or its successor(s)-in-interest of its intention to initiate the proceedings at least 60 days before giving notice of intention to consider the amendment or cancellation, in compliance with Subsection 9107.11.030 (Filing, Processing, and Review), above.

9107.11.070 Modification or Suspension of Development Agreements

The City may modify or suspend a development agreement if the City determines that failure of the City to do so would place the residents of the area subject to the development agreement, or the residents of the City, or both, in a condition dangerous to their health or safety, or both, in compliance with Government Code Section 65865.3(b).

9107.11.080 Periodic Review

- A. Subject to Periodic Review.** Each approved development agreement shall be subject to all of the following review procedures.
1. The City shall review the development agreement every 12 months from the date the agreement is entered into in order to ascertain the good faith compliance by the applicant/contracting party or its successor(s)-in-interest with the terms of the agreement.
 2. The review schedule shall be specified in the development agreement.
 3. The applicant/contracting party or its successor(s)-in-interest shall submit an Annual Monitoring Report, in a form acceptable to the City Manager, within 10 days after written notice from the City Manager.

4. The time for review may be shortened or a special review called either by agreement between the parties or by initiation in one or more of the following ways:
 - a. Recommendation of the City Manager;
 - b. Affirmative vote of at least three members of the Commission; or
 - c. Affirmative vote of at least three members of the Council.

B. Periodic Review of the Agreement

1. The City Manager shall begin the review proceeding by giving notice that the City intends to undertake a periodic or special review of the development agreement to the applicant/contracting party or its successor(s)-in-interest. The City Manager shall give the notice at least 10 days in advance of the time at which the matter will be considered by the Commission.
2. The Commission shall conduct a public hearing at which the applicant/contracting party or its successor(s)-in-interest must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the applicant/contracting party or its successor(s)-in-interest.
3. The Commission shall determine upon the basis of substantial evidence whether or not the applicant/contracting party or its successor(s)-in-interest has, for the period under review, complied in good faith with the terms and conditions of the agreement.
 - a. If the Commission finds and determines on the basis of substantial evidence that the applicant/contracting party or its successor(s)-in-interest has complied in good faith with the terms and conditions of the agreement during the period under review, the Commission's findings and determinations shall be transmitted to the Council. The Council shall then either:
 - (1) Receive and file the Commission's report, thereby accepting the Commission's findings and determinations without further action; or
 - (2) Set this matter for public hearing, in which event, the Council shall proceed to conduct the public hearing in compliance with Subsection 9107.11.030 (Filing, Processing, and Review), above.
 - b. If the Commission finds and determines on the basis of substantial evidence that the applicant/contracting party or its successor(s)-in-interest has not complied in good faith with the terms and conditions of the agreement during the period under review, the Commission's findings and determinations shall be transmitted to the Council. The Commission may recommend to the Council that the agreement be terminated or modified.

C. Council's Consideration to Terminate or Modify a Development Agreement

1. Proceedings for termination or modification. A public hearing conducted by the Council in compliance with Subparagraph B. (Periodic review of the agreement), above, shall be subject to the following procedures and requirements. The City shall give notice to the applicant/contracting party or its successor(s)-in-interest of its intention to conduct a public hearing by the Council which might result in termination or modification of the agreement. The notice shall contain all of the following:
 - a. The time and place of the hearing, which shall be conducted by the Council;
 - b. A statement as to whether or not the City proposes to terminate and/or modify the development agreement; and
 - c. Other information that the City Manager considers necessary to inform the applicant/contracting party or its successor(s)-in-interest of the nature of the proceedings.

2. Hearing on termination or modification of development agreement.
 - a. At the time and place set for the hearing on termination or modification, the applicant/contracting party or its successor(s)-in-interest shall be given an opportunity to be heard.
 - b. The applicant/contracting party or its successor(s)-in-interest shall be required to demonstrate good faith compliance with the terms and conditions of the agreement. The burden of proof on this issue shall be on the applicant/contracting party or its successor(s)-in-interest.
 - c. If the Council finds, based upon substantial evidence in the administrative record that the applicant/contracting party or its successor(s)-in-interest has not complied in good faith with the terms and conditions of the agreement, the Council may, among other remedies, terminate or modify the agreement.
 - d. The Council may impose those conditions to the action it takes as it considers reasonable and necessary to protect the interests of the City.
 - e. The decision of the Council on the termination or modification of the agreement shall be final.

9107.11.090 Effect of Development Agreements

- A. Rules in Force at the Time of Execution.** Unless otherwise provided by the development agreement, the policies, regulations, and rules governing allowed uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the policies, regulations, and rules in force at the time of execution of the development agreement.
- B. Application of New Policies, Regulations, and Rules.** In compliance with Government Code Section 65866, and notwithstanding Subparagraph A., above, a development agreement shall provide for the following reservations of rights, and the City shall not be prevented from applying new policies, regulations, and rules upon the applicant, nor shall a development agreement prevent the City from conditionally approving or denying any subsequent development project application on the basis of the new policies, regulations, and rules where the new policies, regulations, and rules consist of the following:
 1. Processing fees by the City to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;
 2. Procedural regulations relating to applicable Review Authorities, applications, findings, notices, petitions, records, and any other matter of procedure;
 3. Policies, regulations, and rules governing construction and engineering standards and specifications applicable to public and private improvements, including all uniform codes adopted by the City and any local amendments to those codes adopted by the City;
 4. Regulations which may conflict with the development agreement and any approved plan for development but which are reasonable and necessary to protect the residents of the project and/or of the immediate community from a condition perilous to their health or safety;
 5. Regulations that do not conflict with those policies, regulations, and rules specified in the development agreement or any approved plan for development; and
 6. Regulations which may conflict with those policies, regulations, and rules specified in the development agreement or any approved plan for development but to which the applicant/contracting party or its successor(s)-in-interest consents.

9107.11.100 Approved Development Agreements

Development agreements approved by the Council shall be on file with the City Clerk.

9107.11.110 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Development Agreement application.

Section 9107.13 – Home Occupation Permits

Subsections:

- 9107.13.010 Purpose and Intent**
- 9107.13.020 Applicability**
- 9107.13.030 Filing, Processing, and Review**
- 9107.13.040 Allowed Home Occupations**
- 9107.13.050 Prohibited Home Occupations**
- 9107.13.060 Director's Decision**
- 9107.13.070 Compliance with Standards and Conditions**
- 9107.13.080 Findings and Decision**
- 9107.13.090 Conditions of Approval**
- 9107.13.100 Permit Expiration**
- 9107.13.110 Inspections**
- 9107.13.120 Acknowledgement**
- 9107.13.130 Permit Not Transferable**
- 9107.13.140 Changes in Home Occupation**
- 9107.13.150 Post Decision Procedures**

9107.13.010 Purpose and Intent

It is the purpose of this Section to:

- A. Allow for the conduct of home occupations that are deemed incidental to, and compatible with, surrounding residential uses;
- B. Recognize that a residential property owner or resident has a limited right to conduct a small business from a residence (single-family, multifamily, any mixed use development, or accessory dwelling), and that a neighbor, under normal circumstances, would not be aware of its existence;
- C. Maintain the residential character of residential neighborhoods; and
- D. Prevent the use of home occupations from transforming a residential neighborhood into a commercial area.

9107.13.020 Applicability

- A. Incidental and Secondary Use.** The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.
- B. Home Occupation Defined**
 - 1. A home occupation represents a legal commercial enterprise conducted by an occupant(s) of the dwelling.
 - 2. Home occupations are uses that generally do not interrupt or interfere with the general nature or residential character of the residential neighborhood. The uses that meet the performance standards specified in Section 9107.13.070 (Compliance with Standards and Conditions), below, are allowed home occupations.
 - 3. Any storage of flammable or hazardous materials for a home occupation shall be subject to review and approval of the City Fire Department.

- C. Home Occupation Prohibited Without a Permit.** No person shall engage in business or transact and carry on any business, calling, profession, occupation, or trade, on any property zoned for residential purposes without an approved and unrevoked or unsuspended Home Occupation Permit.
- D. No Permit on Site with Violations.** No permit shall be issued for a property on which there exists a violation of the law.
- E. Permit Required.** The establishment of a home occupation within a residence (single-family, multifamily, mixed use, or accessory dwelling) shall be regulated by a one-time application and fee, in compliance with the Fee Schedule.

9107.13.030 Filing, Processing, and Review

- A. Filing.** An application for a Home Occupation Permit shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Home Occupation Permit applications, together with the required fee in compliance with the Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9107.13.080 (Findings and Decision), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Section.
- C. Public Notice Not Required.** A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application.

9107.13.040 Allowed Home Occupations

- A. Where Allowed.** Home occupations are allowed in residential zones in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. Allowed Home Occupations.** Any activity producing income, or intended to produce income, conducted entirely within a residential dwelling by the inhabitants of the dwelling, which use is clearly incidental and secondary to the use of the structure for residential purposes, which does not change the character of the dwelling, and only when conducted in compliance with the applicable locational and operational standards identified in Subsection 9107.13.070 (Compliance with Standards and Conditions), below.

9107.13.050 Prohibited Home Occupations

The following uses are not incidental to or compatible with residential activities and are prohibited as home occupations:

- A. Adult businesses;
- B. Alcohol sales;
- C. Ammunition, explosives, or fireworks, sales, use, or manufacturing;
- D. Barber and beauty shops;
- E. Businesses that entail the commercial breeding, boarding, grooming, harboring, kenneling, raising, and/or training of dogs, cats, or other animals on the premises;
- F. Carpentry (on-site) and cabinet making (does not prohibit a normal wood-working hobby operation);
- G. Fortune telling (Psychic);
- H. Lawn mower and/or small engine repair;

- I. Massage establishments (on-site);
- J. Medical and dental offices, clinics, and laboratories;
- K. Mini storage;
- L. Plant nursery;
- M. Retail or wholesale sales of products stored at the residence;
- N. Storage and/or sales of equipment, materials, and other accessories to the construction and service trades;
- O. Tattoo parlors;
- P. Television, radio, or appliance repair;
- Q. Tobacco/hookah lounges/parlors;
- R. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit "mobile" or resident-conducted minor repair or detailing at the customer's location);
- S. Vehicle sales;
- T. Welding and machining; and
- U Other similar uses determined by the Director not to be incidental to or compatible with residential activities.

9107.13.060 Director's Decision

- A. Director's Actions.** The Director may approve a Home Occupation Permit that would be operated in compliance with Subsection 9107.13.070 (Compliance with Standards and Conditions) below, or the Director may defer action and refer the application to the Commission for review and final decision.
- B. Business License Required.** Immediately following the effective date of an approved Home Occupation Permit, when no appeal has been filed, the applicant shall obtain a Business License in compliance with Municipal Code Section 6211 (License Required).

9107.13.070 Compliance with Standards and Conditions

- A. Compliance Required.** Home occupations shall comply with the applicable locational, developmental, and operational standards identified in this Section as well as any conditions imposed on the Home Occupation Permit.
- B. Required Standards.** Each home occupation shall comply with all of the standards specified in Subsection 9104.03.140 (Home Occupations).

9107.13.080 Findings and Decision

The Director shall review all Home Occupation Permit applications and shall record the decision in writing with the findings on which the decision is based. The Director (or the Commission on a referral) may approve a Home Occupation Permit application, with or without conditions, only if it first makes all of the following findings. Failure of the Review Authority to make all of the following findings shall result in denial of the Home Occupation Permit application:

- A.** The proposed home occupation will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zone;

- B. The proposed home occupation shall meet all of the requirements of this Section and will be located and conducted in full compliance with all of the standards specified in Section 9107.13.070 (Compliance with Standards and Conditions), above, and all conditions imposed on the Home Occupation Permit;
- C. The proposed home occupation will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and
- D. The proposed home occupation will not interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards.

9107.13.090 Conditions of Approval

In approving a Home Occupation Permit application, the Director (or the Commission on a referral) may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the findings required by Subsection 9107.13.080 (Findings and Decision), above.

9107.13.100 Permit Expiration

Home Occupation Permits shall immediately expire upon discontinuance of the home occupation, as that term is defined in Division 6 (Nonconforming Uses, Structures, and Parcels).

9107.13.110 Inspections

The Director shall have the right at any time during normal City Hall business hours, upon request, to enter and inspect the premises subject to a Home Occupation Permit in order to verify compliance with the locational, developmental, and operational standards identified in Section 9107.13.070 (Compliance with Standards and Conditions), above.

9107.13.120 Acknowledgement

A Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.

9107.13.130 Permit Not Transferable

A new Home Occupation Permit and Business License, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home occupation.

9107.13.140 Changes in Home Occupation

A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit and Business License before conducting an allowed home occupation.

9107.13.150 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Home Occupation application.

Section 9107.15 – Planned Development Permits

Subsections:

- 9107.15.010 Purpose and Intent
- 9107.15.020 Applicability
- 9107.15.030 Applicability Filing, Processing, and Review
- 9107.15.040 Review Authority
- 9107.15.050 Project Review, Notice, and Hearing
- 9107.15.060 Findings and Decision
- 9107.15.070 Planned Development Permit Amendment
- 9107.15.080 Specific Development Standards
- 9107.15.090 Development Schedule
- 9107.15.100 Conditions of Approval
- 9107.15.110 Use of Property before Final Action
- 9107.15.120 Post Decision Procedures

9107.15.010 Purpose and Intent

The purpose of this Section is to provide a process for approving a Planned Development Permit that is intended to:

- A. Ensure Efficient Use of Land and Better Living Environment.** Provide a method whereby land may be designed and developed as a single unit by taking advantage of modern site planning techniques thereby resulting in a more efficient use of land, a better living environment, and a superior site plan, and excellence of design than is otherwise possible through strict application of the development standards specified in Division 2 (Zones, Allowable Uses, and Development Standards) and Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards);
- B. Ensure High Standards of Environmental Quality.** Ensure development that meets high standards of environmental quality, public health and safety, the efficient use of the City's resources, and the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan; and
- C. Provide for Enhanced Amenities.** Incorporate a program of enhanced amenities (e.g., enhanced landscaping, LEED or other “green” related standards, additional and enhanced open space, additional public art, improvements to an existing public facility [e.g., park or trail, etc.]) than typically required by this Development Code.

9107.15.020 Applicability

- A. Allowed Development Projects.** A Planned Development Permit may only be requested for a residential, industrial, office, retail, mixed-use, or business campus-type development project.
- B. Minimum Site Area.** A Planned Development Permit may only be requested for a site(s) with a minimum of one and one-half acres of total gross land area.
- C. Planned Development Permit Precedes Building or Grading Permits.** For projects proposing a Planned Development Permit, a Building or Grading Permit shall not be issued until the Planned Development Permit has been approved in compliance with this Section.
- D. Activities Only Allowed in Base Zone.** A Planned Development Permit may not authorize a land use activity that is not allowed in the base zone.
- E. Modify Standards**

1. The permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., building envelope [coverage, FAR, height, and setbacks], fence and wall heights, landscaping, parking, open space, street layout, etc.) identified in this Development Code, with the exception of an increase in the applicable density or intensity above the allowable maximums identified in Division 2 (Zones, Allowable Uses, and Development Standards).
2. Residential development projects with density or intensity standards increased above the maximums identified in Division 2 (Zones, Allowable Uses, and Development Standards) may only be approved in compliance with Government Code Section 65915 and Section 9103.15 (Density Bonuses for Affordable or Senior Housing).

9107.15.030 Applicability Filing, Processing, and Review

An application for a Planned Development Permit shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Planned Development Permit applications, together with the required fee in compliance with the Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9107.15.060 (Findings and Decision), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9107.15.040 Review Authority

The Commission may approve, approve in modified form, conditionally approve, or deny the Planned Development Permit application, based upon the findings contained in Section 9107.15.060 (Findings and Decision), below.

9107.15.050 Project Review, Notice, and Hearing

A. Application Consistent with the Purpose of this Section

1. Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section.
2. The Director shall submit a staff report and recommendation to the Commission for its consideration.

B. Notice and Hearings

1. A public hearing shall be required for the Commission's action on a Planned Development Permit application.
2. The public hearing shall be scheduled once the Director has determined the application complete in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
3. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

9107.15.060 Findings and Decision

A. Commission's Authority. The Commission may approve, conditionally approve, or deny an application for a Planned Development Permit and shall record the decision and the findings upon which the decision is based.

B. Required Findings. The Commission may approve a Planned Development Permit application, with or without conditions, only if it first makes all of the following findings:

1. The Planned Development Permit will:
 - a. Be allowed within the subject base zone;
 - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan;

- c. Be generally in compliance with all of the applicable provisions of this Development Code relating to both on-site and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this Section and the subject base zone, including prescribed development standards and applicable design guidelines, except for those provisions modified in compliance with this Section; and
 - d. Ensure compatibility of property uses within the zone and general neighborhood of the proposed development.
- 2. The proposed project will produce a comprehensive development of superior quality and excellence of design (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, significantly increased amounts of landscaping and improved open space, improved solutions to the design and placement of parking and loading facilities, incorporation of a program of highly enhanced amenities [e.g., additional public art], LEED or other “green” related standards, etc.) than might otherwise occur from more typical development applications;
 - 3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and general welfare;
 - 4. Proper on-site traffic circulation (e.g., pedestrian and vehicular) and control is designed into the development to ensure access for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards specified in Division 2 (Zones, Allowable Uses, and Development Standards);
 - 5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
 - 6. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, and general welfare;
 - 7. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed use;
 - 8. If the development proposes to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is appropriately buffered from the commercial use and is provided sufficiently enhanced amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. The enhanced amenities may include additional landscaping, additional common and/or private open space, private or separated entrances, etc;
 - 9. The design, location, operating characteristics, and size of the proposed development will be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection; and
 - 10. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority in the approval of the Planned Development Permit.

9107.15.070 Planned Development Permit Amendment

- A. Commission Action on Requested Changes.** Requested changes in the Planned Development Permit, other than those allowed by this Section, shall be submitted to the Commission for review and approval.
- B. Added Stipulations Deemed Reasonable and Necessary.** The Commission may, as a condition of approval, impose added stipulations or changes to the Planned Development Permit as it deems reasonable and necessary to carry out the purpose and intent of this Section.

- C. Minor Changes by Director.** Minor changes in the Planned Development Permit that do not involve an increase in the number of dwelling units or an intensity of use may be approved by the Director in compliance with Subsection 9107.11.100 (Changes to an Approved Project).

9107.15.080 Specific Development Standards

- A. Landscaping.** Landscaping shall be provided in compliance with Section 9103.09 (Landscaping Standards), unless modified in compliance with this Section.
- B. Off-street Parking.** Off-street parking provisions shall be provided in compliance with Section 9103.07 (Off-Street Parking and Loading), unless modified in compliance with this Section.
- C. Signs.** Signs shall be provided in compliance with Section 9103.11 (Signs), unless modified in compliance with this Section.

9107.15.090 Development Schedule

An application for a Planned Development Permit shall include a development schedule in compliance with the following:

- A. Permit Application Shall Include Development Schedule.** An application for a Planned Development Permit shall be accompanied by a development schedule clearly identifying, to the best of the applicant's knowledge, the approximate date when the construction of the project can be expected to begin, the anticipated rate of development, and the completion date.
1. The development schedule, if approved by the Commission, shall become a part of the Planned Development Permit and shall be adhered to by the developer/property owner and the owner's successor(s)-in-interest.
 2. The Director shall require the posting of cash, a certificate of deposit, or a performance bond issued by a corporate surety company, in an amount to be determined by the City Engineer, in compliance with Subsection 9108.11.070 (Performance Guarantees), to cover the costs of the public improvements adjacent to the proposed development before the issuance of the Building Permit for the first phase of construction.
- B. Development Schedule for Phased Developments.** The development schedule, if it shows the total project is to be developed in phases, shall indicate the open space and amenities proposed for each individual phase. The developer/property owner shall construct all amenities shown and landscape all open spaces within each phase as it is completed, and before occupancy of any structure located within each particular phase of the development.
- C. Director to Review Overall Progress.** From time to time, the Director shall compare the actual development accomplished in the planned development with the approved development schedule.
- D. Commission May Extend Development Schedule.** Upon a written request by the developer/property owner, for good cause shown, the Commission may extend the time limits of the development schedule; provided any request for an extension of time limits shall be on file in the office of the Director no later than 30 days before the date of expiration.
- E. Suspension During Processing of Extension Request.** The filing of the time extension request shall suspend the actual expiration of the Planned Development Permit until the extension request is approved by the Commission, except that no Building Permit shall be issued related to the Planned Development Permit during the period of suspension.

9107.15.100 Conditions of Approval

In approving a Planned Development Permit, the Commission may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the findings required by Subsection 9107.15.060 (Findings and Decision), above.

9107.15.110 Use of Property before Final Action

No permits or approvals shall be issued for any use or construction involved in an application for a Planned Development Permit until and unless the Planned Development Permit shall have become final, in compliance with Subsection 9108.11.030 (Effective Dates of Permits).

9107.15.120 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Planned Development Permit application.

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Section 9107.17 – Reasonable Accommodation

Subsections:

9107.17.010 Purpose and Intent

9107.17.020 Applicability

9107.17.030 Application Requirements

9107.17.040 Review Authority

9107.17.050 Review Procedures

9107.17.060 Findings and Decision

9107.17.070 Rescission of Approval of Reasonable Accommodation

9107.17.010 Purpose and Intent

It is the policy of the City to provide individuals with disabilities Reasonable Accommodation in rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the California Fair Employment and Housing Act, the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to in this Section as the “Acts”). This Section provides a procedure for making requests for Reasonable Accommodations in land use, zoning and building regulations, policies, practices, and procedures of the City to comply fully with the purpose and intent of the fair housing laws and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA).

9107.17.020 Applicability

Amended by Ord. No. 2400

A. Eligible Applicants

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. This Section is intended to apply to those persons who are defined as disabled or handicapped under the Acts.

B. Eligible Requests

1. A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
2. A request for Reasonable Accommodation shall comply with Subsection 9107.17.030 (Application Requirements), below.

- C. RLUIPA.** Deviations from the requirements and regulations specified in this Development Code may be approved if it is found that consistent with the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), enforcement of a regulation results in a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless it is determined that imposition of the burden on that assembly, institution, or person accomplishes furtherance of a compelling governmental interest where the burden is found to be the least restrictive means of furthering that compelling governmental interest.

9107.17.030 Application Requirements
Amended By Ord. No. 2400

- A. Application.** An application for a Reasonable Accommodation shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Reasonable Accommodation applications. Any information identified by an applicant as confidential shall be retained in a manner to respect the privacy rights of the applicant and shall not be made available for public inspection. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9107.17.060 (Findings and Decision), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. Filing with Other Land Use Applications.** If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Conditional Use Permit, Site Plan and Design Review, etc.), then the applicant shall file the information required by Subsection A. (Application), above, together with the materials required for the other discretionary permit.

9107.17.040 Review Authority

- A. Director.** A request for Reasonable Accommodation shall be reviewed, and a determination shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.
- B. Other Review Authority.** A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed and determined by the authority reviewing the companion discretionary land use application.

9107.17.050 Review Procedures
Amended by Ord. No. 2400

- A. Director's Review.** The Director shall make a written determination within 30 days following the submittal of a complete application and either approve, approve with modifications, or deny a request for Reasonable Accommodation in compliance with Subsection 9107.17.060 (Findings and Decision), below.
- B. Other Review Authority.** For requests for reasonable accommodations involving any applications for discretionary approval, the application for reasonable accommodation shall be processed and considered separately from any discretionary elements of the same proposal. The applications for discretionary approval shall be separately considered and shall be subject to the procedures for consideration in compliance with the applicable review procedure for the companion discretionary review, depending on the type of application. The appropriate Review Authority shall act on all discretionary permits, but not the reasonable accommodation request.
- C. Stays.** If necessary to reach a determination on the request for Reasonable Accommodation, the Review Authority may request additional information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 30-day period to issue a decision is stayed until the applicant responds to the request.

9107.17.060 Findings and Decision
Amended by Ord. No. 2400

- A. Findings.** The written decision to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts shall be based on consideration of all of the following factors:
1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
 2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; as defined in the Fair Housing Laws and interpretive case law;
 4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
- B. Grant with Modifications.** In approving a request for Reasonable Accommodation, the Review Authority may grant the request with modifications deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection A (Findings), above.
- C. Written Decision.** The written decision on the request for a Reasonable Accommodation shall include the Review Authority's findings and any other relevant information upon which the decision is based. All written decisions shall give notice of the applicant's right of appeal in compliance with Subsection E. The notice of decision shall be sent to the applicant.
- D. Other Applicable Regulations.** While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- E. Appeal.** The written decision of the Review Authority shall be final unless appealed.
1. Within 30 days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing;
 2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible;
 3. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection;
 4. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available;

9107.17.070 Rescission of Approval of Reasonable Accommodation Amended by Ord. No. 2400

- A. Rescission.** A grant made in compliance with this Section may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with Subsection B (Discontinuance), below.
- B. Discontinuance**
1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is deemed ceased or discontinued for at least 180 consecutive days. For purposes of this Subsection, the terms ceased or discontinued shall be defined as an abandonment of the rights, irrespective of the owner's or occupant's intent.
 2. If the person(s) initially occupying a residence vacate, the Reasonable Accommodation shall remain in effect only if the Review Authority first determines that:
 - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Development Code; or
 - b. The accommodation is to be used by another qualifying individual with a disability.
 3. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days following the date of a request by the Review Authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

Section 9107.19 – Site Plan and Design Review

Subsections:

- 9107.19.010 Purpose and Intent**
- 9107.19.020 Applicability**
- 9107.19.030 Authority**
- 9107.19.040 Application Filing, Processing, and Review**
- 9107.19.050 Findings and Decision**
- 9107.19.060 Conditions of Approval**
- 9107.19.070 Issuance of Other Required Permits and Approvals**
- 9107.19.080 Minor Changes by Director**
- 9107.19.090 Post Decision Procedures**

9107.19.010 Purpose and Intent

- A. Purpose.** The purpose of this Section is to provide a process for the appropriate review of development projects.
- B. Intent.** The intent of this Section is to ensure that all approved site and structural development:
 - 1. Respects the physical and environmental characteristics of the site;
 - 2. Ensures safe and convenient access and circulation for pedestrians and vehicles;
 - 3. Exemplifies the best professional high quality design practices;
 - 4. Allows for and encourages individual identity for specific uses and structures;
 - 5. Encourages the maintenance of a distinct neighborhood and/or community identity;
 - 6. Minimizes or eliminates negative or undesirable visual impacts; and
 - 7. Provides for the adequate dedication of land for public purposes and the provision of public infrastructure, associated with the subject development.

9107.19.020 Applicability

- A. Site Plan and Design Review Required.** No one shall construct any structure, or relocate, rebuild, or significantly enlarge or modify any existing structure or site until a Site Plan and Design Review has been approved in compliance with this Section and Table 7-3 (Review Authority for Site Plan and Design Review), below.
- B. Referral to Director.** The Building Official shall refer to the Director all applications for Building or Grading Permits subject to the requirements of this Section.
- C. Located within Homeowner's Associations (HOA's).** Single-family residential properties/homes located within the City designated homeowner's association areas are not subject to the City's Site Plan and Design Review process. However, the Associations shall adhere to and apply the Design Guidelines as well as the Association's enabling resolution in their Design Review Process.
- D. Compliance with Section Required**

1. Building or Grading Permits, Business Licenses, or Certificates of Occupancy shall not be issued until the requirements of this Section are met.
2. Any permit or approval specified in Subparagraph 1., above, issued in violation of this provision shall be deemed void.

E. Definitions. The term “significantly enlarge or modify” shall be defined as follows:

1. **Residential Enlargement or Modification.** Residential enlargements or modifications larger than 500 square feet or 25 percent of the existing gross floor area before the addition, whichever is less;
2. **Nonresidential Enlargement or Modification.** Nonresidential enlargement, modification, reconstruction, rehabilitation, or remodel equal to or exceeding 25 percent of the existing gross floor area of the structure before the construction; and
3. **Unimproved Nonresidential Property.** In the case of improvements to unimproved nonresidential property or improvements to nonresidential property that would not require modification of a structure, all plans shall be reviewed.

F. Use of the City’s Design Guidelines

1. **Established by Council Resolution.** General design review criteria and related guidelines for residential and nonresidential projects shall be established by resolution of the Council.
2. **Influence Design.** The City’s Design Guidelines are intended to be used to generally influence the design of single-family, multifamily, commercial, industrial, and mixed use development, and the exterior alterations or re-development of land uses. The Design Guidelines should be used as a starting point for the creative design process and should not be looked upon as the only solution for design.
3. **Strive for Creativity and Innovation.** Owners of properties should strive to be creative and innovative and look beyond franchise or boilerplate architectural, signage, and landscape architectural design treatment.

**9107.19.030 Authority
Amended by Ord. No. 2400**

- A. Site Plan and Design Review Required.** Structures erected or modified to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards) shall require the approval of a Site Plan and Design Review.
- B. Required Before Issuance of Other Required Permits.** Site Plan and Design Review approval shall be required before the issuance of a Building or Grading Permit, Business License, or Certificate of Occupancy for any new structure (not including fences or walls), and existing structures to be reconstructed or remodeled (including facade improvements) that increase the gross floor area by 500 square feet (for residential projects only) or 25 percent of the existing gross floor area of the structure before the construction, whichever is less, or to increase structure height.

C. Applicable Review Authority

1. Applicable Review Authority

- a. The applicable Review Authority shall be as specified in Table 7-3 (Review Authority for Site Plan and Design Review), below. The three levels of review specified in Table 7-3 shall be further defined as follows:
 - (1) Director (Very Minor Review). Review and decision by the Director with no public notice or hearing required.
 - (2) Director (Minor Review). Review and decision by the Director with public notice required, in compliance with Subparagraph 9107.19.040 E. 2., below, as specified for the review of single-family dwellings.
 - (3) Commission (Major Review). Review and decision by the Commission with public notice and hearing required, in compliance with Section 9108.13 (Public Notices and Hearings).

- b. The applicable Review Authority may instead defer action and refer the application to the Review Authority that would normally consider the matter as if an appeal had been filed in compliance with Table 7-1 (Review Authority) and Table 7-3 (Review Authority for Site Plan and Design Review).

2. **Exceptions to Table 7-3.** If the Site Plan and Design Review application is filed along with a companion discretionary land use application (e.g., Conditional Use Permit, etc.) the decision to approve or deny the Site Plan and Design Review shall be made by the Review Authority responsible for reviewing the companion discretionary land use application in compliance with the applicable review procedures for the companion discretionary review and Table 7-1 (Review Authority). The decision to approve or deny the Site Plan and Design Review shall be made in compliance with Subsection F. (Required findings), below.

Table 7-3			
Review Authority for Site Plan and Design Review			
Type of Construction Activity	Role of Review Authority ^{(1) (2) (3)}		
	Director (Very Minor Review)	Director (Minor Review)	Commission (Major Review)
Antennas and Wireless Communication Facilities ⁽⁴⁾			
Panel – New panel with substantial changes resulting in an increase in dimensions of the existing facilities.	Recommend	Decision	Appeal
Standalone Facility	Recommend	Recommend	Decision
All other Antennas and Wireless Communication Facilities are subject to the issuance of a Zoning Clearance			
Residential New Construction, Additions, and/or Accessory Structures			
New single-family residence	Recommend	Decision	Appeal
Minor first floor single-family residential additions and detached accessory structures.	Decision	Appeal	Appeal
Second story addition to an existing residence.	Recommend	Decision	Appeal
All development located on hillsides having a natural slope gradient of 20 percent or greater	Recommend	Decision	Appeal
Multifamily Residential New Construction, Additions, and/or Modifications			
Multifamily residential construction proposing up to 20 dwelling units, excluding parcel or tract maps.	Recommend	Decision	Appeal
Multifamily residential construction proposing 21 or more dwelling units.	Recommend	Recommend	Decision
Multifamily residential construction proposing 16 or more dwelling units in the DMU, CBD, MU, Residential Flex Overlay zones and DMU Overlay Zone ⁽⁵⁾	Recommend	Decision	Appeal
Any addition (main building or accessory structures) or change in number of units	Recommend	Decision	Appeal
Other Residential Construction or Improvements			
Covered patios, facade improvements, fences, gates, gazebos, patio enclosures, roofing materials, trellises, walls, window change outs, swimming pools, spa, decks, roofs, landscaping, and other types of exterior alterations, as deemed appropriate by the Director.	Decision	Appeal	Appeal
Nonresidential Construction			
Nonresidential enlargements or modifications, up to a maximum of 1,500 square feet or 25 percent of the existing gross floor area, whichever is less	Decision	Appeal	Appeal

**Table 7-3
Review Authority for Site Plan and Design Review**

Type of Construction Activity	Role of Review Authority ^{(1) (2) (3)}		
	Director (Very Minor Review)	Director (Minor Review)	Commission (Major Review)
Nonresidential enlargements or modifications, that exceeds 1,501 square feet or 25 percent of the existing gross floor area.	Recommend	Decision	Appeal
Nonresidential construction, up to a maximum of 20,000 square feet of gross floor area.	Decision	Appeal	Appeal
Nonresidential construction, 20,001 square feet or more of gross floor area.	Recommend	Decision	Appeal
All development projects in excess of two acres or structures in excess of 40,000 square feet.	Recommend	Recommend	Decision
Other Nonresidential Construction or Improvements			
Cargo Containers	Decision	Appeal	Appeal
Covered patios, facade improvements, fences, gates, gazebos, patio enclosures, roofing materials, trellises, walls, window change outs, awnings, decks, roofs, landscaping, parking, outdoor dining area, and other types of exterior alterations, as deemed appropriate by the Director.	Decision	Appeal	Appeal
Other Review			
Shared/Joint and Off-Site Parking Plans	Recommend	Decision	Appeal
Outdoor Dining	Recommend	Decision	Appeal

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 9108.07 (Appeals).
- (2) The Review Authority may defer action and refer the request to the next higher Review Authority for the final decision.
- (3) Any decision of the Commission is appealable to the Council, in compliance with Section 9108.07 (Appeals).
- (4) Antennas and Wireless Communication Facilities.
 - (a) Panel. A wireless communication facility where the antennae are mounted on the roof or top of a building or structure, or the side of a building or structure, other than on a standalone facility.
 - (b) Standalone Facility. A wireless communication facility where the antennae are mounted to a dedicated ground-based structure in order to elevate the antennae to a useable altitude (ie: monopole, cell tower, etc.).
- (5) Multifamily Residential Development. Owner-occupied and rental multifamily uses (including those in a mixed-use format) in which 20 percent or more of units are affordable to lower-income households.

9107.19.040 Application Filing, Processing, and Review

Amended by Ord. No. 2347

Amended by Ord. No. 2375

- A. Application Filing.** An application for a Site Plan and Design Review shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the Fee Schedule. Additionally, the applicant shall reimburse the City for all costs associated with Site Plan and Design Review performed by the City's architectural and landscape design consultants before final approval of the Site Plan and Design Review. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9107.19.050 (Findings and Decision), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. Review with Other Land Use Applications.** If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval (e.g., Conditional Use Permit, etc.), then the applicant shall file the information required by Subsection A (Application filing), above, together for concurrent review with the application for the companion discretionary approval. Only the formal application and associated fee for the companion discretionary approval shall be required in order to comply with the Site Plan and Design Review filing requirements.
- C. Application Review.** Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Section; applicable development standards and regulations of this Development Code; and adopted Design Guidelines and policies that may apply.
1. A Site Plan and Design Review is initiated when the Department receives a complete application package including the required information and materials specified in the Department handout and any additional information required by the applicable Review Authority in order to conduct a thorough review of the proposed project.
 2. Upon receipt of a complete application the applicable Review Authority shall review the location, design, site plan configuration and the effect of the proposed development on adjacent properties by comparing the project plans to established development standards, regulations, and applicable Design Guidelines and policies.
 3. During the course of the review process, the Review Authority may require the submittal of additional information or revised plans. The applicant shall be notified in writing of any revisions or additional information required and shall submit the requested information to the Department within 90 days following the date of the notice or within the period of time designated by the Review Authority. Failure to submit the required information by the end of the business day on the 90th day, or within the period of time designated by the Review Authority, shall cause the City to consider the application withdrawn and of no further effect.
 4. After the Site Plan and Design Review application has been deemed complete, the Review Authority shall either approve or deny the Site Plan and Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this Section, adopted Design Guidelines, and various regulations of the City in compliance with Subsection 9107.19.050 (Findings and Decision), below.
 5. The following criteria shall be considered during the review of a Site Plan and Design Review application:
 - a. Compliance with this Section, this Development Code, and all other applicable City regulations and policies;
 - b. Consistency with the General Plan and any applicable specific plan;
 - c. Consistency with any adopted Design Guidelines, policies, and standards..
 - d. Efficient site and layout and design. In terms of the following:

- (1) The arrangement and relationship of proposed structures to one another and to other developments in the vicinity and whether the relationship is harmonious and based on good standards of design;
 - (2) Efficiency and safety of public access and parking;
 - (3) The adequacy of proposed driveways, landscaping, parking spaces, potential on-site and off-site parking and traffic impacts and other potential impacts upon the environment;
 - (4) Appropriate open space and use of water efficient landscaping;
 - e. Compatibility with neighboring properties and developments; in terms of scale and aesthetic treatment of proposed structures with public areas
- D. On-Site Inspection.** An application for a Site Plan and Design Review may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Section.
- E. Public Notice, Tenant Notification, Hearing, and Appeal Provisions**
1. **Director's Site Plan and Design Reviews (Very Minor Review).** Neither a public notice nor public hearing shall be required for the Director's decision on a Site Plan and Design Review (Very Minor Review) application.
 2. **Single-Family Dwelling Exception.** The only exception to the notice and public hearing provisions for the Director's decision specified in Subparagraph 1., above, is for Site Plan and Design Review for the construction of a new or modification (i.e., increase in floor area or the addition of a second story) of an existing single-family dwelling. In the case of a single-family dwelling, the following notice provisions shall apply:
 - a. The City shall send a mailed notice stating that the Director will decide whether to approve, conditionally approve, or deny a Site Plan and Design Review for a single-family dwelling application on a date specified in the notice.
 - b. The notice shall contain a request for comments on the application.
 - c. In order to be considered, the comments shall be received by the Director no later than 14 days following the date specified in the notice.
 - d. The notice shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the Site Plan and Design Review application; and any other person(s) whose property might, in the judgment of the Director, be affected by the proposed project, in compliance with Section 9108.13 (Public Notices and Hearings).
 3. **Director's Site Plan and Design Reviews (Minor Review).** A public notice shall be required for the Director's decision on a Site Plan and Design Review (Minor Review) application, in compliance with Subparagraph 9107.19.040 E. 2., above, as specified for the review of single-family dwellings.
 4. **Tenant Notification.** The property owner shall notify the tenants of the proposed project before the City can deem the project complete. The notice must be delivered to all existing tenants by Certified Mail from the United States Postal Service. The letter shall specify the type of development proposed and the contact information of the property owner.
 5. **Commission's Site Plan and Design Reviews.** A public notice and hearing shall be required for the Commission's decision and the Council's decision, if an appeal of the Commission's decision has been filed, on a Site Plan and Design Review application. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
 6. **Appeals.** The Review Authority's decision may be appealed, in compliance with Section 9108.07 (Appeals).

9107.19.050 Findings and Decision
Amended by Ord. No. 2375

- A. Meets Requirements of this Section.** The Review Authority shall determine whether or not the application meets the requirements of this Section in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. Review Authority's Action within 30 days.** Within 30 days following the filing of the completed application, the Review Authority shall approve, approve with conditions, or deny the Site Plan and Design Review application.
- C. Referral to the Commission.** If the Site Plan and Design Review application submitted is of significant consequence or magnitude or involves potential public controversy, the Director may defer action and refer the application to the Commission for review and final decision.
- D. Next Commission Agenda.** The referral shall be placed on the agenda of the next available regular Commission meeting following the referral.
- E. Other Review Authority.** The decision to approve or deny the Site Plan and Design Review shall be made by the authority responsible for reviewing the companion discretionary land use application (e.g., Conditional Use Permit, etc.) in compliance with the applicable review procedure for the companion discretionary review. The decision to approve or deny the Site Plan and Design Review shall be made in compliance with Subsection F. (Required findings), below.
- F. Required Findings.** The Review Authority may approve a Site Plan and Design Review application, only if it first makes all of the following findings. The proposed development will:
 - 1. Be in compliance with all applicable development standards and regulation in the Development Code;
 - 2. Be consistent in the objectives and standards of the applicable Design Guidelines;
 - 3. Be compatible in terms of scale and aesthetic design with surrounding properties and developments;
 - 4. Have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping; and
 - 5. Be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040.C.5 above

9107.19.060 Conditions of Approval

- A. May Impose Conditions.** In approving a Site Plan and Design Review application, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the findings required by Subsection 9107.19.050 (Findings and Decision), above.
- B. Requirements for Dedication and Infrastructure.** The conditions may include requirements for the offers of adequate dedication of land for public purposes and the provision of public infrastructure to the extent necessitated by the development.

9107.19.070 Issuance of Other Required Permits and Approvals

- A. Permits or Approvals for Grading, Structures, and Uses.** No permits or approvals shall be issued for any development involved in an application for a Site Plan and Design Review or a revised Site Plan and Design Review until and unless the same shall have become final, in compliance with Subsection 9108.11.030 (Effective Dates of Permits).
- B. Compliance with Site Plan and Design Review.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Section, except in compliance with the approved Site Plan and Design Review and the conditions imposed on the review.

- C. Determination by Director.** Compliance shall be determined by the Director, or in the case of disagreement with the applicant, by the applicable Review Authority.

9107.19.080 Minor Changes by Director

The Director may approve minor changes in a Site Plan and Design Review that do not involve an increase in structure area or height, an increase in the number of dwelling units, a significant architectural change, or an intensity of use in compliance with Subsection 9108.11.100 (Changes to an Approved Project).

9107.19.090 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Site Plan and Design Review application.

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Section 9107.20 – Site Plan and Design Review: Homeowners Association Areas

Subsections:

9107.20.010 Purpose and Intent
9107.20.020 Applicability
9107.20.030 Authority
9107.20.040 Application Filing, Processing, and Review
9107.20.050 Findings and Decision
9107.20.060 Conditions of Approval
9107.20.070 Issuance of Other Required Permits and Approvals
9107.20.080 Minor Changes by Director
9107.20.090 Post Decision Procedures

9107.20.010 Purpose and Intent

- A. Purpose.** The purpose of this Section is to provide a process for the appropriate review of development projects within Homeowners Association Areas established by City Council Resolution.
- B. Intent.** The intent of this Section is to ensure that all approved site and structural development:
1. Respects the physical and environmental characteristics of the site;
 2. Ensures safe and convenient access and circulation for pedestrians and vehicles;
 3. Exemplifies the best professional high quality design practices;
 4. Allows for and encourages individual identity for specific uses and structures;
 5. Encourages the maintenance of a distinct neighborhood and/or community identity;
 6. Minimizes or eliminates negative or undesirable visual impacts; and
 7. Provides for the adequate dedication of land for public purposes and the provision of public infrastructure, associated with the subject development.

9107.20.020 Applicability

- A. Site Plan and Design Review Required.** No one shall construct any structure, or relocate, rebuild, or enlarge or modify any existing structure or site, including façade improvement, fences and walls, landscaping, and hardscaping until a Design Review has been approved in compliance with this Section and Table 7-4 (Review Authority for Site Plan and Design Review: Homeowners Association Areas), below.
- B. Compliance with Section Required**
1. Building or Grading Permits, Business Licenses, or Certificates of Occupancy shall not be issued until the requirements of this Section have been met.
 2. Any permit or approval specified in Subparagraph 1., above, issued in violation of this provision shall be deemed void.
- C. Use of the City's Design Guidelines**

1. **Established by Council Resolution.** General design review criteria and related guidelines for residential projects shall be established by resolution of the Council.
2. **Influence Design.** The City's Design Guidelines are intended to be used to adhere and applied to the design of single-family development, and the exterior alterations or re-development of land uses within Homeowners Association Areas. The Design Guidelines should be used as a starting point during design process and to ensure the design is compatible and harmonious with the context of that neighborhood and/or area.
3. **Strive for Creativity and Innovation.** Owners of properties should strive to be creative and innovative and look beyond franchise or boilerplate architectural and landscape architectural design treatment.

9107.20.030 Authority

- A. **Site Plan and Design Review Required.** Structures, fences or walls, or landscaping erected or modified within Homeowners Association Areas to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards) shall require the approval of a Design Review through the specified review process in Section 9107.03.010.
- B. **Required Before Issuance of Other Required Permits.** Design Review approval shall be required before the issuance of a Building or Grading Permit, or Certificate of Occupancy for any new structure, fences or walls, and existing structures to be reconstructed or remodeled (including facade improvements). Any exceptions shall be specified in Table 7-4 (Review Authority for Site Plan and Design Review: Homeowners Association Areas), below.

C. Applicable Review Authority

1. Applicable Review Authority

- a. The applicable Review Authority shall be as specified in Table 7-4 (Review Authority for Site Plan and Design Review: Homeowners Association Areas), below. The three levels of review specified in Table 7-4 shall be further defined as follows:
 - (1) **City Review (Very Minor Review).** Review and decision by the Director with no public notice or hearing required.
 - i. The Director may instead defer action and refer the application to the HOA Architectural Review Board (ARB) Chairperson for review under the Short Review process listed below.
 - (2) **Short Review (Minor Review).** Review and decision by the HOA ARB Chairperson with no public notice or hearing required.
 - i. The HOA ARB Chairperson may instead defer action and refer the application to the Architectural Review Board for review under the Regular Review process listed below.
 - (3) **Regular Review (Major Review).** Review and decision by the HOA Architectural Review Board with public notice and hearing required, in compliance with Section 9108.13 (Public Notices and Hearings).

Table 7-4
Review Authority for Site Plan and Design Review: Homeowners Association Areas

Types of Construction Activity	Review Authority ⁽⁴⁾⁽⁵⁾		
	City Review (Very Minor Review)	Short Review (Minor Review)	Regular Review (Major Review)
Fences and/or walls ^{(1) (2)}	Decision		
In-Ground Swimming Pools and Spas without water features	Decision		
In-Ground Swimming Pools and Spas with water features		Decision	
Roof-mounted solar	Decision		
Pool and Spa Equipment ⁽³⁾	Decision		
Mechanical equipment ⁽³⁾	Decision		
Sport courts and related features including but not limited to fencing and lighting		Decision	
Single-story remodels and additions		Decision	
Detached accessory structures - new, additions, and/or remodels		Decision	
Above Ground Swimming Pools and Spas		Decision	
Landscaping and Hardscaping ⁽¹⁾		Decision	
Fountains, water features, or statues ⁽¹⁾		Decision	
Ground-mounted solar		Decision	
Roofing	Decision		
Façade Improvements on existing structures, including but not limited to window replacements, paint and/or materials changes, etc.		Decision	
New single-family residence			Decision
New second story or second story addition			Decision

Notes:

- (1) Design Review shall not be required if it is not visible from a public right-of-way.
- (2) Design Review shall not be required if it is 2 feet or less in height above the lowest adjacent grade.
- (3) If an Administrative Modification is required, review by the Homeowners Association under the Short Review process shall be required prior to the City processing the Administrative Modification.
- (4) Any decision is appealable to the Commission and Council, in compliance with Section 9108.07 (Appeals).
- (5) All projects that are not listed to be eligible to be processed under the City Review or Short Review process shall be processed under the Regular Review process.

9107.20.040 Application Filing, Processing, and Review

- A. Application Filing.** An application for a Site Plan and Design Review: Homeowners Association Areas shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Design Review in Homeowners Association Areas, together with the required fee in compliance with the Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. Review with Other Land Use Applications.** If the project for which the request for Site Plan and Design Review: Homeowners Association Areas is being made also requires some other discretionary approval by the Development Services Division (e.g., Certificate of Demolition, Protected Trees, Administrative Modifications, etc.), then the applicant shall submit copies of the requests to the applicable Review Authority for concurrent consideration.

C. Application Review. Each application for a Site Plan and Design Review: Homeowners Association Areas shall be reviewed to ensure that the application is consistent with the purpose of this Section and adopted Design Guidelines and policies that may apply.

1. A Site Plan and Design Review: Homeowners Association Areas is initiated when the ARB Chairperson receives a complete application package including the required information and materials on the Short Review and Regular Review application, information and materials for other land use applications to be concurrently considered, and any additional information required by the applicable Review Authority in order to conduct a thorough review of the proposed project.
2. Upon receipt of a complete application the applicable Review Authority shall review the location, design, site plan configuration, the items listed under item no. 5 below, and the effect of the proposed development on adjacent properties by comparing the project plans to the applicable Design Guidelines and policies.
3. During the course of the review process, the Review Authority may require the submittal of additional information or revised plans. The applicant shall be notified in writing of any revisions or additional information required and shall submit the requested information to the Review Authority within 90 days following the date of the notice or within the period of time designated by the Review Authority. Failure to submit the required information by the end of the business day on the 90th day, or within the period of time designated by the Review Authority, shall cause the Review Authority to consider the application withdrawn and of no further effect.
4. After the application has been deemed complete, the Review Authority shall either approve or deny the Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this Section, adopted Design Guidelines, City Council Resolution, and various regulations of the City in compliance with Subsection 9107.10.050 (Findings and Decision), below.
5. The following criteria shall be considered during the review:
 - a. Compliance with this Section, this Development Code, City Council Resolution, and all other applicable City regulations and policies;
 - b. Efficient site layout and design;
 - c. Compatibility with neighboring properties and developments;
 - d. Efficiency and safety of public access and parking;
 - e. The arrangement and relationship of proposed structures and signs to one another and to other developments in the vicinity and whether the relationship is harmonious and based on good standards of design;
 - f. The compatibility in scale and aesthetic treatment of proposed structures with public areas;
 - g. The adequacy of proposed driveways, landscaping, parking spaces, potential on-site and off-site parking and traffic impacts and other potential impacts upon the environment;
 - h. Appropriate open space and use of water efficient landscaping;
 - i. Consistency with the General Plan and any applicable specific plan; and
 - j. Consistency with any adopted Design Guidelines, policies, and standards.

D. On-Site Inspection. An application may require that the ARB Chairperson, or HOA Architectural Review Board to perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Section.

E. Public Notice, Hearing, and Appeal Provisions

1. **City Review and Short Review.** Neither a public notice nor public hearing shall be required for the Director's decision or the ARB Chairperson's decision on a City Review or Short Review application.
2. **Regular Reviews.** A public notice and hearing shall be required for ARB's decision on a Regular Review application. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
3. **Appeals.** The Review Authority's decision may be appealed to the Planning Commission and the City Council, in compliance with Section 9108.07 (Appeals).

9107.20.050 Findings and Decision

- A. **Meets Requirements of this Section.** The Review Authority shall determine whether or not the application meets the requirements of this Section in compliance with Subsection 9107.10.060 (Initial Application Completeness Review).
- B. **Review Authority's Action.**
 1. **City Review and Short Review.** Within 14 calendar days following the filing of the completed application, the applicable Review Authority shall approve, approve with conditions, or deny the application.
 2. **Regular Review.** Within 30 calendar days following the filing of the completed application, the applicable Review Authority shall approve, approve with conditions, or deny the application.
- C. **Referral to the Short Review process.** If the application submitted for City Review (Very Minor Review) is of significant consequence or magnitude or involves potential public controversy, the Director may defer action and refer the application to the ARB Chairperson for review and final decision under the Short Review (Minor Review) process.
- D. **Referral to the Regular Review process.** If the application submitted for Short Review (Minor Review) is of significant consequence or magnitude or involves potential public controversy, the ARB Chairperson may defer action and refer the application to the Architectural Review Board for review and final decision under the Regular Review (Major Review) process.
 1. **Next ARB Agenda.** The referral shall be placed on the agenda of the next available regular ARB meeting following the referral.
- E. **Required Findings.** The Review Authority may approve an application, only if it first makes finding that the proposed development will be consistent with the City adopted Design Guidelines.
- F. **Notice of the Decision.**
 1. **Short Review.** Within 10 days after final action by the applicable ARB Chairperson on an application, notice of the decision form shall be mailed to the applicant at the address shown upon the application, the Development Services Department, and to all other persons who have filed a written request for notices of decision with the ARB Chairperson.
 2. **Regular Review.** Within 10 days after final action by the applicable ARB on an application, notice of the decision and Findings and Action form shall be mailed to the applicant at the address shown upon the application, the Development Service Department, and to all other persons who have filed a written request for notices of decision with the ARB.

9107.20.060 Conditions of Approval

- A. **May Impose Conditions.** In approving an application, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the findings required by Subsection 9107.20.050 (Findings and Decision), above.

9107.20.070 Issuance of Other Required Permits and Approvals

- A. Permits or Approvals for Grading, Structures, and Uses.** No permits or approvals shall be issued for any development involved in an application for a Site Plan and Design Review: Homeowners Association Areas or a revised Site Plan and Design Review: Homeowners Association Areas until and unless the same shall have become final, in compliance with Subsection 9108.11.030 (Effective Dates of Permits).
- B. Compliance with Site Plan and Design Review Homeowners Association Areas.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Section, except in compliance with the approved Site Plan and Design Review: Homeowners Association Areas and the conditions imposed on the review.
- C. Determination by Director.** Compliance shall be determined by the Director.

9107.10.080 Minor Changes by ARB Chairperson

The ARB Chairperson may approve minor changes to an approved Regular Review (Major Review) application that do not involve an increase in structure area or height, a significant architectural change, or an intensity of use in compliance with Subsection 9108.11.100 (Changes to an Approved Project). The ARB Chairperson may instead defer action and refer the request back to the Architectural Review Board for review under the Regular Review process in compliance with Subsection 9107.10.030 (Authority), above.

9107.10.090 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Site Plan and Design Review: Homeowners Association Areas application.

Section 9107.21 – Specific Plans

Subsections:

- 9107.21.010 Purpose and Intent
- 9107.21.020 Applicability
- 9107.21.030 Initiation of Specific Plans
- 9107.21.040 Application Filing and Initial Review
- 9107.21.050 Application Processing
- 9107.21.060 Adoption or Amendment of a Specific Plan
- 9107.21.070 Retroactivity

9107.21.010 Purpose and Intent

- A. **Purpose.** Specific plans are a significant planning tool. The purpose of this Section is to provide a method for preparing, processing, reviewing, and adopting specific plans to, in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time. In addition, it is the purpose of this Section to provide a method for amending specific plans to ensure their continued effectiveness and responsiveness to market demands over time.
- B. **Intent.** After the Council has adopted the General Plan, or any amendment to the General Plan, the Department may, or as directed by the Council, shall prepare or cause the preparation of specific plans for the systematic implementation of the General Plan.

9107.21.020 Applicability

- A. **Specific Plan Required.** When required by the Council, the General Plan, or this Development Code to systematically implement the General Plan for any part of the City, a specific plan shall be prepared, processed, approved, and implemented in compliance with this Section.
- B. **Flexibility and Innovation.** A specific plan is designed to provide for adequate flexibility, innovative use of land resources and development, a variety of building, development, and housing types, land use mixes, site design, development concepts, and an effective and safe method of pedestrian and vehicular circulation.
- C. **Council Authority Under the City Charter.** The Council is authorized to prepare, adopt, and amend specific plans in compliance with Article II, Section 200 of the City Charter. Nothing in this Section shall be construed as adopting directly or indirectly those provisions of the Government Code from which the City of Arcadia, a Charter City is exempt.
- D. **Commission and Council Review.** An application for a specific plan shall be considered by the Commission and Council.

9107.21.030 Initiation of Specific Plans

A specific plan or its amendment may be initiated in the following manner:

- A. **Council.** By the majority consensus of the Council, with or without a recommendation from the Commission; or
- B. **Property Owner(s).** By an application being filed by the owner(s) of one or more parcels, or the owner's authorized agent, that would be the subject of the specific plan. If the property for which a specific plan or specific plan amendment is proposed is held in multiple ownerships, all the owners or their authorized agents shall join in filing the application. If initiated by a property owner(s), a pre-application conference as specified in Subparagraph C., below is required.

- C. Pre-Application Conference Required.** A pre-application conference with the Director before the filing of a specific plan application is required, in compliance with Section 9107.03.020 (Application Submittal).
1. The purpose of the pre-application conference is to allow the property owner(s) or property owner's agent to obtain information before entering into binding commitments incurring substantial expense in the preparation of plans, surveys, and other data. Coordination and preparation of environmental documentation shall be discussed.
 2. The preliminary consultations shall include, but are not limited to, the following:
 - a. Proposed land uses to be developed within the project area;
 - b. Development concepts to be employed;
 - c. Schematic plans, illustrative material, and narrative sufficient to describe the general relationships between land uses, and the intended design character and scale of principal features; and
 - d. A preliminary time schedule for development, including quantitative data (e.g., population, building units, land use acreage, and other data) sufficient to illustrate phasing of development and potential impact on public service requirements.
 3. Pre-application review shall not constitute any representation on the part of the City that a specific plan will be prepared or approved for the property or that any other application pending or otherwise will be approved.
- D. Neighborhood Meeting(s).** A neighborhood meeting is strongly encouraged with surrounding property owners and arranged by the project proponent(s).
- E. For property Located in Unincorporated Territory.** If the property for which a specific plan or specific plan amendment is proposed is located in unincorporated territory it will serve as rezoning for the property. Whether initiated by the City or by the owner(s), a proposal and/or the adoption or amendment of a specific plan for unincorporated territory will not constitute any representation on the part of the City that the City will apply for a sphere of influence amendment or annexation in compliance with Government Code Sections 56428 and 56453.

9107.21.040 Application Filing and Initial Review

If initiated by a property owner(s), the specific plan application or an amendment shall comply with all of the following.

- A. Filing.** An application for a specific plan or an amendment shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified by the most up-to-date Department handout for specific plan applications and Subsection 9107.21.050 (Application Processing), below, together with the required fee in compliance with the Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the finding required by Subsection 9107.21.060 (Adoption or Amendment of a Specific Plan), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. Minimum Site Area.** The minimum site area for a specific plan shall be one and one-half acres in total land area. The site may be one parcel under single ownership or a combination of adjoining parcels subject to a unified planning concept.
- C. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action in compliance with this Section and Section 9107.03 (Application Processing Procedures).
- D. Public Notice and Hearing Provisions.** All specific plan applications shall be subject to the following public notice and hearing provisions.
1. Public hearings shall be required for the Commission's recommendation and the Council's action on a specific plan or an amendment.

2. The public hearings shall be scheduled once the Director finds the application complete in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
3. Notice of the public hearings shall be given and the hearings shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

9107.21.050 Application Processing

If initiated by a property owner(s), the draft specific plan shall be processed in the same manner as required for a Zoning Map Amendment by State law, and as follows.

A. Director's Evaluation

1. After the filing of a draft specific plan, the Director shall review the draft plan to determine whether it is in compliance with the provisions of this Section.
2. If the draft plan is not in compliance, it shall be returned to the applicant with written specification(s) as to why it does not comply, and with suggested revisions to ensure compliance.
3. When a draft plan is returned by the applicant to the Department and the Director determines it is complete and in compliance with this Section, the plan shall be deemed to be accepted for processing, in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

B. Environmental Review Required. The draft specific plan shall be subject to environmental review as identified in Subsection 9107.03.070 (Environmental Assessment).

C. Distribution of Materials. Copies of the draft specific plan shall be distributed by the Director to the relevant City departments, and each local agency with special expertise, along with any environmental documentation.

D. Staff report. A written staff report shall be prepared for the draft specific plan that shall include detailed recommendations and, if appropriate, suggested changes to the text and/or diagrams of the specific plan, as determined to be necessary to make it acceptable for adoption.

E. Commission's Recommendations. Following the public hearing, the Commission shall indicate by resolution whether the specific plan or specific plan amendment is recommended to the Council for approval, approval in modified form, or denial in compliance with Subsection 9107.21.060 (Adoption or Amendment of a Specific Plan), below, and Section 9108.03 (Amendments). The City Clerk shall be notified of the Commission's recommendation.

F. Council Review and Action. The Council, after receipt of the report and recommendations of the Commission, shall hold a public hearing to consider the specific plan or the specific plan amendment.

1. The Council may approve, approve with modifications, or deny a proposed specific plan or specific plan amendment in compliance with Subsection 9107.21.060 (Adoption or Amendment of a Specific Plan), below, and Section 9108.03 (Amendments). Approval of the specific plan or specific plan amendment shall be by ordinance.
2. If the Council approves the specific plan with modifications, a final reproducible specific plan document shall be submitted to the City within 30 days following the first reading of the ordinance adopting the specific plan.

G. Public Notice and Hearing Provisions. Notice of the public hearings specified in Subparagraphs E. and F., above, shall be given and the hearings shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

9107.21.060 Adoption or Amendment of a Specific Plan

A. Mandatory Finding for Adoption or Amendment. The Commission may recommend approval and the Council may approve a specific plan or specific plan amendment only if it first makes all of the following findings:

1. The proposed specific plan or specific plan amendment is consistent with the General Plan, including its goals, objectives, policies, and action programs.
 2. The proposed specific plan or specific plan amendment is a desirable planning tool to implement the provisions of the General Plan.
 3. The proposed specific plan or specific plan amendment will not adversely affect the public health, safety and general welfare or result in an illogical land use pattern.
 4. In the case of a specific plan amendment, the following additional finding shall be made before its adoption: The proposed specific plan amendment will not create internal inconsistencies within the specific plan and is consistent with the purpose and intent of the specific plan it is amending.
 5. In the case of a specific plan located within unincorporated territory, the following additional finding shall be made before its adoption: The proposed specific plan is consistent with the planning and rezoning designation provided for the specific plan area or alternatively functions as rezoning for the unincorporated territory.
- B. Frequency of Amendments.** The specific plan may be amended as often as deemed necessary by the Council in compliance with Government Code Section 65453.
- C. Project Consistency Under a Specific Plan.** No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no Development Code Text or Zoning Map amendment may be approved within an area covered by a specific plan unless it is first found consistent with the adopted specific plan in compliance with Government Code Section 65455.
- D. Repeal of a Specific Plan or Amendment.** A specific plan or specific plan amendment may be repealed in the same manner as it is required to be amended, in compliance with this Section.

9107.21.070 Retroactivity

This Section shall apply to any specific plan or specific plan amendment application filed and accepted as complete by the City on or after January 1, 1995.

Section 9107.23 – Temporary Use Permits

Subsections:

- 9107.23.010 Purpose and Intent**
- 9107.23.020 Definition**
- 9107.23.030 Applicability**
- 9107.23.040 Exempt Temporary Uses**
- 9107.23.050 Allowed Temporary uses**
- 9107.23.060 Application Filing and Processing**
- 9107.23.070 Action by the Review Authority**
- 9107.23.080 Findings and Decision**
- 9107.23.090 Conditions of Approval**
- 9107.23.100 Extensions for Temporary Use Permits**
- 9107.23.110 Condition of Site Following Temporary Use**
- 9107.23.120 Post Decision Procedures**

9107.23.010 Purpose and Intent

The purpose of this Section is to allow for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Section.

9107.23.020 Definition

For purposes of this Section, a temporary (short-term) land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature, and generally not conducted for more than 30 consecutive days in duration.

9107.23.030 Applicability

Amended by Ord. No. 2375

- A. Minor Short-Term Activities.** A Temporary Use Permit allows short-term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
- B. Temporary Use Permit Required.** In compliance with Subsection 9107.23.050 (Allowed Temporary Uses), below, temporary land uses shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit approved in compliance with this Section.
- C. Categories of Land Uses.** The following three categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, location, size, and type of use:
 - 1. Exempt Temporary Uses.** Exempt temporary uses are identified in Subsection 9107.23.040 (Exempt Temporary Uses), below; and
 - 2. Temporary Uses Requiring a Temporary Use Permit.** Temporary uses requiring a Temporary Use Permit are identified in Subsection 9107.23.050 (Allowed Temporary Uses), below.
 - 3. Activities Located within the RTE (Race Track Event) Overlay and S-1 Zone**
 - a. RTE (Race Track Event) Overlay.** All Temporary Use Permit applications for temporary activities to be conducted within the RTE (Race Track Event) Overlay, shall require action by the applicable Review Authority specified in Subsection D (Applicable Review Authority) below.

- b. **S-1 Zone.** For every reference to activities conducted within the RTE (Race Track Event) Overlay, it shall also be understood to include activities within the S-1 zone.
- D. **Applicable Review Authority.** The applicable Review Authority for Temporary Use Permits shall be in compliance with the following:
 1. **Director.** Temporary Use Permits for activities to be conducted in all locations within the City, except for those activities conducted within the RTE (Race Track Event) Overlay, shall be subject to the review and determination by the Director. No notice shall be required.
 2. **Events within the RTE (Race Track Event) Overlay.** Temporary Use Permits for those activities to be conducted within the RTE (Race Track Event) Overlay shall be subject to the review and determination by the following Review Authorities:
 - a. **Director.** If the activity will host less than 10,000 people at any one time, or drive thru/drive-in event, the permit shall be subject to the review and determination by the Director. No notice shall be required. For a one-day event that draws more than 10,000 people at any one time, it may be approved by the Director.
 - b. **Council.** If the activity will exceed the thresholds specified in Subparagraph a., above, the permit shall be referred to the Council for review and determination.
 3. **Events within the RTE (Race Track Event) Overlay – Recurring Events**
 - a. Temporary Use Permits for recurring activities (previously approved annually occurring activities that exceed the thresholds specified in Subparagraph a., above) to be conducted within the RTE (Race Track Event) Overlay shall be subject to the review and determination by the Director.
 - b. The Director shall have the authority to review and make a determination on an application submitted for a subsequent or recurring activity that exceeds the size and/or duration thresholds, or the Director may refer the application to the Council for their review and determination.
 - c. In order to approve a recurring activity that exceeds the thresholds specified in Subparagraph a., above, the Director shall first make all of the following findings:
 - (1) The previous activity complied with City's Noise Ordinance requirements; and
 - (2) All conditions of approval for the previously approved Temporary Use Permit were satisfactorily met and adhered to throughout and following the event.
 - d. If the findings specified in Subparagraph c., above, cannot be made, the application shall be referred to the Council for review and determination.

9107.23.040 Exempt Temporary Uses

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with Subsection 9107.23.050 (Allowed Temporary Uses), below.

A. Construction Yards — On-Site

1. On-site contractors' construction yard(s), in conjunction with an approved construction project on the same parcel.
2. One adult caretaker may be present during non-construction hours.
3. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

- B. Yard Sales Conducted on Private Property.** Yard sales conducted on private property when conducted in compliance with Section 9104.02.360 (Yard Sales).
- C. Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Council.
- D. Publicly-Owned Property.** Events that are to be conducted on publicly owned property and rights-of-way and are sponsored by educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code.
- E. Temporary Portable Storage Containers on Residential Property.** Temporary Portable Storage Containers located on residential property that comply with standards listed in Subsection 9104.020.320 (Storage Containers - Temporary Portable).

9107.23.050 Allowed Temporary uses

Amended by Ord. No. 2347

Amended by Ord. No. 2375

The following temporary uses are allowed, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with Subsection 9107.23.090 (Conditions of Approval), below. Activities conducted on sites located within the RTE (Race Track Event) Overlay or S-1 zone may be allowed longer or recurring time periods within which to operate in compliance with Subparagraph 9107.23.030 D. (Applicable Review Authority), above.

- A. Car Washes.** Car washes, limited to one event each month for each sponsoring organization, not exceeding three days in length. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code.
- B. Contractors' Construction Yards — Off-Site.** The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
- C. Events**
 - 1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, outdoor entertainment/sporting events, non-profit fund raising, rodeos, rummage sales, second-hand sales, and swap meets for 14 consecutive days or less, or six two-day weekends, within a 12-month period.
 - 2. Outdoor displays and retail sales events conducted by a retail business holding a valid Business License in the City may be allowed a maximum of three outdoor retail sales events (excluding City sponsored activities) each calendar year in compliance with the standards identified in Subsection 9104.02.110 (Display and Retail Activities – Outdoor). For purposes of this Subsection an outdoor retail sales event shall be no longer than four consecutive days in duration.
 - 3. Outdoor gatherings/meetings and group activities for seven consecutive days or less, within a 12-month period.
 - 4. Outdoor vehicle sales events conducted by established vehicle sales facilities for 30 consecutive days or less, within a 12-month period.
 - 5. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sales lots) only by businesses holding a valid Business License in the City; provided the activity may only be held from October 1st through October 31st, of the same year for the Halloween pumpkin sales, and from the day after Thanksgiving through December 26th, of the same year for Christmas tree sales.
 - 6. Mobile food vending in compliance with Section 9104.02.220 and up to 6-months within a 12-month period.
 - 7. Any temporary use deemed appropriate by the Director, including the duration of the temporary use.

- D. On-Location Filming.** The temporary use of a specified and approved location for occasional commercial filming (e.g., commercials, movie(s), videos, etc.), in compliance with Government Code Section 65850.1. The Director shall find that the approval would not result in a frequency of use likely to create incompatibility between the temporary filming activity and the surrounding areas.
- E. Storage During Construction.** Storage of equipment during construction activities for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs;
- F. Temporary Sales Trailers**
1. A trailer may be used for temporary sales activities (e.g., model home sales, etc.).
 2. A permit for temporary sales trailer(s) may be approved for up to 12 months.
- G. Temporary Structures.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months, as an accessory use or as the first phase of a development project, in the commercial, industrial, and downtown zones.
- H. Temporary Work Trailers**
1. A trailer or mobile home may be used as a temporary work site for employees of a business:
 - a. During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or
 - b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
 2. A permit for temporary work trailer(s) may be approved for up to 12 months.
- I. Other Similar Temporary Uses.** Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

9107.23.060 Application Filing and Processing

- A. Filing.** An application for a Temporary Use Permit shall be filed with the Department in the following manner:
1. An application for a Temporary Use Permit shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Temporary Use Permit applications, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
 2. The application shall be filed with the Department at least 30 days before the date that the proposed temporary use is scheduled to take place.
- B. Evidence.** It is the responsibility of the applicant to establish evidence in support of the findings required by Section 9107.23.080 (Findings and Decision), below.

9107.23.070 Action by the Review Authority **Amended by Ord. No. 2347**

A. Project Review Procedures

1. **Director's Action within 30 Days.** Within 30 days following receipt of an application deemed complete by the Director, the Director shall investigate the facts necessary for action consistent with the purpose of this Section.
2. **Action of the Director.** The Director shall grant, conditionally grant, or deny the Temporary Use Permit application in compliance with Sections 9107.23.080 (Findings and Decision) and 9107.23.090 (Conditions of Approval), below, or defer action and refer the application to the Commission.
3. **Activities within the RTE (Race Track Event) Overlay or S-1 Zone.** See Subsection 9107.23.030 D (Applicable Review Authority), above.

B. Public Notice and Hearing Not Required for the Director's Action on a Temporary Use Permit

1. **Director's Actions – Citywide.** The following notice and hearing provisions shall apply City-wide, except for those activities on sites located within the RTE (Race Track Event) Overlay per Section 9107.23.030.3.a or S-1 zone.
 - a. Neither a public notice or hearing shall be required for the Director's decision on a Temporary Use Permit application.
 - b. However, the Director may choose to provide for a public notice and hearing, in compliance with Section 9108.13 (Public Notices and Hearings).

C. Public Notice and Hearing Shall Be Required for the Commission's or Council's Action on a Temporary Use Permit

1. A public notice and hearing shall be required if the application is referred or appealed to the Commission or Council.
2. A public notice and hearing shall be required if the application is for a Temporary Use Permit which is to be conducted within the RTE (Race Track Event) Overlay or S-1 zone, and which requires review and determination by the Council, rather than the Director, in compliance with Subsection 9107.23.030 D (Applicable Review Authority), above.
3. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings). The only deviation from Section 9108.13 is that a 1,000-foot radius for noticing shall be used in the RTE Overlay and S-1 Zones, rather than the required 300-foot radius for all other types of applications.

D. Notice of Decision. Upon approval of a Temporary Use Permit, notice of the decision shall be given to the applicant and any interested person(s).

9107.23.080 Findings and Decision

A. Director's Review. The Director shall review applications and shall record the decisions in writing with the findings on which the decisions are based.

B. Required Findings. The applicable Review Authority may approve a Temporary Use Permit application, with or without conditions, only if it first makes all of the following findings:

1. The operation of the requested temporary use at the location proposed, within the time period specified, and subject to appropriate conditions will not jeopardize, endanger, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;
2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;

4. Adequate temporary parking to accommodate vehicular traffic to be generated by the temporary use will be available either on-site or at alternate locations acceptable to the Director;
5. The location for the proposed temporary use would not adversely interfere with existing uses on the subject property, and would not impede or adversely impact pedestrian access ways and/or vehicular circulation patterns; and
6. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority in the approval of the Temporary Use Permit.

9107.23.090 Conditions of Approval

- A. May Impose Conditions.** In approving a Temporary Use Permit application, the applicable Review Authority may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in compliance with this Section and the findings required by Subsection 9107.23.080 (Findings and Decision), above. Additionally, the permit shall be in compliance with any of the applicable standards specified in Subsection 9104.03.270 (Seasonal Sales). Noncompliance with any condition(s) or the standards specified in Subsection 9104.02.270 (Seasonal Sales) shall constitute a violation of this Section.
- B. Appropriate Conditions.** The conditions may address any pertinent factors affecting the operation of the temporary activity or use, and may include the following:
1. **Fixed Period of Time.** Unless otherwise stated in the permit, a provision for a fixed period of time not to exceed 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses or structures, or for a shorter period of time, as determined appropriate by the Director, unless granted an extension of time in compliance with Subsection 9107.23.100 (Extensions for Temporary Use Permits), below;
 2. **Operating Hours and Days.** Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection 1., above;
 3. **Temporary Pedestrian and Vehicular Circulation.**
Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;
 4. **Regulation of Nuisance Factors.** Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration;
 5. **Regulation of Temporary Structures.** Regulation of temporary structures and facilities, including their number, placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
 6. **Sanitary and Medical Facilities.** Provision for sanitary and medical facilities, as appropriate;
 7. **Waste Collection, Recycling, and/or Disposal.** Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;
 8. **Police/Security and Safety Measures.** Provision for police/security and safety measures, as appropriate;
 9. **Regulation of Signs as Follows:**
 - a. Any additional temporary window signs related to the temporary activity shall be allowed only during the activity and shall be approved as to size and placement at the time of application approval;
 - b. The location of all signs shall comply with the driveway and intersection visibility standards;
 - c. Small directional signs may be allowed;

- d. No signs shall be installed before issuance of the Temporary Use Permit; and
- e. All signs are subject to the approval of the Director.

10. Setbacks and Buffers. Setbacks and buffers;

11. Separation from Residential Uses. No equipment or apparatus related to the temporary use shall be placed or maintained within 100 feet of any residential uses;

12. Outdoor Lighting. Regulation of outdoor lighting;

13. Special Sales. If special sales are proposed, limitations on the location where sales may occur, the number of vendors, and the scope of goods to be sold;

14. Food Sales. If food sales are involved, obtainment of all appropriate Health Department permits;

15. Performance Bond. Submission of a performance bond or other security measures, in compliance with Subsection 9108.11.070 (Performance Guarantee) and satisfactory to the Director, to ensure that any temporary structures and facilities used will be removed from the site within a reasonable time following the activity and that the property will be restored to its former condition, or better, as determined by the Director;

16. Compliance with Municipal Code Required. A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful approval of any/all required permits from any other department or governing agency; and

17. Other Conditions. Other conditions that would ensure the operation of the proposed temporary use in an orderly and efficient manner, and in full compliance with the purpose of this Section.

9107.23.100 Extensions for Temporary Use Permits

Time extensions for Temporary Use Permits may be granted in compliance with Subsection 9108.11.090 (Time Extensions).

9107.23.110 Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be cleaned, to the satisfaction of the Director, of debris, litter, and any other evidence of the temporary use upon completion or removal of the temporary use, and the site shall then continue to be used in compliance with this Development Code.

9107.23.120 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Temporary Use Permit application.

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Section 9107.25 – Variances

Subsections:

- 9107.25.010 Purpose and Intent**
- 9107.25.020 Applicability**
- 9107.25.030 Review Authority**
- 9107.25.040 Application Filing, Processing, and Review**
- 9107.25.050 Findings and Decision**
- 9107.25.060 Precedents**
- 9107.25.070 Burden of Proof**
- 9107.25.080 Conditions of Approval**
- 9107.25.090 Use of Property before Final Action**
- 9107.25.100 Post Decision Procedures**

9107.25.010 Purpose and Intent **Amended by Ord. No. 2401**

A. The Purpose of this Section is to Ensure That:

1. Variances are only approved when, because of special circumstances applicable to the property, the strict application of this Development Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and
2. Conditions are applied that would ensure that the Variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.

B. Does not Extend to Land Uses

1. The power to approve Variances does not extend to land uses, unless the requested use variance is for a well-established existing use, and granting the variance would demonstrably improve public safety or welfare.
2. Flexibility in allowable land uses is provided in Section 9107.09 (Conditional Use Permits and Minor Use Permits).

9107.25.020 Applicability

- A. When practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Section occur by reason of a strict interpretation of any of the provisions of this Development Code, the Commission, upon its own motion or upon the verified application of any interested person, may in specific cases initiate proceedings for the granting of a Variance from the provisions of this Development Code under conditions deemed necessary to ensure that the spirit and purposes of this Development Code will be observed, public safety and welfare secured, and substantial justice done.
- B. The Commission may approve a Variance that allows for an adjustment from any of the development standards required by this Development Code.

9107.25.030 Review Authority

The Commission shall approve or deny Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or general welfare, in compliance with this Section and State law and necessary to make the findings required by Subsection 9107.25.050 (Findings and Decision) below.

9107.25.040 Application Filing, Processing, and Review

- A. Filing.** An application for a Variance shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Variance applications, together with the required fee in compliance with the Fee Schedule.
- B. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Section. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- C. Notice and Hearing Required.** A public hearing shall be required for the Commission's decision on a Variance application. The public hearing shall be scheduled once the Director has determined the application complete. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

9107.25.050 Findings and Decision Amended by Ord. No. 2401

- A. Authorized Actions.** The Commission shall, by resolution, record the decision in writing and shall recite the findings upon which the decision is based, in compliance with Government Code Section 65906 or as that section may be amended from time to time.
- B. Required Findings.** The Commission may approve a Variance application, with or without conditions, only if it first makes all of the following findings:
 - 1. There are special exceptional or extraordinary circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;
 - 2. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
 - 3. Granting the Variance would not:
 - a. Constitute a grant of special privileges inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated;
 - b. Be materially detrimental to the public health or general welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; or
 - c. Adversely affect the General Plan;
 - 4. The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel, unless the requested use variance is for a well-established existing use, and granting the variance would demonstrably improve public safety or welfare.

9107.25.060 Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance is not admissible evidence for the approval of a new Variance.

9107.25.070 Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by Subsection 9107.25.050 (Findings and Decision), above, is the responsibility of the applicant.

9107.25.080 Conditions of Approval

In approving a Variance application, the Commission may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section, State law, and the findings required by Subsection 9107.25.050 (Findings and Decision), above.

9107.25.090 Use of Property before Final Action

No permits or approvals shall be issued for any improvement involved in an application for a Variance until and unless the same shall have become final, in compliance with Subsection 9108.11.030 (Effective Dates of Permits).

9107.25.100 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Variance application.

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Section 9107.27 – Zoning Clearances

Subsections:

- 9107.27.010 Purpose**
- 9107.27.020 Applicability**
- 9107.27.030 Review Procedure**
- 9107.27.040 Post Decision Procedures**

9107.27.010 Purpose **Amended by Ord. No. 2347**

Zoning Clearance is a nondiscretionary administrative verification procedure used by the City to verify that a proposed land use, improvement, or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use, improvement, or structure.

9107.27.020 Applicability **Amended by Ord. No. 2347** **Amended by Ord. No. 2400**

Where Division 2 (Zones, Allowable Uses, and Development Standards) or another provision of this Development Code requires a Zoning Clearance as a prerequisite to establishing a land use, improvement, or structure, a Zoning Clearance shall be required at the time of the Director's review of any of the following:

- A. Initiation of a Land Use.** A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure or improvement.
- B. Change of Use**
 - 1. Whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued, whether or not the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall first be obtained.
 - 2. A Zoning Clearance shall also be required even if the lessee, operator, or owner of the previous use did not file for or receive a Zoning Clearance.
- C. Business License.** A Zoning Clearance shall be obtained before the City issues a new or modified Business License.
- D. Change of Tenancy or Ownership.** A new Zoning Clearance shall be obtained for a change of lessee, operator, or owner even when the change does not involve a change in the use being conducted on the subject property. The purpose of this provision is to ensure that the new lessee, operator, or owner is made aware of the Development Code requirements applicable to the subject use and any conditions of approval imposed on a discretionary permit authorizing the subject use.
- E. New Paving or Impervious Surfaces Not Requiring a Construction Permit.** A Zoning Clearance shall be obtained before installing asphalt, concrete, or other paving flatwork on the ground that would affect the impervious surface coverage or structure coverage standards specified in Division 2 (Zones, Allowable Uses, and Development Standards).
- F. Other Activities.** Any other activities as specified in this Development Code.
- G. Accessory Dwelling Units:** Unless otherwise exempt, a Zoning Clearance for Accessory Dwelling Units shall be obtained prior to submittal of an application for a building plan check and a permit to construct an accessory dwelling unit.

- H. Multifamily Housing Developments.** Unless otherwise exempt, a Zoning Clearance for multifamily housing developments on commercial properties in Downtown Area shall be obtained prior to submittal of an application for a building plan check and a permit to construct multifamily housing developments. A qualifying development includes residential uses in the DMU Overlay focus area and the Residential Overlay in CG Zones where 20% or more affordable units are provided.

9107.27.030 Review Procedure
Amended by Ord. No. 2347

- A. Application.** Review of an application for an Accessory Dwelling Unit shall be broadly reviewed by the Development Services Department.
- B. Director's Responsibility.** The Director shall issue the Zoning Clearance only after first determining that the request complies with all Development Code provisions applicable to the proposed use or structure.
- C. Form of Approval**
1. An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.
 2. The approval shall reference this Section.

D. Procedures and Review for Accessory Dwelling Units

1. The Director will approve or disapprove of an application for an accessory dwelling unit permit within 120 days after receiving a complete application. Certain accessory dwelling units may have a specific, adverse impact upon public health and safety. If the Director makes a finding, based on substantial written evidence, that the accessory dwelling unit would have a specific, adverse impact upon the public health and safety, the application may not be approved. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
2. Except as otherwise provided in this chapter, the construction of an accessory dwelling unit shall be subject to the applicable fees adopted by the City.

9107.27.040 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the Director's action on a Zoning Clearance.

Division 8:

Development Code Administration

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Section 9108.01 – Administrative Responsibility

Subsections:

- 9108.01.010 Purpose and Intent
- 9108.01.020 Planning Agency Defined
- 9108.01.030 City Council
- 9108.01.040 Planning Commission
- 9108.01.050 Development Services Department Director

9108.01.010 Purpose and Intent Amended by Ord. No. 2363

The purpose of this Section is to describe the authority and responsibilities of the Council, Commission, Director, Architectural Review Board, Architectural Review Board Chairperson, Department, and Department staff in the administration of this Development Code.

9108.01.020 Planning Agency Defined

As provided by State law, the Commission is designated as the Planning Agency and as the Advisory Agency, when required or authorized. The Director shall perform the functions of an Advisory Agency, as assigned, in compliance with State Law.

9108.01.030 City Council

The City Council, referred to in this Development Code as the Council, in matters related to the City's planning process shall perform the duties and functions prescribed in the Municipal Code and this Development Code, which include the following:

- A. Review Authority on Specified Planning Matters.** Final decisions on development agreements, Development Code amendments, General Plan amendments, specific plans and amendments, Zoning Map amendments, environmental documents related to any of the foregoing, and other applicable policy or regulatory matters related to the City's planning process as specified in the City Charter, the Municipal Code, and this Development Code;
- B. Appeals.** The review of appeals filed from Commission decisions; and
- C. Compliance.** The above listed functions shall be performed in compliance with Table 7-1 (Review Authority), Division 7 (Permit Processing Procedures), and the California Environmental Quality Act (CEQA).

9108.01.040 Planning Commission

- A. Establishment.** The Planning Commission, referred to in this Development Code as the Commission, is hereby established.
- B. Appointment.** The Commission shall consist of five members who shall be appointed by the Council in compliance with Municipal Code Part 5 (Planning Commission) Division 1, and Section 2251 (Membership).
- C. Duties and Authority.** The Commission shall perform the duties and functions prescribed by the Municipal Code and this Development Code, and the Council may, from time to time by resolution, prescribe additional powers and duties not inconsistent with State Law, including the following:
 - 1. The review of development projects, including referrals from the Director;
 - 2. The review of appeals from the Director's decisions;

3. The recommendation, to the Council for final decisions, on development agreements, Development Code amendments, General Plan amendments, specific plans and amendments, Zoning Map amendments, environmental documents related to any of the forgoing, and other applicable policy or regulatory matters related to the City's planning process as specified in the City Charter, the Municipal Code, and this Development Code; and
 4. The above listed functions shall be performed in compliance with Table 7-1 (Review Authority), Division 7 (Permit Processing Procedures), and the California Environmental Quality Act (CEQA).
- D. Meeting Rules.** The Commission shall conduct public hearings and meetings in compliance with the Municipal Code Part 5 and Section 9108.13 (Public Notice and Hearings).

9108.01.050 Development Services Department Director

- A. Appointment.** The Development Services Department Director, referred to in this Development Code as the Director, shall be appointed by the City Manager.
- B. Definition of the Term "Director."** When used in this Development Code or any permit or condition approved in compliance with this Development Code, the term "Director" shall be as follows and as defined in Division 9 (Definitions): "The Development Services Department Director, referred to in this Development Code as the 'Director' or designee(s) of the Director."
- C. Duties and Authority.** The Director shall:
1. Have the responsibility to perform all of the functions designated by State law, including, but not limited to the following:
 - a. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;
 - b. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and
 - c. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.
 2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with Table 7-1 (Review Authority), Division 7 (Permit Processing Procedures), Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA);
 3. Perform other responsibilities assigned by the Council, Commission, or City Manager;
 4. Delegate the responsibilities of the Director to Department staff under the supervision of the Director; and
 5. Serve in an advisory capacity for proposed subdivisions, in compliance with Subdivision Map Act Section 66415 et seq. In this capacity, the Director is charged with the responsibility of making investigations and reports on the design and improvement of proposed divisions of real property.

9108.01.060 Homeowners Association Architectural Review Board

- A. Appointment.** The Homeowners Association Architectural Review Board, referred to in this Development Code as the Architectural Review Board or ARB, shall be selected in accordance with each Homeowners Association's adopted by-laws and any amendments on file with the City Clerk.
- B. Definition of the Term "Homeowners Association Architectural Review Board."** When used in this Development Code or any permit or condition approved in this Development Code, the term "Homeowners Association Architectural Review Board" shall be as follows and as defined in Division 9 (Definitions): "The Homeowners Association Architectural Review Board, referred to in this Development Code as the 'Architectural Review Board' or 'ARB' consists of members appointed in

accordance with the by-laws of each City-designated Homeowners Association. The ARB shall be maintained in accordance with City Council Resolution.”

C. Duties and Authority. The ARB shall:

1. Perform the duties and functions prescribed by this Development Code and City Council Resolution.
2. Provide recommendation to the Director for final decisions on Tree Permits, Administrative Modifications, and other applicable permits related to the City's planning process as specified in the City Charter, the Municipal Code, and this Development Code; and
3. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with Table 7-4 (Review Authority for Homeowner Association Areas), Division 7 (Permit Processing Procedures), City Council Resolution, Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA); and
4. Perform other responsibilities assigned by the Council, Commission, City Manager, or Director.

D. Meeting Rules. The ARB shall conduct public hearings and meetings in compliance with Section 9108.13 (Public Notice and Hearings).

9108.01.070 Homeowners Association Architectural Review Board Chairperson

A. **Appointment.** The Homeowners Association Architectural Review Board Chairperson, referred to in this Development Code as the ARB Chairperson, shall be selected in accordance with each Homeowners Association's adopted by-laws and any amendments on file with the City Clerk.

B. **Definition of the Term “Homeowners Association Architectural Review Board Chairperson.”** When used in this Development Code or any permit or condition approved in this Development Code, the term “Homeowners Association Architectural Review Board Chairperson” shall be as follows and as defined in Division 9 (Definitions): “The Homeowners Association Architectural Review Board Chairperson, referred to in this Development Code as the ‘ARB Chairperson’ or designee(s) of the ARB Chairperson” shall be appointed in accordance with the by-laws of each City-designated Homeowners Association.”

C. Duties and Authority. The ARB Chairperson shall:

1. Perform the duties and functions prescribed by this Development Code, and City Council Resolution.
2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with Table 7-4 (Review Authority for Homeowner Association Areas), Division 7 (Permit Processing Procedures), City Council Resolution, Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA); and
3. Perform other responsibilities assigned by the Council, Commission, City Manager, or Director.

Section 9108.03 – Amendments

Subsections:

9108.03.010 Purpose and Intent
9108.03.020 Initiation of Amendment
9108.03.030 Processing, Notice, and Hearings
9108.03.040 Commission's Action on Amendment
9108.03.050 Council's Action on Amendment
9108.03.060 Findings and Decision
9108.03.070 Rezoning – Annexations
9108.03.080 Effective Dates

9108.03.010 Purpose and Intent

This Section provides procedures for the amendment of this Development Code, the General Plan, or the Zoning Map whenever the Council determines public necessity and general welfare require an amendment.

9108.03.020 Initiation of Amendment

An amendment may be initiated by motion of the Council or Commission action, proposed by the Director, or as follows.

- A. General Plan or Zoning Map Amendment.** In the case of the General Plan or the Zoning Map, an amendment may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent of property for which the amendment is sought. If the property is under multiple ownerships, all owners or their authorized agents shall join in filing the application.
- B. Development Code Amendment.** In the case of this Development Code, the Council may also adopt an urgency measure as an interim ordinance, in compliance with Government Code Sections 36937 and 65858.

9108.03.030 Processing, Notice, and Hearings

- A. Application Filing and Processing.** If initiated by the filing of an amendment application as specified in Subparagraph 9108.03.020 A. (General Plan or Zoning Map amendment), above, the application shall be processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for amendment applications, together with the required fee in compliance with the Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9108.03.060 (Findings and Decision), below.
- B. Review by Director.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Section.
 - 1. If the Director finds that the application is complete, the Director shall accept it for filing in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
 - 2. If the Director finds that the application is incomplete, the Director shall promptly notify the applicant and identify the inadequacies of the application in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- C. Timing of General Plan Amendments.** As a Charter City, the Council may amend the General Plan as often as it deems necessary.

D. Development Code/Zoning Map Amendments – Compliance with Government Code Section 65853 Required

1. A Development Code or Zoning Map amendment, which amendment changes any property from one zone to another or imposes any regulation(s) specified in Government Code Section 65850 not previously imposed or removes or modifies any specified regulation(s) previously imposed shall be adopted in compliance with Government Code Sections 65854 to 65857, inclusive and as specified in this Section.
2. Any other amendment to this Development Code may be adopted as other ordinances are adopted.
3. When the Council has requested the Commission to study and report upon an amendment which is within the scope of this Subsection and the Commission fails to act upon the request within a reasonable time, the Council may, by written notice, require the Commission to render its report within 40 days.
4. Upon receipt of the written notice, the Commission, if it has not done so, shall conduct the public hearing as required by Government Code Section 65854.
5. Failure of the Commission to report to the Council within the time period specified in Subparagraph 3, above, shall be deemed to be approval of the proposed amendment in compliance with Government Code Section 65853.

E. Public Hearings Required. The Commission and Council shall each conduct one or more public hearings regarding the amendment.

F. Notice and Hearing. Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with Section 9108.13 (Public Notice and Hearings) and as specified in Government Code Sections 65353, 65355, 65854, and 65856.

9108.03.040 Commission's Action on Amendment

A. Commission's Recommendation to Council

1. **All Amendments.** Following the public hearing, the Commission shall adopt a resolution containing its written recommendation(s), findings, and reasons for the recommendation(s), and forward the resolution to the Council specifying whether to approve, approve in modified form, or deny the proposed amendment, based on the findings identified in Subsection 9108.03.060 (Findings and Decision), below.
2. **Recommendation for Approval of Development Code or Zoning Map Amendments.** A recommendation for approval or approval in modified form of a Development Code or Zoning Map amendment shall require only a majority vote of the Commissioners present.
3. **Recommendation for Approval of General Plan Amendments.** A recommendation for approval or approval in modified form of a General Plan amendment shall require the affirmative vote of not less than a majority of the total membership of the Commission in compliance with Government Code Section 65354.
4. **Recommendation for Denial by Commission.** A recommendation against the proposed Development Code, General Plan, or Zoning Map amendment shall require a majority vote of the total membership of the Commission in compliance with Government Code Section 65354.

B. Development Code or Zoning Map Amendments. For a Development Code or Zoning Map amendment, where the Commission has recommended against the adoption of the amendment, the Council shall not be required to take any further action on the amendment unless an interested party files a written appeal in compliance with Government Code Section 65856(a) and Section 9108.03 (Appeals).

C. Appeal of Commission's Recommendation

1. The action of the Commission may be appealed within five days following the date of the Commission's recommendation to the Council in compliance with Government Code Section 65354.5.
2. The appeal shall be filed with the City Clerk in compliance with Government Code Section 65354.5 and Division 9108.03 (Appeals).

9108.03.050 Council's Action on Amendment

A. Council's Action

1. **All Amendments.** Upon receipt of the Commission's recommendation to approve or approve in modified form the proposed amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the findings identified in Subsection 9108.03.060 (Findings and Decision), below.
2. **Development Code or Zoning Map Amendments.** The action by the Council to approve, or approve in modified form, the Commission's recommendation regarding a Development Code or Zoning Map amendment shall be by a majority vote of the Council members present, adopted by ordinance, and shall be final and conclusive.
3. **General Plan Amendments.** The action by the Council to approve, or approve in modified form, the Commission's recommendation regarding a General Plan amendment shall require the affirmative vote of not less than a majority of the total membership of the Council in compliance with Government Code Section 65356, adopted by resolution, and shall be final and conclusive.

B. Referral to Commission

1. If the Council proposes to adopt a substantial modification(s) to the amendment not previously considered by the Commission, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 (General Plan amendments) and 65857 (Development Code or Zoning Map amendments).
2. Failure of the Commission to report back to the Council within the time limits specified in Government Code Sections 65356 (45 days) and 65857 (40 days) following the referral shall be deemed approval by the Commission of the proposed modification(s).

9108.03.060 Findings and Decision
Amended by Ord. No. 2375

An amendment to this Development Code, the General Plan, or the Zoning Map may be approved only if all of the following findings are first made, as applicable to the type of amendment.

A. Findings for General Plan Amendments.

1. The amendment is internally consistent with all other provisions of the General Plan; and
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

B. Findings for Development Code Amendments.

1. The proposed Development Code amendment is consistent with the goals, policies, and objectives of the General Plan and any applicable specific plan(s); and
2. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

C. Findings for Zone Change and Zoning Map Amendments.

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan;
2. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments; and
3. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

D. Failure to Make Findings. The Review Authority shall deny the amendment when it fails to make any one or more of the required findings.

9108.03.070 Prezoning – Annexations

A. Prezoning Required. Before the annexation to the City of any property in compliance with Section 9108.05 (Annexations), the petitioner of the annexation shall file an application for prezoning of the subject property to be annexed and the City shall establish the zone classification(s) which will be in effect on the effective date of the annexation.

B. Same as Zoning Map Amendments. The process for prezoning property to be annexed to the City shall be the same as is specified in this Section for Zoning Map amendments.

C. Compliance with General Plan. The zoning shall be in compliance with the General Plan and any applicable specific plan.

D. Prezoning

1. Any property lying outside the corporate limits of the City, but being adjacent to and within its sphere of influence, may be prezoned with a City zone classification(s) in compliance with Government Code Section 65859 and this Section.
2. If any property has been prezoned in this manner, the assigned zone classification(s) shall become effective at the same time the annexation of the property becomes effective.

9108.03.080 Effective Dates

A. General Plan. A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council, unless provided later in the resolution.

B. Development Code and Zoning Map. A Development Code or Zoning Map amendment shall become effective on the 31st day following the adoption of an ordinance by the Council, unless provided later in the ordinance.

C. Notifying County Assessor. Whenever the zoning covering a property is changed from one zone to another via a Development Code or Zoning Map amendment, the City shall, within 30 days, notify the County Assessor of the action in compliance with Government Code Section 65863.5.

Section 9108.05 – Annexations

Subsections:

- 9108.05.010 Purpose and Intent
- 9108.05.020 Petition Upon Annexation
- 9108.05.030 Report by Commission
- 9108.05.040 Notice of Commission Hearing
- 9108.05.050 Notice of Council Hearing
- 9108.05.060 Adoption of Interim Zoning

9108.05.010 Purpose and Intent

This Section provides procedures for the annexation of property to the City.

9108.05.020 Petition Upon Annexation

In any petition for the annexation of property to the City, the petitioner may request the zone classification(s) desired by the petitioner for the property described in the application in the event the property is annexed to the City.

9108.05.030 Report by Commission

Before the adoption by the Council of the Resolution of Intention to Annex Uninhabited Territory or the Resolution Consenting to the Circulation of a Petition to Annex Inhabited Territory, a copy of the annexation petition shall be referred to the Commission for investigation and report to the Council as to the desirability of the annexation and the zone classification(s) that shall be placed on the subject property.

9108.05.040 Notice of Commission Hearing

- A. The Commission shall give notice of its intention to consider the annexation of the property and the zone classification(s) that shall be placed on the subject property in the event of annexation to the City, by publishing a notice once in a newspaper of general circulation published and circulated within the City in compliance with Section 9108.13 (Public Notice and Hearings).
- B. The public hearing shall be conducted in compliance with Section 9108.13 (Public Notice and Hearings).
- C. Following completion of the hearing, the Commission shall make its recommendation(s) to the Council by resolution.

9108.05.050 Notice of Council Hearing

- A. After receiving the Commission's recommendation(s), the Council shall give notice of a public hearing to consider the zone classification(s) that shall be placed on the subject property, upon annexation to the City, for the property to be annexed.
- B. The notice shall be published at least once in a newspaper of general circulation published and circulated within the City in compliance with Section 9108.13 (Public Notice and Hearings).
- C. The public hearing shall be conducted in compliance with Section 9108.13 (Public Notice and Hearings).
- D. The notice may be included within any other publication of notice concerning the annexation of the subject property, and the hearing on the matter of the zone classification(s) may be held in conjunction with any public hearing required by law to be held by the Council in connection with the annexation proceedings.

9108.05.060 Adoption of Interim Zoning

- A. Concurrent with the ordinance of annexation of the property, the Council shall classify the property for zoning purposes, in compliance with its determination, State law, and Subsection 9108.03.070 (Rezoning – Annexations).
- B. All property in the City not otherwise specifically classified, and all property hereafter annexed and not otherwise classified concurrently with its annexation, is hereby classified as and placed in R-1 zone.

Section 9108.07 – Appeals

Subsections:

- 9108.07.010 Purpose and Intent
- 9108.07.020 Appeal Subjects and Jurisdiction
- 9108.07.030 Calls for Review
- 9108.07.040 Filing and Processing of Appeals
- 9108.07.050 Judicial Review

9108.07.010 Purpose and Intent

This Section establishes procedures for the appeal and calls for review of determinations and decisions of the Director or Commission.

9108.07.020 Appeal Subjects and Jurisdiction

- A. Code Administration and Interpretation.** Any determination of the Director and/or Department staff on the meaning or applicability of the regulations contained in this Development Code that cannot be resolved with the Director, may be appealed to the Commission and then to the Council:
- B. Planning Permit Decisions**
 - 1. **ARB or ARB Chairperson Decisions.** Decisions of the ARB or ARB Chairperson on all matters specified in Section 9108.01.060 (Homeowners Association Architectural Review Board) and 9108.01.070 (Homeowners Association Architectural Review Board Chairperson) may be appealed to the Commission.
 - 2. **Director's Decisions.** Decisions of the Director on all matters specified in Section 9108.01.050 (Development Services Department Director) may be appealed to the Commission.
 - 3. **Commission's Decisions.** Any decision of the Commission may be appealed to the Council.

9108.07.030 Calls for Review

A. Commission or Council Review

- 1. **Commission.** The Commission may call for a review of any determination or decision rendered by the Director, ARB, or Department staff.
- 2. **Council.** The Council may call for a review of any determination or decision rendered by the Commission, Director, ARB, or Department staff.
- 3. **Majority Vote Required.** A call for review may only be commenced by the affirmative vote of the majority of the members present of the applicable Review Authority.

B. Process for Calling for a Review

- 1. **Initiation by Commissioners.** Any Commissioner may initiate a call for review of a Director's determination or decision by filing a written request with the Department before the effective date of the action, which means within 10 days following the date of the determination or decision.
- 2. **Initiation by Council Members**

- a. Any Council member may initiate a call for review of a Commission's, Director's, or ARB's determination or decision by filing a written request with the City Clerk before the effective date of the action, which means within 10 days following the date of the determination or decision.
 - b. The Council may call for the review of a Director's or ARB's determination or decision directly, or may direct the Commission to first consider the matter and provide a written recommendation to the Council.
3. **Consideration of Call for Review.** The Commission or Council, as applicable, shall consider the call for review at its next regularly scheduled meeting.
4. **Majority Vote by Review Authority.** If the Commission or Council, as applicable, votes to review the determination or decision, a subsequent review hearing shall be scheduled to consider the merits of the review. Following a majority vote to proceed, the request shall be treated in compliance with Subsection 9108.07.040 (Filing and Processing of Appeals).
5. **Notice to Applicant.** If the Review Authority is reviewing the decision of a discretionary application, the applicant shall be informed of the aspects of the application and the determination or decision that the Review Authority will consider.
6. **Effect of Call for Review**
 - a. A request for a call for review by a member of a Review Authority shall stay the effective date of a determination or decision until the Review Authority can make a decision on the call for review request.
 - b. The timely filing of a call for review does not extend the time in which an appeal of a determination or decision shall be filed. The normal appeal period shall continue to run in compliance with Subparagraph 9108.07.040 B. (Form and Timing of an Appeal), below.
 - c. If the Review Authority decides to call for review of the subject determination or decision, then the previous determination or decision shall be stayed.
 - d. If the Review Authority decides not to call for review the subject determination or decision, then the determination or decision shall become final unless the appeal period has not expired.
7. **Filing of an Appeal Pending a Call for Review**
 - a. **Right to File an Appeal.** Any person may file a timely appeal in compliance with this Section even though a call for review has been filed in compliance with this Section.
 - b. **Effect of Filing an Appeal.** The filing of the appeal shall serve to protect the rights of the appellant(s) in the event the call for review is subsequently withdrawn or rejected.
8. **Withdrawal or Failure of a Call for Review.** If a request for a call for review is withdrawn after filing, or is rejected, the remaining days of the call for review period shall run until the original 10-day period has expired.
9. **Notice and Public Hearing**
 - a. A call for review hearing shall be a public hearing if the original determination or decision required a public hearing.
 - b. Notice of the public hearing shall be the same as the original determination or decision, in compliance with Section 9108.13 (Public Notices and Hearings).
 - c. The public hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
10. **Fees Not Required.** Fees shall not be required in conjunction with the filing of a call for review.
11. **Required Votes.** The final action calling for review of a determination or decision shall require an affirmative majority vote of those members lawfully authorized to vote on the matter.

- C. Concurrent Commission Recommendations.** When the Commission makes a recommendation to the Council on a legislative matter (e.g., development agreement, Development Code amendment, General Plan amendment, specific plan or amendment, or Zoning Map amendment), any concurrent companion decision(s) by the Commission on an approval, permit, or Variance, or other non-legislative land use permit application concerning, in whole or in part, the same parcel(s) shall also be deemed to be timely called up for review by the Council.

9108.07.040 Filing and Processing of Appeals **Amended by Ord. No. 2363**

A. Eligibility

- 1. Eligible Appellants.** An appeal in compliance with this Section may be filed by any interested person(s).
- 2. Interested Person(s).** For purposes of this Section an interested person(s) is a person who informed the City of his or her concerns about an application for a permit or approval at a public hearing, either in person or through a representative, or by other appropriate means (e.g., in writing), or was unable to do so for good cause and pays the applicable fee in compliance with the Fee Schedule; and
 - a. Objects to the action taken on the permit or approval;
 - b. Completes the required City appeal form completely and accurately. The appeal will not be deemed complete and timely filed until all information on the appeal form is verified by the office receiving the appeal form; and
 - c. Wishes to appeal any appealable action to a higher Review Authority.
- 3. Appeals by Councilmember or Commissioner.** Any action or decision by the Commission, Director, ARB, ARB Chairperson, or Department staff rendered in compliance with this Development Code may be appealed by a Councilmember or Commissioner acting as an individual, in compliance with the requirements of the Fair Political Practices Act.
- 4. Shall Not Be Authorized to Participate.** Any Councilmember or Commissioner filing an appeal as an individual shall not be authorized to participate in any decision concerning that action or decision.

- B. Form and Timing of Appeal.** An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.

- 1. Pertinent Facts and the Basis for the Appeal.** The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the previous Review Authority (e.g., Commission, Director, ARB, ARB Chairperson, or other City official) in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record. Appeals filed by a City official, a Commissioner, or a Councilmember shall be exempt from the requirements of this Subparagraph.
- 2. Shall be Filed within 10 Days.** The appeal shall be filed with the Department within 10 days following the actual date the decision was rendered.
 - a. Appeals addressed to the Council shall be filed with Planning Services.
- 3. Accompanied by Filing Fee.** The appeal shall be accompanied by the filing fee identified in the Fee Schedule.
- 4. Suspension of Action.** Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable Review Authority.

C. Scope of Planning Permit Appeals. An appeal of a decision on any planning permit specified in Division 7 (Permit Processing Procedures) shall be de novo, and shall not be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

D. Report and Scheduling of Hearing

1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate Review Authority identified in Subsection 9108.07.020 (Appeal Subjects and Jurisdiction), above.
2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Section 9108.13 (Public Notice and Hearings).
3. Any interested party may appear and be heard regarding the appeal.

E. Decision

1. During the appeal hearing, the Review Authority may:
 - a. Affirm, affirm in part, modify, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with this Development Code;
 - b. Adopt additional or different project aspects or conditions of approval, that may address issues or concerns other than the subject of the appeal;
 - c. Deny the planning permit approved by the previous Review Authority, even where the appellant only requested a modification or elimination of one or more project aspects or conditions of approval; or
 - d. If new or different evidence is presented on appeal, the Review Authority may refer the matter to the Director or Commission, as applicable, for further consideration.
 - e. The decision of the Council shall be final.
2. Within 60 days following the initial public hearing, the Review Authority shall render its decision on the appeal, unless it is continued for good cause.
3. In the event of a tie vote by the Review Authority on an appeal, the decision being appealed shall stand.

F. Provision of Notice of Decision

1. Following the final decision on an appeal of a permit or other approval required by this Development Code, the City shall provide notice of its final decision to the appellant, applicant, property owner or owner's representative, and to any person who specifically requested notice of the City's final decision.
2. The notice of the final decision shall contain applicable findings, conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

G. Effective Date of Appeal Decision. No permit or license shall be issued for any use involved in an appeal until the final decision on the application shall have become final in the following manner:

1. **Commission's Decision.** A decision by the Commission is final and effective after the end of the business day on the 10th day following the actual date the final decision is rendered, if no appeal to the decision has been filed with the Council or called up by the Council.

2. Council's Decision

- a. Adopted by Ordinance.** A decision of the Council adopted by ordinance is final and shall become effective on the 31st day following the date the ordinance is actually adopted by the Council, unless otherwise provided in the adopting ordinance.
- b. Adopted by Resolution.** A decision of the Council adopted by resolution is final and shall be effective on the date the decision is rendered.

9108.07.050 Judicial Review

No person shall seek judicial review of a City decision on a planning permit or other matter in compliance with this Development Code unless and until all available appeals to the Commission and Council have been first exhausted in compliance with this Section.

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Section 9108.09 – Permit Modifications and Revocations

Subsections:

- 9108.09.010 Purpose and Intent
- 9108.09.020 Modifications
- 9108.09.030 Revocations
- 9108.09.040 Findings to Modify or Revoke
- 9108.09.050 Notice and Hearing Required
- 9108.09.060 Appeals

9108.09.010 Purpose and Intent

This Section provides procedures for securing punitive modification or revocation of previously approved permits or approvals.

9108.09.020 Modifications

The City's action to modify a permit or approval, instead of revocation, may include conditioning any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, outdoor lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.

9108.09.030 Revocations

The City's action to revoke a permit or approval, instead of modification, shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.

9108.09.040 Findings to Modify or Revoke Amended by Ord. No. 2363

- A. Permits.** A Conditional Use Permit, Minor Use Permit, or other City planning permit or approval (except a Variance or Administrative Modification, see Subsection B., below) may be modified or revoked by the Review Authority (e.g., ARB Chairperson, ARB, Director, Commission, or Council) that originally approved the permit, if the Review Authority first makes any one of the following findings:
1. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the improvement/use has become detrimental to the public health, safety, or general welfare, or constitutes or is creating a nuisance;
 2. The permit or other approval was granted, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
 3. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated and/or the permit is in violation of any code, law, ordinance, regulation, or statute;
 4. The approved use or structure has not been exercised within 12 months of the date of approval in compliance with Subsection 9108.11.080 (Expiration);
 5. The approved use or structure has ceased to exist or has been suspended for a period in excess of 12 months; or

7. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or general welfare or the manner of operation constitutes or is creating a nuisance.

B. Variances and Administrative Modifications. A Variance or Administrative Modification may be modified or revoked by the Review Authority which originally approved the Variance or Administrative Modification, if the Review Authority first makes any one of the following findings, in addition to any one of the findings specified in Subsection A., above:

1. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made, and the grantee has not substantially exercised the rights granted by the Variance or Administrative Modification; or
2. One or more of the conditions of the Variance or Administrative Modification have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance or Administrative Modification in compliance with Subsection 9108.11.080 (Expiration).

9108.09.050 Notice and Hearing Required

- A. Hearing.** The appropriate Review Authority shall hold a public hearing to modify or revoke a permit or approval granted in compliance with the provisions of this Development Code. The hearing shall be noticed and conducted in compliance with Section 9108.13 (Public Notices and Hearings).
- B. Notice.** At least 10 days before the public hearing, notice shall be mailed or delivered to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property, for which the permit or approval was granted. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.

9108.09.060 Appeals

Amended by Ord. No. 2363

- A.** The decision of the Director, ARB, or ARB Chairperson may be appealed to the Commission and the decision of the Commission may be appealed to the Council, in compliance with Section 9108.07 (Appeals). The decision of the Council shall be final.
- B.** A public hearing shall be required for the appeal of a decision to modify or revoke a permit or approval. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
- C.** At the conclusion of the hearing, the Review Authority may sustain the previous Review Authority's decision to modify or revoke the permit or approval, or overturn the decision and order reinstatement of the permit or approval.

Section 9108.11 – Permit Implementation, Time Limits, and Extensions

Subsections:

- 9108.11.010 Purpose and Intent
- 9108.11.020 Conformation to Approved Plans
- 9108.11.030 Effective Dates of Permits
- 9108.11.040 Acknowledgement and Acceptance of Conditions
- 9108.11.050 Applications Deemed Approved
- 9108.11.060 Permits to Run with the Land
- 9108.11.070 Performance Guarantees
- 9108.11.080 Expiration
- 9108.11.090 Time Extensions
- 9108.11.100 Changes to an Approved Project

9108.11.010 Purpose and Intent

This Section provides requirements for the implementation or "exercising" of the permits or approvals required by this Development Code, including time limits and procedures for approving extensions of time.

9108.11.020 Conformation to Approved Plans

- A. **Compliance.** All work performed under a Building Permit, Encroachment Permit, or Grading Permit for which project drawings and plans have received approval by the Director, Department staff, Commission, or Council shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority.
- B. **Changes.** Changes to an approved project shall be submitted and processed in compliance with Subsection 9108.11.100 (Changes to an Approved Project), below.
- C. **Effect of Development Code Amendments on Projects in Progress.** The enactment of this Development Code, or an amendment to this Development Code, may have the effect of imposing different standards on a new land use than those that applied to existing development. (For example, this Development Code or a future amendment could specify different landscaping requirements than specified by the former regulations.) The following provisions determine how the requirements of this Development Code will apply to a development project that is in progress at the time this Development Code or an amendment goes into effect.
 - 1. **Application Deemed Complete.** A planning permit application (Division 7 [Permit Processing Procedures]), which has been deemed complete by the Director before the effective date of this Development Code or any amendment, shall be processed in compliance with the requirements in effect when the application was deemed complete.
 - 2. **Project Under Construction.** A project for which a Building Permit has been issued under the provisions of earlier ordinances of the City which are in conflict with this Development Code, and on which substantial construction has been performed by integration of materials on the site before the effective date of this Development Code, may be continued and completed in compliance with the plans and specifications upon which the permit was originally issued.
 - 3. **Subdivision Maps.** Subdivision maps shall be processed in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Division 5 (Subdivisions).

9108.11.030 Effective Dates of Permits
Amended by Ord. No. 2363

- A. Approvals, Permits, and Variances.** An Administrative Modification, Certificates of Demolition, Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Planned Development Permit, Reasonable Accommodation, Site Plan and Design Review, Site Plan and Design Review: Homeowners Association Areas, Temporary Use Permit, or Variance shall become effective 10 days following the actual date the decision was rendered by the applicable Review Authority.
- B. Plans/Amendments**
1. Council actions to adopt or amend a development agreement, this Development Code, a specific plan, or the Zoning Map shall become effective on the 31st day following the date the ordinance is actually adopted by the Council. For example, an ordinance adopted on October 1st will actually be effective on November 1st, unless otherwise provided in the adopting ordinance.
 2. Council actions to adopt or amend the General Plan shall become effective on the actual date the decision is rendered by the Council, unless otherwise provided in the adopting resolution.
- C. Issued on the Effective Date.** Permits, certificates, and/or other approvals shall not be issued until the effective date, and then only if no appeal of the Review Authority's decision has been filed, in compliance with Section 9108.03 (Appeals).

9108.11.040 Acknowledgement and Acceptance of Conditions

- A. Full Understanding and Acceptance.** The applicant, upon receipt of the approved copy of the permit with attached conditions, shall execute an Acknowledgment and Acceptance of Conditions agreement with the City, certifying full understanding and acceptance of the final conditions of approval.
- B. Signed and Dated.** The applicant shall return the Acknowledgment and Acceptance of Conditions agreement to the Department, properly signed and dated, within 30 days following the date of the Acknowledgement.
- C. Appeal.** If the applicant wishes to appeal any or all of the final conditions of approval, the applicant shall file an appeal within 10 days following the actual date the decision was rendered by the applicable Review Authority in compliance with Section 9108.07 (Appeals).
- D. New Owner's or Tenant's Responsibility.** Any new owner or tenant taking over an existing business's Conditional Use Permit or Minor Use Permit shall be required to sign and submit an Acknowledgment and Acceptance of Conditions stating they have been given a copy of the conditions of approval and accept them, before they are issued a new Business License for the subject business.

9108.11.050 Applications Deemed Approved

- A. Applicable Provisions.** Any application deemed approved by operation of law in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of this Development Code, which shall be fully satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is exercised or established.
- B. Public Hearing.** The application shall be deemed approved only if the application received proper notice in compliance with Section 9108.13 (Public Notice and Hearings) and Government Code Section 65956(b).

9108.11.060 Permits to Run with the Land
Amended by Ord. No. 2363

- A. Run with the Land.** An Administrative Modification, Conditional Use Permit, Minor Use Permit, Planned Development Permit, Site Plan and Design Review, Site Plan and Design Review: Homeowners Association Areas, Temporary Use Permit, or Variance approval that is approved in compliance with Section 9107.03 (Application Processing Procedures) shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with Subsection 9108.11.080 (Expiration), below.
- B. Conditions Shall Apply.** All applicable conditions of approval shall continue to apply after a change in property ownership.

9108.11.070 Performance Guarantees
Amended by Ord. No. 2363

A. Deposit of Security

1. As a condition of approval of an Administrative Modification, Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Planned Development Permit, Site Plan and Design Review, Site Plan and Design Review: Homeowners Association Areas, Temporary Use Permit, or Variance, upon a finding that the City's health, safety, and general welfare warrant, the Review Authority may require the execution of a covenant to deposit security and the deposit of security in a reasonable amount and form approved by the City Attorney to ensure the faithful performance of one or more of the conditions of approval of the permit or Variance in the event that the obligor fails to perform.
2. The applicant/owner may offer to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to weather conditions).
3. The security shall, as required by law or otherwise, be in a form approved by the City Attorney.
4. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director in conjunction with the City Engineer.
5. Security required in compliance with this Section shall be payable to the City.

- B. Release of Security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

C. Failure to Comply

1. Upon failure to perform any secured condition, the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.
3. Any cost in excess of the security shall be an obligation of the applicant/owner and a lien on the property benefitted by the provisions of this Subsection.
4. To the extent that the Director can demonstrate that the obligor willfully breached an obligation in a manner that the obligor knew, or should have known, would create irreparable harm to the City, the entire amount of the security may be withheld.
5. The Director's determination may be appealed to the Council by the obligor by filing an appeal with the City Clerk within 10 days following the decision to withhold the security, in compliance with Section 9108.07 (Appeals).

9108.11.080 Expiration
Amended by Ord. No. 2363

A. Expiration of Permit or Approval. Unless otherwise specified in the permit or approval, any discretionary permit issued by the City, including, without limitation, any Administrative Modification, Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Planned Development Permit, Site Plan and Design Review, Site Plan and Design Review: Homeowners Association Areas, Temporary Use Permit, or Variance, shall comply with the following expiration provisions. See Division 5 (Subdivisions) for expirations related to subdivision maps.

1. Exercised

- a. To ensure continued compliance with the provisions of this Development Code, the permit or approval shall be exercised by the applicant within 12 months following the date of final approval, unless otherwise specified in the permit or approval, or an extension is approved by the applicable Review Authority, in compliance with Subsection 9108.11.090 (Time Extensions). In the event the permit or approval has not been fully exercised in that time period, the permit or approval shall expire and be deemed void (vs. shall be subject to review by the Review Authority who originally granted the permit or approval to determine whether a good faith intent to exercise the permit or approval has been demonstrated).
- b. Additionally, if after construction has started, commencement work is discontinued for a period of 12 months, or the proposed use is discontinued for a period of 12 months, the permit or approval shall be subject to review by the Review Authority who originally granted the permit or approval to determine whether a good faith intent to commence the contemplated use or development granted by the permit or approval has been demonstrated.

2. Phasing

- a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the Review Authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the preexisting base zone and then develop the remaining phases in compliance with this Subsection, without prior Review Authority approval.
- b. Pre-approved phases
 - (1) If a project is to be built in pre-approved phases, each subsequent phase shall have 12 months following the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, unless otherwise specified in the permit or approval, and the permit or approval shall be subject to review by the Review Authority who originally granted the permit or approval to determine whether a good faith intent to commence the contemplated use or development granted by the permit or approval exists.
 - (2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit or approval shall be exercised before the expiration of the associated tentative map.

3. Definition of "Exercise" and Evidence of "Good Faith". The following shall be a non-exclusive list of factors that the Review Authority may consider when determining whether or not a good faith intent to exercise the permit or approval has been demonstrated:

- a. Whether the applicant has submitted plans in Building Services plan-check.
- b. Whether the applicant has obtained a Building or Grading Permit.
- c. Whether the applicant has diligently continued the approved grading and construction activities in a timely manner in compliance with the subject Building Permit.

- d. Whether the applicant has actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

4. Procedure for Determination

- a. The determination of whether or not a good faith intent to exercise the permit or approval has been demonstrated, as specified in Subparagraph 3., above, shall be made by the original Review Authority if a public hearing is required, noticing shall be conducted in compliance with Section 9108.13 (Public Notice and Hearings).

Exception: The determination of whether or not good faith intent to exercise the approval has been demonstrated, as specified in Subparagraph 3., above, for approvals issued in compliance with Subsection 9107.10 (Site Plan and Design Review: Homeowners Association Areas) shall be made by the original Review Authority.

- b. At the public hearing, the original Review Authority shall investigate the facts bearing on each case and render its decision in writing within 30 days following the date of the first hearing, unless continued for further investigation, study, or hearing.
- c. The original Review Authority shall cause to be served on the applicant, and if different, the property owner, its written decision, in compliance with Subparagraph 9107.03.080 F (Notice of the Decision).
- d. The decision of the original Review Authority shall be final following a 10-day appeal period, unless appealed to the applicable Review Authority in compliance with Section 9108.03 (Appeals).

5. **Burden of Proof.** It shall be the applicant's burden to prove to the original Review Authority, by a preponderance of the evidence, that, no later than the date that the City delivered the public notice required by Section 9108.13 (Public Notice and Hearings), a good faith intent to exercise the permit or approval has been demonstrated.

- B. **Effect of Expiration.** If the Review Authority who originally granted the permit or approval determines that a good faith intent to exercise the permit or approval has not been demonstrated, the Review Authority shall deem the permit or approval expired and void. Thereafter, the following provisions shall control:

1. No further action is required by the City;
2. No further reliance may be placed on the previously approved permit or approval;
3. The applicant shall have no rights previously granted under the permit or approval;
4. The applicant shall be required to file a new application(s) with all required fees and obtain all required approvals before any further construction can commence or any use may be implemented; and
5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the City to provide suitable protection from any harm that may result from the terminated development or use.

9108.11.090 Time Extensions **Amended by Ord. No. 2363**

Requests for a time extension for a permit or approval shall be filed and processed in the following manner:

A. Filed Before Expiration.

1. The applicant's written request for an extension of time shall be on file with the Department before expiration of the permit or approval, together with the filing fee required by the Fee Schedule.
2. **Exception:** For Homeowners Association Area the applicant's written request for an extension of time shall be on file with the ARB Chairperson before expiration of the permit or approval.

B. Public Hearing Requirements

1. A public hearing shall not be required for the Director's decision on an extension of time.
2. However, the Director may conduct a public hearing in compliance with Section 9108.13 (Public Notice and Hearings) if deemed appropriate by the Director.
3. A public hearing shall be required for the Commission's decision on an extension of time or the Council's decision if an appeal of the Commission's decision has been filed. The request for extension shall be noticed and the hearing shall be conducted in compliance with Section 9108.13 (Public Notice and Hearings).
4. Exception: For Homeowners Association Area:
 - a. A public hearing shall not be required for the ARB Chairperson's decision on an extension of time.
 - b. The ARB Chairperson may, if deemed appropriate, defer action and refer the application to the Architectural Review Board for review under the Regular Review process and require a public hearing in compliance with Section 9108.13 (Public Notice and Hearings).
 - c. A public hearing shall be required for the ARB's decision on an extension of time. The request for extension shall be noticed and the hearing shall be conducted in compliance with Section 9108.13 (Public Notice and Hearings).

C. Suspension of Expiration

1. The filing of a written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the ARB, ARB Chairperson, Director, Commission, and/or Council.
2. Building or Grading Permits shall not be issued in compliance with the permit or approval during the period of the suspension.

D. Director's Action on First Extension

1. Upon good cause shown, an extension may be approved, approved with modifications, or denied by the ARB, ARB Chairperson, or Director, subject to the findings identified in Subsection F (Required findings), below.
2. The Director may defer action and refer the request to the Commission for consideration and final action.
3. The ARB, ARB Chairperson, and Director's decision may be appealed to the Commission and then the Council, in compliance with Section 9108.03 (Appeals).
4. The permit or approval may be extended for a maximum of 12-months beyond the expiration date of the original approval, unless otherwise allowed by State law.

E. Commission's Action on Subsequent Extension

1. Upon good cause shown, an additional extension may be approved, approved with modifications, or denied by the Commission, subject to the findings identified in Subsection F (Required Findings), below.
2. The Commission's decision may be appealed to the Council, in compliance with Section 9108.03 (Appeals).
3. The permit or approval may be extended for one additional 12-month period, unless otherwise allowed by State law, following the expiration of the original 12 (vs. 24) month period of approval, for a grand total of 48 months following the original date of approval (original 24 months, plus 12 months by the Director, and 12 more months by the Commission).

F. Required Findings. An extension of the permit or approval may be granted only if the applicable Review Authority first makes all of the following findings:

1. There have been no changes in circumstances or law that would preclude the Review Authority from making the findings upon which the original approval was based; and
2. Appropriate evidence has been provided by the applicant to document that:
 - a. A good faith intent to exercise the permit or approval has been demonstrated; and
 - b. The extension is required due to an unusual hardship that was not the result of personal action(s) undertaken by the applicant.

**9108.11.100 Changes to an Approved Project
Amended by Ord. No. 2363**

A. Application

1. A development or new land use allowed through an Administrative Modification, Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Planned Development Permit, Site Plan and Design Review, Site Plan and Design Review: Homeowners Association Areas, Temporary Use Permit, or Variance shall be implemented in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this Subsection.

2. An applicant shall request desired changes in writing to the Director, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.

Exception: For Site Plan and Design Review: Homeowners Association Areas applications, an applicant shall request desired changes in writing to the ARB Chairperson and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.

3. Requested changes may involve changes to the project (e.g., days or hours of operation) as originally proposed by the applicant or approved by the Review Authority.
4. Requested changes may also involve changes to one or more conditions imposed by the Review Authority, but only when actual changes to the project would justify a change to one or more conditions of approval.
5. Changes shall not be implemented until first approved by the applicable Review Authority in compliance with this Subsection, and may be requested either before or after construction or establishment and operation of the approved use.

B. Notice and Hearing. If the project application originally required a noticed public hearing, the Review Authority shall hold a public hearing, except for the minor changes outlined below (See Subsection C, Minor Changes by Director.), and shall give notice, in compliance with Section 9108.13 (Public Notice and Hearings).

C. Minor Changes by an ARB Chairperson or Director. The ARB Chairperson or Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with all applicable provisions of this Development Code and are in substantial compliance with the original approval; and
2. Do not involve a feature of the project that was:
 - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project, or determining that the project was exempt from CEQA review;

- b. A basis for conditions of approval for the project; or
 - c. A specific consideration by the Review Authority (e.g., the Director, Commission, or Council) in granting the permit or approval.
- D. Major Changes.** Major changes include changes to the project involving features specifically described in Subparagraph C. 2., above, and shall only be approved by the Review Authority (e.g., original or appeal Review Authority that rendered the final City action on the application) through a new application, processed in compliance with this Development Code.

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Section 9108.13 – Public Notices and Hearings

Subsections:

- 9108.13.010 Purpose and Intent
- 9108.13.020 Noticing Requirements
- 9108.13.030 Scheduling of Hearing
- 9108.13.040 Hearing Procedures
- 9108.13.050 Recommendation by Commission
- 9108.13.060 Decision and Notice
- 9108.13.070 Effective Date of Decision

9108.13.010 Purpose and Intent

This Section provides procedures for public hearings required by this Development Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Section.

9108.13.020 Noticing Requirements

When this Development Code requires a public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094, 65096, and 66451.3, and Public Resources Code 21000 et seq., and as required by this Section.

A. Content of Notice. Notice of a public hearing shall include all of the following information, as applicable.

1. **Hearing Information.** The date, time, and place of the hearing and the name of the Review Authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information.
2. **Project Information.** The date of filing and the name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the property that is the subject of the hearing.
3. **Statement on Environmental Document.** If a proposed Negative Declaration, Mitigated Negative Declaration, final Environmental Impact Report, or statement of exemption from the requirements of CEQA has been prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, the hearing notice shall include a statement that the Review Authority will also consider approval (or recommendation of adoption/approval for an application requiring Council action) of the proposed Negative Declaration, Mitigated Negative Declaration, certification of the final Environmental Impact Report, or statement of exemption.
4. **Statement Regarding Challenges of City Actions.** A notice substantially stating all of the following: "If you challenge the (nature of the proposed action) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (public entity conducting the hearing) at, or before, the public hearing" in compliance with Government Code Section 65009(b)(2).
5. **Statement Regarding Commission's Recommendations.** For Council items that involve a recommendation from the Commission (e.g., legislative acts) the notice shall contain the Commission's recommendations.

B. Method of Notice Distribution. Notice of a public hearing required by this Section, and any other type of notice specified in Division 7 (Permit Processing Procedures), shall be given as follows, as required by Government Code Sections 65090 and 65091.

1. **Mailing.** Notice shall be mailed or delivered not less than 10 days before the scheduled hearing to the following:
 - a. **Project Site Owners, Agent(s), and Applicant.** The owners of the property being considered in the application, the owners' agent(s), and the applicant, in addition to the owner(s) of the mineral rights for maps in compliance with Government Code Section 65091(a)(2);
 - b. **Local Agencies.** Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected;
 - c. **Affected owners.** All owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet, or a different radius as specified in the actual permit requirements of Division 7 (Permit Processing Procedures), of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Director, be affected by the proposed project; and
 - d. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Director or City Clerk and has paid the required fee for the notice.
2. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subparagraph B. 1., above is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).
3. **Additional Notice.** In addition to the types of notice required above, the Director may require any additional notice with content or using a distribution method (e.g., posting on the City's web site) as the Director determines is necessary or desirable.

9108.13.030 Scheduling of Hearing

Amended by Ord. No. 2363

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), the City's CEQA Guidelines, and a Department staff report, a matter requiring a public hearing shall be scheduled on the next available agenda (ARB, Director, Commission, or Council, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

Exception: A staff report shall not be required prior to scheduling a public hearing for applications requiring a public hearing under Section 9107.10 (Design Review: Homeowners Association Areas).

9108.13.040 Hearing Procedures

- A. **Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continued Hearing.** Any hearing may be continued from time to time without further notice; provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- C. **Deferral of Final Decision**
 1. The Review Authority may announce a tentative decision, and defer its action on a final decision until appropriate findings and/or conditions of approval have been prepared.
 2. The date of the final action shall be as described in the motion, ordinance, or resolution that incorporates the findings and/or conditions.
- D. **Summary Information.** A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying shall be recorded and made a part of the permanent files of the case.

- E. Formal Rules of Evidence or Procedure Not Applicable.** Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding subject to this Development Code, except as otherwise required by the City Charter or the Municipal Code, in compliance with Government Code Section 65010.

9108.13.050 Recommendation by Commission

- A. Recommendation and Findings to the Council.** After a public hearing on a proposed amendment to this Development Code, the General Plan, the Zoning Map, a development agreement, or a specific plan, the recommendation and findings of the Commission shall be forwarded to the Council.
- B. Recommendation and Findings to the Applicant.** The recommendation and findings shall be mailed to the applicant at the address shown on the application.
- C. Recommendation Included in Notice.** The recommendation shall be included in the required notice of the Council's public hearing.

9108.13.060 Decision and Notice

Amended by Ord. No. 2347

Amended by Ord. No. 2363

A. Decision

1. The Review Authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Subsection 9108.13.040 (Hearing Procedure), above.
2. Unless otherwise required by law (i.e., votes by the Commission on a General Plan amendment in compliance with Government Code Section 65354), a majority vote shall be required for any formal action by the applicable Review Authority.
3. Tie votes of the Review Authority for all matters that legally require the adoption of an ordinance, a resolution, or findings shall result in no action by the Review Authority. The motion shall fail to pass and the matter shall terminate any further action by the City until a majority vote of the quorum is achieved.
4. Within 35 days following the conclusion of a public hearing upon any matter, the Commission shall render its decision by formal resolution reciting the findings upon which the decision is based. The failure of the Commission to render a decision within the time specified shall cause the entire matter automatically to be referred to the Council without recommendation for action as it deems warranted under the circumstances. In this event, the Secretary of the Commission shall immediately deliver to the Council all of the records in the matter.
5. At the conclusion of a hearing conducted by the Director, the Director may instead refer the matter to the Commission for review and final decision.
6. All decisions shall be in writing and, if required by law, shall contain the written findings upon which the decision is based.
7. The decision of the Council on any matter shall be final and conclusive.

B. Notice of Decision: Design Review: Homeowners Association Areas

1. **Provision of Notice.** Within 10 days following the final decision on a Regular Review application by the ARB in compliance with Subsection 9107.10.030 (Authority), for approval required by this Development Code, the ARB shall provide notice of its final action to the applicant, the Development Services Department, and to any person who specifically requested notice of the ARB's final action.

2. **Contents of Notice.** The notice of the final decision shall contain applicable findings, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, and general welfare of the City, and the procedure for appeal.
3. **Delivery of Notice.** The notice of the final decision shall be delivered by first class mail.

C. Notice of Decision

1. **Provision of Notice.** Within 10 days following the final decision on an application for a permit or other approval required by this Development Code, the City shall provide notice of its final action to the applicant and to any person who specifically requested notice of the City's final action.
2. **Contents of Notice.** The notice of the final decision shall contain applicable findings, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, and general welfare of the City, and the procedure for appeal.
3. **Delivery of Notice.** The notice of the final decision shall be delivered by first class mail.

9108.13.070 Effective Date of Decision
Amended by Ord. No. 2363

- A. ARB Chairperson, ARB, Director's or Commission's Decision.** The decision of the ARB Chairperson, ARB, Director or Commission is final and effective after the end of the business day on the 10th day following the actual date the final decision is rendered if no appeal of that decision has been filed in compliance with Section 9108.03 (Appeals).

B. Council's Decision

1. **Adopted by Ordinance.** A decision of the Council adopted by ordinance is final and shall become effective on the 31st day following the date the ordinance is actually adopted by the Council, unless otherwise provided in the adopting ordinance. For example, an ordinance adopted on October 1st will actually be effective on November 1st.
2. **Adopted by Resolution.** A decision of the Council adopted by resolution is final and shall be effective on the date the decision is rendered.
3. **Contingent on Future Date or Event.** The Council may take a final action and make it contingent on a future date or event.

Section 9108.15 – Enforcement

Subsections:

- 9108.15.010 Purpose and Intent
- 9108.15.020 Permits and Approvals
- 9108.15.030 Enforcement Responsibility
- 9108.15.040 Inspections
- 9108.15.050 Initial Enforcement Action
- 9108.15.060 Recording Notice of Violation
- 9108.15.070 Violations
- 9108.15.080 Legal Remedies
- 9108.15.090 Remedies Are Cumulative
- 9108.15.100 Recovery of Costs
- 9108.15.110 Additional Permit Processing Fees
- 9108.15.120 Reinspection Fees

9108.15.010 Purpose and Intent

This Section establishes provisions that are intended to ensure compliance with the requirements of this Development Code and any conditions of planning permit approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

9108.15.020 Permits and Approvals

All departments, officials, and public employees of the City who are assigned the authority or duty to issue certificates, licenses, or permits shall comply with the provisions of this Development Code.

- A. Permits in Conflict with Development Code.** Certificates, licenses, or permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.
- B. Permits Deemed Void.** Any certificate, license, or permit issued in conflict with the provisions of this Development Code shall be void and of no effect.

9108.15.030 Enforcement Responsibility

- A. Use of Land.** The Director, and the Director's designee(s), shall exercise the authority provided in California Penal Code Section 836.5, and issue Notices of Violation, stop work orders, and citations for any violations of this Development Code pertaining to the use of any land.
- B. Use of Structures.** The Director, and the Director's designee(s), shall enforce those provisions of this Development Code pertaining to the addition, alteration, construction, conversion, erection, installation, moving, reconstruction, or use of any structure; and to enforce the requirements of occupancy in any dwelling (multi-family, single-family, or two-family) or other structure not otherwise regulated by this Development Code.

9108.15.040 Inspections

- A. By Director and Building Official.** The Director, the Building Official, and their designee(s) shall have the rights and powers of enforcing the provisions of this Development Code.

B. Authorized to Enter Defined Areas. For the purpose of necessary investigations and inspections, the Director, the Building Official, and their designee(s) are hereby authorized to enter upon the following defined areas of private property within the City:

1. Any area which is open to the public generally;
2. Any area which is visible and accessible from the public street and which is not fenced or locked or otherwise physically arranged in a manner as to evidence an intent to prohibit entry;
3. Any area which is used as common area by persons residing or staying in structures located upon the property, unless the area is fenced or locked or otherwise physically arranged in a manner as to evidence an intent to prohibit entry; and
4. Any area where the privacy of an individual would not be violated by entry. Any person who interferes or refuses with the right of entry granted by this Section shall be guilty of a misdemeanor.

9108.15.050 Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Director, the Building Official, and/or their designee(s) have determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Section may be avoided.

A. Notice to Responsible Parties. The City, through the City's Code Services Staff, shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

1. A description of each violation and citations of applicable Development Code provisions being violated;
2. A time limit for correcting the violation(s) in compliance with Subsection B., below;
3. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Subsection 9108.15.100 (Recovery of Costs), and/or initiate legal action as described in Subsection 9108.15.080 (Legal Remedies), below; and
4. A statement that the property owner or any person in possession or control of the site may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violation(s).

B. Time Limit for Correction

1. The Notice of Violation shall state that the violation(s) shall be corrected within 14 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Director within that time to arrange for a longer period for correction.
2. The 14-day time limit may be extended by the Director upon a showing of good cause.
3. The Director may also require through the Notice of Violation that the correction occur within less than 14 days if the Director determines that the violation(s) constitutes a hazard to public health or safety.

C. Use of Other Enforcement Procedures. The enforcement procedures of Subsection 9108.15.080 (Legal Remedies) may be employed by the City after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

9108.15.060 Recording Notice of Violation

- A. Record Notice with County Recorder's Office.** If property in the City exists in violation of this Development Code and the owner fails or refuses to correct the violation, the City may record a Notice of Violation against the affected property in the County Recorder's Office.
- B. City Actions Before Recordation.** Before recording a Notice of Violation, the City shall do all of the following:
- 1. Mailing of Notice**
 - a. The City, through the City's Code Services Staff, shall send a written Notice of Violation to the current owner(s) and any mortgage holder(s) that a violation(s) exists and request that the owner(s) correct the violation within a specified, reasonable period of time.
 - b. The City may, in the Building Official's, and/or their designee's(s') discretion, send more than one Notice of Violation.
 - 2. Failure to Correct Violation**
 - a. If the owner fails or refuses to correct the violation(s) within the specified time, the City, through the City's Code Services Staff, shall mail to the current owner(s) by regular first class and by certified mail a Notice of Intention to record a Notice of Violation, describing the real property in detail, naming the owner(s), describing the violation in detail (including relevant Municipal Code sections), and stating that an opportunity will be given to the owner(s) to present evidence.
 - b. The notice shall specify a time, date, and place for a hearing with the Director at which the owner may present evidence to the Director why the Notice of Violation should not be recorded.
 - c. The hearing with the Director shall take place no sooner than 10 days and no later than 20 days following the date of mailing of the Notice of Violation.
 - 3. Director's Actions**
 - a. The Director shall hear the matter on the date scheduled.
 - b. If, after the owner(s) and the City Staff have presented evidence, the Director determines that there is no violation, the Code Services Staff shall mail a clearance letter to the current owner.
 - c. If the owner(s) fails to appear, or the Director determines that there is a violation(s), the Director may direct the Code Services Staff to record the Notice of Violation with the County Recorder. The Director's decision to record the notice shall not be subject to the appeal provisions specified in Section 9108.07 (Appeals).
 - 4. Constructive Notice.** The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation(s) to all successors-in-interest in the property, under California Civil Code Sections 1213 and 1215.
 - 5. Release or Cancellation of Notice of Violation.** If the owner corrects the violation(s) or the property otherwise becomes conforming after the Notice of Violation has been recorded, and the owner has notified the City in writing and consented to an inspection to confirm the correction, Code Services Staff shall record a release or cancellation of the Notice of Violation.

9108.15.070 Violations

A. Violations of this Development Code

1. Any use of land or structures operated or maintained contrary to the provisions of this Development Code and any structure constructed or maintained contrary to the provisions of this Development Code are hereby declared to be a violation of this Development Code and a public nuisance.
2. The violation of any required condition imposed on a permit or approval shall constitute a violation of this Development Code and may constitute grounds for modification or revocation of the permit or approval in compliance with Section 9108.09 (Permit Modifications and Revocations).

B. Guilty of a Misdemeanor. Any person, firm, entity, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Development Code shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable in compliance with Municipal Code Section 1200 (Violations a Misdemeanor or Infraction.).

9108.15.080 Legal Remedies

The City may choose to undertake any one or all of the following legal actions to correct and/or abate any nuisances or violation(s) of this Development Code.

A. Civil Actions

1. **Injunction.** The City Attorney may apply to the Superior Court for injunctive relief to terminate a violation(s) of this Development Code.
2. **Abatement Proceedings.** Where any person fails to abate a violation(s) after being provided a Notice of Violation in compliance with Subsection 9108.15.060 (Recording Notice of Violation), above, and has had the opportunity to correct or end the violation(s), the City Attorney, or designee(s) shall apply to the Superior Court for an order authorizing the City to undertake actions necessary to abate the violation(s) and require the violator to pay for the cost of the actions.
3. **Nuisance Abatement.** The City may pursue any remedies or enforcement action(s), as provided in the City Charter and the Municipal Code for the abatement of a nuisance.

B. Civil Penalties and Remedies

1. **Civil Penalties.** Any person, who willfully violates the provisions of this Development Code, or any permit or approval issued in compliance with this Development Code, shall be liable for a civil penalty in compliance with the Fee Schedule for each day that a violation(s) continues to exist.
2. **Costs and Damages.** Any person violating any provisions of this Development Code, or any permit or approval issued in compliance with this Development Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violation(s).
3. **Procedure.** In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation(s), the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by the defendant.

C. Criminal Actions and Penalties. See Subsection 9108.15.070 (Violations), above.

9108.15.090 Remedies Are Cumulative

- A. Cumulative, not Exclusive.** All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be cumulative and not exclusive of any other applicable provisions of City, County, or State law.
- B. Other Remedies.** Should a person be found guilty and convicted of an infraction or misdemeanor for the violation of any provision(s) of this Development Code, or any permit or approval issued in compliance with this Development Code, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).

9108.15.100 Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including Staff and City Attorney time expended on the enforcement of the provisions of this Development Code in cases where no permit is required in order to correct a violation. The intent of this Section is to recover City administrative costs reasonably related to enforcement in compliance with Code of Civil Procedure Section 1033.5 and this Section.

A. Record of Costs

1. The Department shall maintain records of all administrative costs incurred by responsible City departments associated with the processing of violations and enforcement of this Development Code, and shall recover the costs from the property owner in compliance with this Subsection.
2. Staff and City Attorney time shall be calculated at an hourly rate as established and revised from time to time by the Council.

- B. Notice.** Upon investigation and a determination that a violation(s) of any of the provisions of this Development Code, or any condition(s) imposed on a permit or approval is found to exist, the City, through the City's Code Services Staff, shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation(s), the City's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

C. Summary of Costs and Notice

1. At the conclusion of the case, the City, through the City's Code Services Staff, shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified and first class mail.
2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.
3. In the event that no request for hearing is timely filed, or after a hearing, the Director affirms the validity of the costs, the property owner or person in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.
4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by tax assessment or a lien on the property in compliance with Government Code Section 54988, at the City's election.
5. The obligation to pay any unpaid costs shall be made a personal obligation of the property owner.
6. The obligation may be recovered against the property owner through a civil action initiated by the City or its authorized collection agent, or in any other manner provided for by law.
7. The City shall be entitled to recover all costs related to the civil action, including the City Attorney's fees.

D. Attorney's Fees

1. In any action or administrative proceeding to abate a nuisance, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the City in the action or proceeding.
2. An award of attorney's fees in compliance with this Subsection shall only be allowed where the City elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

E. Request for Hearing on Costs. Any property owner, or other person having possession or control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

1. A request for hearing shall be filed with the Department within 10 days of the service by mail of the Director's summary of costs, on a form provided by the Department.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine their validity.
3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:
 - a. Whether the present owner created the violation(s);
 - b. Whether there is a present ability to correct the violation(s);
 - c. Whether the owner moved promptly to correct the violation(s);
 - d. The degree of cooperation provided by the owner; and
 - e. Whether reasonable minds can differ as to whether a violation(s) exists.
4. The Director's decision shall be appealable in compliance with Section 9108.03 (Appeals).

9108.15.110 Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any permit or approval required by this Development Code, shall pay the additional permit processing fees established by the Fee Schedule for the correction of the violations, before being granted a permit for a use or structure on the site.

9108.15.120 Reinspection Fees

A. Amount and Applicability of Reinspection Fees

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code, any permit or approval issued in compliance with this Development Code, the Municipal Code, adopted Building Code, or State law.
 - a. The fee amount shall be established by the Fee Schedule.
 - b. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.

2. The fee shall not apply to the original inspection to document the violation(s) and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, if the correction(s) has been made.

B. Continuation of the Original Case

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Development Code or the Municipal Code for less than 90 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.
2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating this Development Code or the Municipal Code.
3. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Development Code in compliance with Municipal Code Chapter 2 (Penalty Provisions), or costs incurred by the City for the abatement of a public nuisance.

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Division 9: Definitions

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Section 9109.01 – Definitions

Subsections:

9109.01.010 General
9109.01.020 – “A” Definitions
9109.01.030 – “B” Definitions
9109.01.040 – “C” Definitions
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9109.01.010 General

- A. This Division provides definitions of the technical and other terms and phrases used in this Development Code as a means of providing consistency in its interpretation. Where any definition in this Chapter may conflict with definitions in other titles of the Arcadia Municipal Code, these definitions shall prevail for the purposes of this Code. If a word is not defined in this Chapter or in other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.
- B. In addition to the definitions provided in this Section, definitions for signs are contained in Section 9103.11 (Signs) and definitions for adult business uses are contained in Section 9104.02.020 (Adult Business Uses).

9109.01.020 – “A” Definitions

Abutting/Adjoining. Contiguous to. Having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street). See also “Adjacent.”

Access. The place or way by which pedestrians and vehicles have safe, adequate and suitable ingress and egress to a property or use as required by this Chapter.

Accessory Use. See “Use.”

Accessory Dwelling Unit. Accessory Dwelling Units are residential dwelling units that are detached from, attached to, or located within the living area of an existing primary dwelling unit, and provides independent living facilities for one or more persons. An

accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and structures defined in Health and Safety Code section 18007. Accessory Dwelling Units are subordinate in size, location, and appearance to the main dwelling unit.

Junior Accessory Dwelling Unit. A residential unit that is no more than 500 square feet in size, is contained entirely within an existing or proposed single-family structure, includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and includes an efficiency kitchen. An efficiency kitchen is a kitchen that includes a cooking facility with appliances, a food preparation counter or counters that total at least 15 square feet in area, and has food storage cabinets that total at least 30 square feet of shelf space.

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure.

Act. California Government Code Sections 66410 et seq., also known as the Subdivision Map Act.

Acupuncture. A form of medical treatment involving the use of pressure, needles, or similar applications.

Adult-Oriented Businesses. See Chapter 19.62 (Adult Business Uses).

Adjacent. The condition of being near to or close to but not necessarily having a common dividing line. Two properties that are separated by an alley, public or private right-of-way, street (other than a principal arterial), public access easement, or creek, river, stream, or other natural or artificial waterway shall be considered as adjoining one another. See also "Abutting/adjoining."

Administrative Modifications. A process and permit required for certain identified minor deviations from the provisions of this Development Code. See Section 9107.05 (Administrative Modifications).

Adjoining. See "Abutting/adjoining."

Advisory Agency. The City staff member or City policy-making or review authority responsible for acting on an application, as specified in Subsection 9105.01.050 (Advisory Agency).

Agriculture. All methods of production and management of crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting and marketing.

Urban Agriculture. The growing of fruit, flowers, ornamental plants, and vegetables in small gardens. This does not include the growing of marijuana.

Horse Keeping. The keeping of horses.

Small Animal and Fowl Keeping. Small animals and fowl shall include rabbits, poultry, domestic fowl, goats and sheep. The raising or keeping for domestic noncommercial use of not to exceed a total of 10 fowl or birds; the raising or keeping of homing pigeons under such regulations as may be imposed elsewhere in the Code; and a total of not to exceed five small animals (and the offspring of each thereof until such offspring is capable of being raised or maintained separately from and independently of full grown members of the same species); provided that, the keeping of all small animals provided for herein shall conform to other provisions of law governing same.

Alcohol Beverage Sales.

Alcohol Sales, Off-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption off the premises and which is applying for or has obtained any State ABC Licenses for on-site consumption. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, Off-Sale, Accessory to Eating and Drinking Establishment Only. Any establishment that has all of the following characteristics: (1) Alcoholic beverages will be or are sold, served, or given away for consumption off the premises where sold, served, or given away; (2) the establishment is applying for or has obtained an ABC License; and (3) the sale of alcoholic beverages is accessory to an eating and/or drinking establishment. Illustrative examples include tasting rooms where retail sales are incidental to the eating or drinking establishment use.

Alcohol Sales, Off-Sale, Accessory to a Hotel Only. Any establishment accessory to a hotel use in which alcoholic beverages are sold, served, or given away for consumption off-site or within a separate room on-site. Examples include snack bars at hotels, intended for hotel patrons' use. For the purposes of this definition, a snack bar is an establishment that sells confections, snacks, or other light meals for consumption on-site (either in common areas or in a hotel room) and that provides no inside seating.

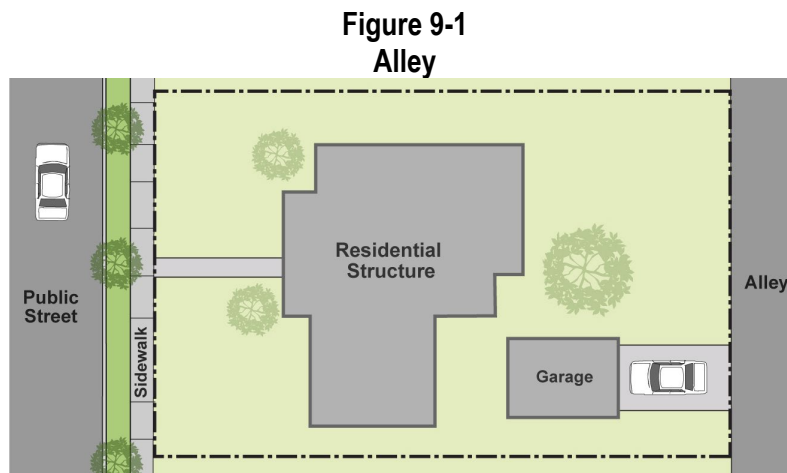
Alcohol Sales, On-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption on the premises and which is applying for or has obtained any State ABC Licenses for on-site consumption. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale, Accessory Only. Any establishment accessory to a principal use in which alcoholic beverages are sold, served, or given away for consumption on site, and that has either of the following characteristics:

- A. The establishment will sell or sells alcoholic beverages only as an accessory use to a commercial recreation use. Examples include snack bars and concession stands at facilities sport venues (e.g., baseball, football, rugby, soccer, etc.). For the purposes of this definition, a snack bar or concession stand is an establishment that sells confections, snacks, or other light meals for consumption on-site and that provides no inside seating or drive-through service for customers.
- B. An accessory space located within a business or building currently permitted by the State Alcoholic Beverage Control and the City of Arcadia for alcohol sales, on sale as defined in this section. Examples include tasting rooms at retail establishments and tasting rooms at alcohol production establishments.

Alcohol Production. See "Brewery and Alcohol Production."

Alley. A public or private thoroughfare or lane (not more than 30 feet wide) that affords only a secondary means of access to abutting property (see Figure 9-1: Alley).



Ambulance Fleet Services. A base facility where ambulances and similar vehicles are parked and from which they are dispatched, and/or where ambulance vehicles and crews are not based at a hospital or fire department stand by for emergency calls.

Amendment. A change in the wording, context, or substance of this Development Code, or a change in the zone boundaries upon the zoning map which is a part of this Title, in the manner prescribed by the Development Code.

Annex/Annexation. To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Animal Hospital/Clinic. See "Veterinary Services."

Animal Keeping. The keeping of domestic animals cared for and owned by the occupants of the residential property in accordance with the provisions of Title 8 of the Arcadia Municipal Code.

Animal Sales and Services.

Animal Boarding/Kennels. The commercial provision of shelter and care for dogs, cats, other household animals, and horses (where allowed), including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).

Animal Grooming. The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by this Development Code. Overnight boarding is not allowed.

Animal Retail Sales. The retail sales of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use, but specifically excludes boarding of animals other than those for sale.

Antennas and Wireless Communication Facility – Co-Location. The placement or installation of one or more wireless communication facilities on a single tower, mast/pole, structure, or building with one or more existing wireless communication facilities. Collocated wireless communication facilities may be separately owned and used by more than one public or private entity.

Antennas and Wireless Communication Facility – Panel. A wireless communication facility where the antennae are mounted on the roof or top of a building or structure, or the side of a building or structure, other than on a standalone facility.

Antennas and Wireless Communication Facility – Standalone Facility. A wireless communication facility where the antennae are mounted to a dedicated ground-based structure in order to elevate the antennae to a useable altitude (i.e., monopole, cell tower, etc.)

Antennas and Wireless Communication Facility/ies.

Antenna. Any system of dishes, panels, poles, reflecting disks, rods, and wire or similar devices used for the transmission or reception of electromagnetic signals.

Antenna Structure. Any structure, including mast, pole, or tower, whether ground mounted or mounted on another structure that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted upon it or to any higher point of the antenna structure.

Monopole. A freestanding antenna structure with antennas attached to it that consists of a single shaft, including stealth designs (e.g., flag poles, monopalms, monopines) and has a single continuous footing designed to be self-supporting without the use of any guy wires.

Mount. The structure or surface upon which antennas are mounted. There are two types of mounts: (1) Ground mounted – mounted on the ground, including but not limited to, monopoles, and (2) structure mounted – mounted to the façade or roof of an existing structure.

Stealth and Stealthing. A wireless communication facility that is: (1) not easily identifiable as such by a casual observer, and (2) aesthetically compatible and blends with the cell site and immediate surroundings. Stealthing may be achieved by any means or combination of means including, but not limited to, the use of camouflage, painting, screening, textures, or architectural integration with the surroundings (e.g., a bell tower within a church or a church steeple, an unobtrusive penthouse on a roof, faux structure integrated into the design of existing site or structure, faux rock, or faux tree amongst existing or new vegetation).

Wireless Communication Facility/ies (WCFs). Any facility or system that transmits and/or receives electromagnetic signals, including, but not limited to, microwaves and radio waves for cellular technology, data transmission, e-mail, mobile services, paging systems, personal communications services, and related technologies. A WCF includes antennas, antenna structures, microwave dishes, parabolic structures; WCF support facilities that house support equipment; and other accessory development, equipment, improvements, and structures used to support the operation of the WCF.

Wireless Communication Support Facility/ies. Any enclosed box, cabinet, shed, or structure located on the cell site which houses, among other things, batteries, electrical, or other equipment necessary for the operation of the wireless communication facility. This shall apply to any associated structures deemed necessary for the operation of the wireless communication facility.

ARB. See “Architectural Review Board.”

Arcade (Electronic Game Center). An establishment that provides more than four amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using. This use may also include internet/cyber cafes, where three or more computers and/or other electronic devices, for access to that system commonly referred to as the “internet,” e-mail, playing video games over the Internet or other network system, and/or access to other computer software programs, is provided to the public for compensation and/or for public access. Internet cafe is also synonymous with PC cafe, cyber cafe, internet gaming center, computer/internet rental and cyber centers.

Architectural Element. See “Architectural Feature.”

Architectural Feature. Exterior architectural element attached to a structure and does not provide floor area. Architectural features include belt courses, buttresses, chimneys, cornices, eaves, fireplaces, pilasters, pillars, sills, and window seats. Architectural features do not include walls, fences, railings, porticos, porches, colonnades, covered parking areas and driveways, balconies, terraces, decks, open stairways, elevated walkways, awnings, exterior pipes, signs, mechanical equipment, and covered patios.

Architectural Review Board. The Architectural Review Board (ARB) of the City of Arcadia.

Architecturally and Historically Significant District. A group of buildings, properties or sites that has been designated, as a Historic District or Individual Resource in California Register of Historical Resources and/or National Register of Historic Places.

Artificial Turf. A synthetically derived, natural grass substitute that may be used as a decorative feature in lieu of natural turf in landscape areas. Also known as artificial grass and synthetic turf.

Artist Studios. See “Studio – Art and Music.”

Assembly/Meeting Facilities, Public or Private. A facility for public or private assembly and meetings, exclusive of “Places of Religious Assembly,” which is defined separately. Examples of these uses include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations

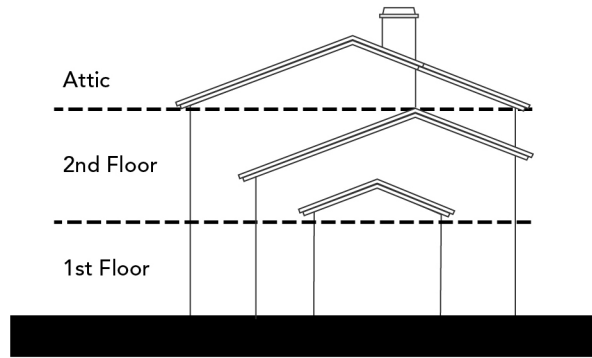
Assisted Living. See “Residential Care Facilities.”

Athletic Facility. See “Health/Fitness Facility”.

ATM (Automated Teller Machine). An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed location. Also refers to machines located on properties separate from financial institutions.

Attic. The area located between the top plate of the uppermost habitable floor and the roof or ridge of a building, as further defined in the Building Code (see Figure 9-2: Attic).

Figure 9-2
Attic



Auto Repair. See "Vehicle Repair and Service."

Auto Service or Servicing. See "Vehicle Repair and Service."

Auto Accessory Service. See "Vehicle Repair and Service."

Automatic Controller. A mechanical or solid-state irrigation system timer capable of operating irrigation valve stations to set the days and length of time of a water application.

Awning. A sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

9109.01.030 – "B" Definitions **Amended by Ord. No. 2348**

Balcony. A projecting platform on a building, sometimes supported from below, sometimes cantilevered; enclosed with a railing or low wall.

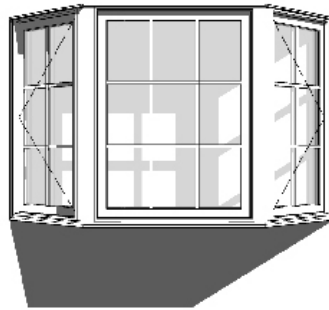
Bail Bond Services. A business that provides bail bonds, documents that ensure to the court system that a person facing charges, and who typically is in jail, will appear for future court appointments if released.

Basement. Any area in a structure in which the ceiling is not more than 30 inches above grade so that it does not create a split-level or be considered as a regular story.

Bar. See "Eating and Drinking Establishments."

Bay Window. A large window or series of windows projecting from the outer wall of a building and forming a recess within. Some bay windows may have window seats (see Figure 9-3: Bay Window).

**Figure 9-3
Bay Window**



Bedroom. A bedroom is a private room intended primarily for sleeping. In order to qualify as a bedroom it requires a closet and a means of egress.

Belt Course. An architectural building feature characterized by a narrow and continuous horizontal course of masonry, sometimes slightly projected. May also be referred to as a string course or sill course (see Figure 9-4: Belt Course).

Boarding House. A boarding house is a residence or dwelling, other than a motel or hotel, wherein two or more rooms, with or without cooking facilities in the rooms and/or for groups, are rented to individuals, persons or groups under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence. Notwithstanding this definition, no single-family residence operated as a group home pursuant to the Community Care Facilities Act, that is otherwise exempt from local zoning regulations, shall be considered a boarding house.

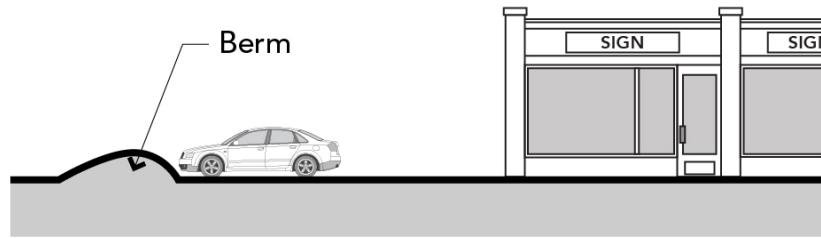
**Figure 9-4
Belt Course**



Best Management Practices (BMPs): Methods that have been determined to be the most effective, practical means of preventing or reducing pollution from non-point sources.

Berm. A raised earthen area (see Figure 9-5: Berm).

Figure 9-5
Berm



Boarding House. A boarding house is a residence or dwelling, other than a motel or hotel, wherein two or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence. Notwithstanding this definition, no single-family residence operated as a group home pursuant to the Community Care Facilities Act, that is otherwise exempt from local zoning regulations, shall be considered a boarding house.

Breezeway. A structure with a roof and open sides that connects two buildings. A breezeway is considered part of the primary structure for the purpose of determining setbacks and floor area.

Brewery and Alcohol Production. An establishment which produces ales, beers, meads, hard ciders, wine, liquor and/or similar beverages on-site. Breweries may also serve beverages on-site, and sell beverages for off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF).

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials. See also "Structure."

Accessory Building. A detached subordinate building used only as incidental to the main building on the same lot.

Main Building. A building in which is conducted the principal use of the lot on which it is situated. In the event a garage is attached to the main building, it shall be made structurally a part of, and have a common wall with the main building and shall comply in all respects with the requirements of this title applicable to the main building.

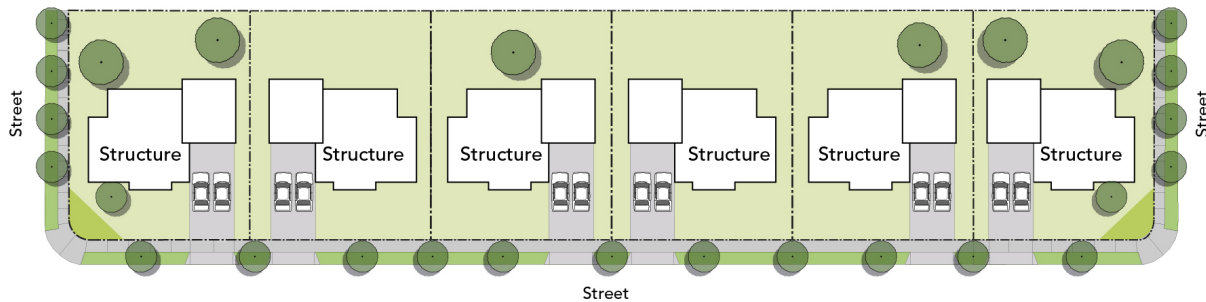
Building Height. See Height.

Building Line. A building line established by an ordinance, or any private property line bounding a public right-of-way.

Building Official. The Building Official of the City of Arcadia, or his or her designee.

Block. All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and right-of-way, water way, end of dead-end street or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts (see Figure 9-6: Block).

**Figure 9-6
Block**



Building Materials Sales and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Contractors' Yards and hardware stores less than 10,000 square feet in floor area (see Retail Sales) or plant nurseries.

Business and Business Activity. Any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes.

Buttress. A structural architectural feature set at an angle to or bonded into a wall to strengthen or support the wall.

9109.01.040 – “C” Definitions

Cabana. See “Accessory Structure.”

Canopy or Canopy Structure. A sheet of flexible material, fabric, or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood, or plastic or any other similar material, and generally used for the shielding or protection of vehicles or other equipment stored outside. Canopy structures include but are not limited to prefabricated canopies ready-made for simple assembly and canopies which are built, constructed, or composed of parts joined together in some definite manner. This definition excludes awnings attached to structures.

Car Sharing. The provision of designated permanent parking spaces for membership-based car sharing vehicles that charges a use-based fee related to a specific vehicle, primarily for hourly or other short-term use through a self-service fully automated reservation system, but not by means of a separate written agreement that is entered into each time a vehicle is transferred to a customer.

Car Wash. See “Vehicle Repair and Service, Automobile Washing/Detailing.”

Caretaker Unit. A dwelling unit located at the Santa Anita Racetrack intended for temporary use by caretakers of horses.

Carport. A permanent one-story accessory building consisting of a roof and supporting members, unenclosed on at least one side and designed or used for the parking or temporary storage of motor vehicles of owners or occupants of the principal building. If a carport is structurally attached or connected to any principal building on the same lot, such carport shall be considered part of the principal building and shall not be deemed an accessory building.

Catering Service. A facility for the preparation and storage of food and food utensils for off-premise consumption and service

Cellar. See “Basement.”

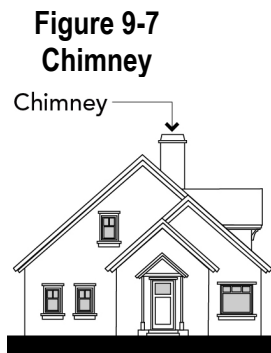
Certificate of Compliance; Conditional Certificate of Compliance. A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.) and this Chapter. A Conditional Certificate of Compliance includes any conditions that the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

Certificate of Demolition. Required review prior to issuance of a Demolition Permit to ensure completion of a full historical evaluation for structures, buildings, and objects that are 50 years of age or older to determine historical significance. See Section 9107.07 (Certificate of Demolitions).

Check Cashing Shops/Payday Loans. A commercial land use that generally includes some or all of a variety of financial services including cashing of checks, warrants, drafts, money orders, or other commercial paper serving the same purpose; deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; money transfers; payday advances; issuance of money orders; and similar uses.

Child Play Area. A recreational space for children generally comprised of playground equipment and toys.

Chimney. A primary vertical structure containing one or more flues, for the purpose of carrying gaseous products of combustion and air from a fuel-burning appliance to the outside atmosphere (see Figure 9-7: Chimney).



Church. See “Places of Religious Assembly.”

City Engineer. The City Engineer of the City of Arcadia or an authorized designee(s).

City Manager. The City Manager of the City of Arcadia or an authorized designee(s).

Clinic. See “Hospitals and Clinics.”

Coffee Production. Any process in which coffee beans are used as raw materials to produce coffee or coffee-based products.

Commercial Equipment. Includes but is not limited to backhoes, tractors, bucket loaders, air compressors, concrete mixers, road rollers, concrete pumps, or pole and pipe dollies, and similar transportable equipment.

Commercial Recreation. Establishments providing participant or spectator recreation, either indoors or outdoors, for a fee or admission charge. Illustrative examples of these uses include:

- batting cages
- billiards and pool halls
- bowling alley
- country clubs
- family fun centers
- golf courses
- rock climbing
- skating rink (ice or roller skating)

Commercial Use. Any business that sells goods or services to the public, either retail or wholesale, for remuneration.

Commission or Planning Commission. The Planning Commission of the City of Arcadia.

Common Interest Development. The term Common Interest Development means the following, all definitions of which are based upon Civil Code Section 4100 or subsequent amendments: (1) a condominium project; (2) a community apartment project, (3) a stock cooperative, or (4) a planned development.

Community Garden. See “Agriculture, Urban Agriculture.”

Compatible Use. See “Use.”

Complete Independent Living Facilities. 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.

Conditional Use. See “Use.”

Conditional Use Permit. A discretionary permit required for certain uses specified in this Code to provide for the thorough review of such proposed uses and their associated structures and other improvements, with the intent of ensuring that if approved, such use can be operated in a manner compatible with surrounding uses. The responsible review authority for Minor Use Permits is the Commission. See Section 9107.09 (Conditional Use Permits and Minor Use Permits).

Condominium. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. As defined in California Civil Code section 1351 (f), as may be amended.

Condominium Development, Commercial. A structure or structures in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated commercial space (unit) and/or spaces (units) and accompanying facilities.

Condominium Development, Residential. A structure or structures in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated residential space (unit) and/or spaces (units) and accompanying facilities.

Construction Offices. Temporary offices related to construction activities, including equipment and materials storage and vehicle parking.

Convalescent Facilities. See “Residential Care Facilities.”

Convenience Store. Easy access retail stores selling a combination of alcohol, gasoline, and a range of merchandise to provide a variety of items primarily for the motoring public. Convenience store shall comply with the standards in Section 9104.02.040 (Alcoholic Beverage Sales Businesses).

Co-Operative Multifamily Building. Any multifamily dwelling, as defined in this Development Code, existing or proposed to be constructed where it is proposed that persons will possess an undivided equitable or legal right or interest, including but not limited to shares, stock, or beneficial interest in trust, in a multifamily dwelling in the City coupled with an exclusive right or interest to possess, occupy, or use one or more dwelling units in the multifamily building, and shall also mean a condominium, as defined in California Civil Sec. 1350, and a community apartment project as defined in California Business and Professions Code Sec. 11004.

Corner Cutback. See **Vehicular Visibility Area.**

Cornice. An ornamental molding representing the uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or portion of a building (see Figure 9-8: Cornice).

Figure 9-8
Cornice



Cottage Food Operation. A use located within a dwelling where certain low-risk food products that do not require refrigeration are made and sold, and as defined in Section 113758 of the California Health and Safety Code.

Council or City Council. The elected legislative body of the City of Arcadia.

County Clerk. The Los Angeles County Clerk.

County Recorder. The Los Angeles County Recorder.

Crematorium. A mortuary building or facility that holds the equipment necessary for cremation.

Cul-de-sac. A road or street that is not a through road or street, that is open at one end for ingress and egress. At the end of a cul-de-sac is a special provision or area for vehicles to turn around (generally a circular area which may or may not have a center curb area).

One Sided Cul-De-Sac. A cul-de-sac which is only half formed in that the centerline of the cul-de-sac establishes one side of the cul-de-sac and the otherwise entire blub of the cul-de-sac is only half formed and not fully rounded as is customary for cul-de-sacs.

Cultural Institution. Any facility such as a museum or library that displays or preserves objects of community or cultural interest relating to one or more of the arts or sciences. This use includes libraries, museums, and art galleries.

Curbline. The line of the face of the curb nearest to the street or roadway and shall include the extension of such line across a drive approach or other break in the curb.

9109.01.050 – “D” Definitions Amended by Ord. No. 2375

Data Center. An industrial building containing floor space that houses computer mainframes, servers, and IT equipment primarily for the purpose of storing data and distributing data stored on-site. Data centers also contain all associated power distribution, cooling, cabling, fire suppression and physical security systems.

Day Care, Adult. See “Day Care, General.”

Day Care, General. Establishments providing non-medical care for persons on a less than 24-hour basis other than Day Care, Limited. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California. Such use must comply with all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a General Day Care facility. General Day Care establishments may be accessory to an industrial, commercial or institutional use, as may be allowed by Division 2 (Zones, Allowable Uses, and Development Standards) of this Development Code.

Day Care, Limited. Nonresidential, nonmedical care and supervision of 14 or fewer persons on a less than 24-hour basis.

Day Care, Limited - Cooperative (12 or fewer children). Day care facilities as defined and regulated by California Health & Safety Code Section 1596.792(e), where parent groups care for up to 12 children through a cooperative arrangement and there is no payment of money or receipt of in-kind income in exchange for care.

Day Care, Limited - Small Family (8 or fewer children). Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply with all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a small family child care home.

Day Care, Limited - Large Family (9 to 14 children). Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply with all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a large family child care home.

Fifteen or more children. See “Day Care, General” for facilities serving 15 or more children.

Day Spa. Health, beauty, and relaxation services that deal with the cosmetic, therapeutic, and/or holistic treatments, where people visit for professionally administered personal care treatments. This use can include massage services as an ancillary.

Daytime Sports and Athletic Events (live). Characterized by activities (sports and athletic events) that draw large numbers of people to specific live events or shows. Activities are generally of a spectator nature, including horse racing with or without pari-mutual wagering on the results thereof, motorcycle racing, and pet shows and demonstrations. Accessory uses may include restaurants, bars, concessions, parking, food membership distribution, and maintenance facilities.

Deck. Any unroofed patio, balcony, terrace, gallery, veranda, piazza, porch, portico or similar projection from an outer wall of a building, other than a carport as defined herein, that is over 18 inches above grade. A deck shall include any associated stairs. A deck shall have no enclosure, other than the side(s) of the principal building to which it is attached; provided, however, a deck may have a railing or wall that complies with Building Code requirements.

Deck, Roof. A “deck” as defined in this Division that is located on top of a structure’s roof.

Dedication. The grant of real property for public use.

Demolition. The intentional destruction and removal of 50 percent or more of the enclosing exterior walls and 50 percent of the roof of any structure.

Density. The population and development capacity of residential land based on the number of dwelling units per acre of land excluding street right-of-ways.

Density Bonus. A density increase over the otherwise maximum allowable residential density established by this Development Code and in the Land Use Element of the General Plan as of the date of application by the developer.

Design (subdivision). For the purpose of subdividing land only shall mean (1) street alignments, grades, and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required casements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure compliance to or implementation of the General Plan any specific plan.

Design Guidelines. Refers to any of the City’s adopted design guidelines.

Design Review. The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards. See Section 9107.19 (Site Plan and Design Review).

Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks city permits or approvals for all or part of a residential development.

Development Agreement. An agreement entered into between the city and a developer pursuant to Section 65864 of the California Government Code and Section 9107.11 (Development Agreement) of the Development Code.

Development Code. The Development Code of the City specified in Municipal Code Article IX, Chapter 1 and the regulations found therein.

Director. The Development Services Director of the City of Arcadia, or his or her designee.

Discretionary Approval. Any entitlement or approval required by Article IX Chapter 1 (Development Code) of the Arcadia Municipal Code, including but not limited to, architectural design review approval, conditional use permit, variance, and subdivision map.

Division of Land. Any lot or contiguous lots of land, improved or unimproved which are divided for the purpose of transfer of title, sale, lease, or financing, whether immediate or future, into two or more lots or the consolidation of separate lots of land or a co-operative multiple building, as defined above. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for the purposes of computing the number of lots under Development Code. "Division of Land" shall not mean land dedicated for cemetery purposes under the State Health and Safety Code or the leasing or financing of apartments, offices, stores, or similar space within an apartment building, a commercial building, an industrial building, mobile home park, or trailer park, or division of a gas, mineral, or oil lease.

Donation Box. A bin, storage shed, or similar facility measuring no more than eight feet in height, and established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items. Such facilities generally are established by a charitable or non-profit organization.

Drainage Facility. Any drainage device or structure which may be used to control or direct the flow of water or alleviate a flood hazard, including but not limited to berms, channels, culverts, curbs, ditches, gutters, pavement, pumps, and pipes.

Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include fast food restaurants, banks, and pharmacies. Does not include "click and collect" facilities in which an online order is picked up in a stationary retail business without use of a drive-in service.

Driveway. A driveway is a paved area that provides vehicle access from a public right-of-way to a parking area or garage.

Dwelling. A structure or portion thereof designed exclusively for permanent residential purposes, but not including hotels, motels, emergency shelters, or extended stay locations.

Accessory Dwelling Unit. An attached or detached dwelling unit which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing qualified primary dwelling unit is situated.

Dwelling Unit. Any structure or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.

Junior Accessory Dwelling Unit. An accessory dwelling unit that is contained entirely within an existing or proposed single family structure and is not more than 500 square feet in area, which provides independent living facilities, including provisions for cooking and either separate or shared sanitation on the same parcel as an existing qualified primary dwelling unit is situated.

Multifamily Dwelling. A structure or portion thereof containing three or more dwelling units designed for the independent occupancy of three or more households. Development types include apartments, townhomes, single-room occupancy, and residential condominiums.

Primary Dwelling. An existing single-unit residential structure on a single lot with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities, and occupied by one household.

Single-Family Dwelling. A detached structure containing no more than one dwelling unit which, regardless of form of ownership, is designed and/or used to house not more than one household, including all domestic employees for such household.

Two-Family Dwelling (Duplex) Unit. A building containing two complete dwelling units designed for the independent occupancy of two households.

See also “Live/Work Unit”, “Manufactured Housing” and “Mobile Housing Unit.”

9109.01.060 – “E” Definitions

Amended by Ord. No. 2375

Amended by Ord. No. 2400

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Eating and Drinking Establishments

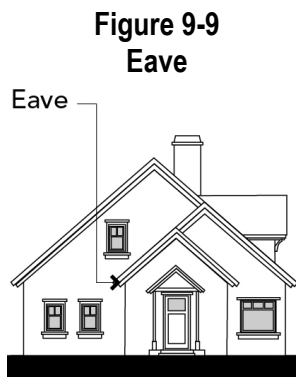
Bar, Lounges, Nightclubs, Taverns. Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the State Department of Alcoholic Beverages and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee. May include food services as an accessory use.

Outdoor Dining. A dining area with seats and/or tables located outdoors of a sit-down restaurant, fast food, or other food service establishment. Outdoor dining is located entirely outside the walls of the contiguous structure or enclosed on one or two sides by the walls of the structure with or without a solid roof cover.

Restaurant, Large. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, where the total space dedicated to the use is greater than 2,000 square feet. Includes restaurants, gastropubs and other eating and drinking establishments that serve alcoholic beverages for consumption on the premises.

Restaurants, Small. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, where the total space dedicated to the use is 2,000 square feet or less. Includes restaurants, gastropubs and other eating and drinking establishments that serve alcoholic beverages for consumption on the premises.

Eave. The extension of a roof beyond an exterior wall, with no enclosed area underneath it (see Figure 9-9: Eave).



Electronic Cigarettes and Vaping Device. An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other similar product. "Electronic smoking and vaping device" includes any such electronic smoking or vaping device, whether manufactured, distributed, marketed, or sold as an electronic cigarette (e-cigarette), an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, personal product vaporizer (i.e., liquid, dry herb, oils, wax, etc.), electronic nicotine delivery system, e-hookah, or any other similar system. "Electronic smoking and

vaping device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.

Electronic Submittal. The utilization of one or more of the following: email, the internet, facsimile (fax).

Electronic Game Center. See "Arcade."

Emergency Shelter. Housing with minimal supportive services for homeless persons. Occupancy is limited to a maximum of six months. No individual or household may be denied emergency shelter because of an inability to pay. Per Government Code section 65583 subdivision (a)(4), "emergency shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care. This definition is established pursuant to the provisions of California Health and Safety Code (Section 50801[e]), as amended.

Employee Housing. Employee housing shall mean any portions of any housing accommodations for employees, including farmworker housing (as defined in Section 17008 of the California Health and Safety Code, as amended) which has qualified or where the owner intends to qualify for a permit to operate under the Employee Housing Act (Health and Safety Code Section 17000 et seq.).

Employee housing for six or fewer employees shall be treated as single-family dwelling and permitted in the same manner as other dwellings of the same type in the same zone.

Employee housing consisting of no more than 12 units or 36 beds will be permitted in the same manner as other agricultural uses in the same zone.

Enclosed. A building or structure that is surrounded by walls on all sides. "Unenclosed" shall mean a building or structure that is not enclosed.

Environmental Analysis. An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

Establishment. See "Business and Business Activity."

Extended Hours Use. Any non-residential use that operates for at least one hour between the hours of 10:00 PM and 5:00 AM. In Downtown Zones (CBD, MU, DM, and C-M Zones), Extended Hours Use is any non-residential use that operates for at least one hour between the hours of midnight and 6:00 AM.

Extended Stay Hotel. See "Long-Term Stay Hotel."

9109.01.070 – "F" Definitions

Amended by Ord. No. 2375

Amended by Ord. No. 2400

Façade. The portion of any exterior elevation of a structure from grade to the top of the roofline and the width of the structure.

Family. A group of persons, whether related or unrelated, who live together in a nontransient and interactive manner, including the joint use of common areas of the premises which they occupy and sharing household activities and responsibilities such as meals, chores, and expenses. Notwithstanding the foregoing, any group of persons required to be considered as a "family" for zoning purposes pursuant to California Health & Safety Code Sections 1267.8, 1566.3, 1568.0831, 1569.85, 11834.23, or any other state law shall be deemed to be a family for purposes of this code.

FAR. See Floor Area Ratio (FAR).

Farmers Market. An outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3, Chapter 3, Article 6.5. Farmers' Markets can also include limited sales of crafts and goods.

Farmworker Housing. A housing accommodation developed for, or provided to, farmworkers. Farmworker housing may be a farmworker dwelling or a farmworker housing complex. Farmworker Housing shall be permitted in residential and non-residential zones.

Farmworker dwelling unit. A structure which is occupied solely by up to six agricultural (farm) employees or one agricultural (farm) employee and the worker's household.

Farmworker housing complex. A living unit or units for agricultural (farm) employees and their families consisting of up to thirty-six (36) beds in a group quarters or up to twelve (12) farmworker dwelling units or spaces designed for use by a single family or household.

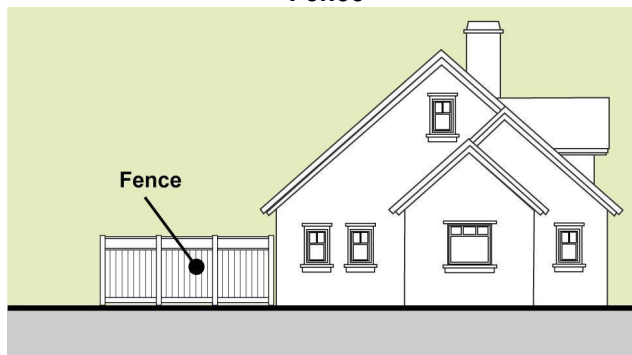
Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land (see Figure 9-10: Fence). Fences may also be walls, hedges, and screen planting. See also "Wall."

Decorative Column on Fence. A vertical supporting member with an aesthetically significant textured surface, including, but not limited to stucco, split face, stone veneer, brick veneer, wood veneer, ledgerstone, solid stone, solid brick, and solid wood.

Decorative Fence. A fence that is aesthetically significant in design and construction with a non-detracting color, and a compatible finish that is consistent with the structure(s) on the property and adjacent properties.

Fence Cap. A horizontal surface atop a column.

Figure 9-10
Fence



Filming Activities. All uses, structures and activities related to the production of motion pictures, television programming music and corporate videos, advertisements, and commercial still photography. Said activities include, but are not limited to, preparation, filming, and strike time, and the ancillary functions accessory thereto.

Final Map. A map showing a subdivision of lots prepared in compliance with the provisions of this Division and the Act (Government Code Sections 66410 et seq.) and in a manner to be filed in the office of the County Recorder. The map may be a final map, final parcel map, final vesting map, or final vesting parcel map.

Financial Institutions and Related Services. A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money. This does not include Check Cashing Shops/Payday Loans.

Fireplace. An assembly consisting of a hearth and fire chamber of noncombustible material and provided with a chimney, for use with solid or gaseous fuels.

Fire Escape. A form of egress for emergency purpose, typically a set of stairs located on the exterior of a building.

Flood hazard. A potential danger to life, land, or improvements due to inundation or stormwater runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of water courses.

Floor. See "Story."

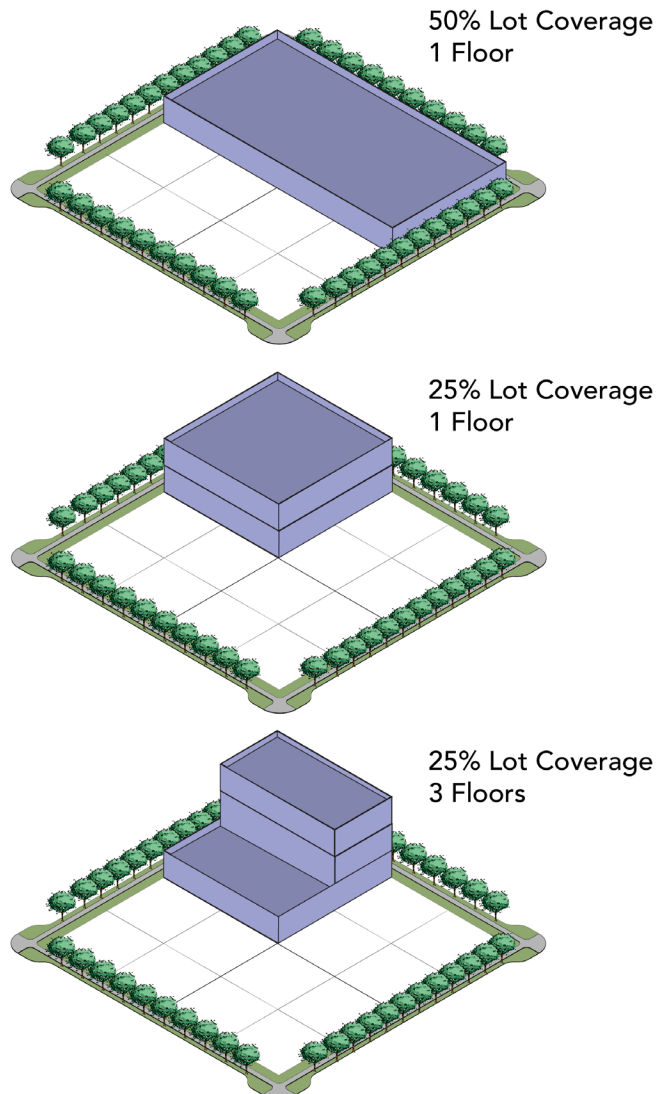
Floor Area. The total gross dimensions (in square feet) of all the floors below the roof and within the outer surface of the walls of a building or structure. See also Section 9103.01.030 (Measuring Floor Area and Floor Area Ratio). See also “Gross Leasable Area.”

Floor Area Ratio (FAR). The numerical value obtained by dividing the aboveground floor area of any building(s) located on a lot by the net area of the lot. See Figure 9-11: Floor Area Ratio and Section 9103.01.030 (Measuring Floor Area and Floor Area Ratio).

Figure 9-11
Floor Area Ratio

Possible Building Configurations for 0.5 FAR

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Floor Area (All Floors)}}{\text{Lot Area}}$$



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

Food and Beverage Events. Festivals, events, and assemblies where the sale of food or beverages is the organizing feature. Food and beverages may be sold individually or through tickets/credits. This use may include barbecues and picnics.

Food Processing. Food processing establishment includes any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food except restaurants.

Food Truck. See “Vending Vehicle.”

Frontage. That portion of a lot which abuts a public or private street or highway to which the lot has the right of access. May also refer to that face of a building or length of a lot that is parallel to, or is at a near parallel angle to a public street or public parking area.

Fueling Station. See “Vehicle Repair and Service, Service/Fueling Station.”

Fulfillment Centers. Warehouses defined in this section in which the primary purpose of the use is the sale and shipment of goods and products stored within the warehouse to customers. The vehicles or trucks used to transport the products and goods may be stored on-site. Alternatively known as “logistic centers” or a “warehouse distribution centers.”

Funeral Homes and Mortuaries. Establishments engaged in the provision of service involving the care, preparation, or disposition of human dead other than in cemeteries. May or may not include crematories and/or mortuaries. No internment is provided on site. May include areas for assembly services and living quarters for funeral home/mortuary manager.

9109.01.080 – “G” Definitions

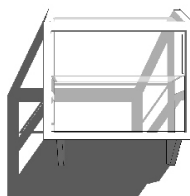
Game Arcade. See “Arcade.”

Garage. A fully enclosed facility used for the parking of vehicles. May be attached to or detached from the residence(s) or business(es) which it serves.

Garage and Yard Sales. The temporary sale of goods, wares or merchandise from a residential property principally used as a residence. See Section 6437 (Patio, Garage and/or Backyard Sales) of the Municipal Code.

Garden Window. A large window or series of windows projecting from the outer wall of a building and forming a recess within, where glass is present on all sides, except for the bottom (see Figure 9-12: Garden Window). Some garden windows may have shelves.

**Figure 9-12
Garden Window**



Gas Station. See “Vehicle Repair and Service, Service/Fueling Station.”

Gate. A physical barrier similar to a fence or wall to demarcate areas, and can be operated either manually or mechanically to provide ingress or egress between areas.

Generator. See “Mechanical Equipment.”

Geologic Hazard. A hazard inherent in the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

Government Facilities. A building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public.

Grade. The surface of the ground or pavement at a stated location.

Grade, Average Existing. The average level of the highest and lowest existing grade elevation points. See Section 9103.01.050 (Height Measurement and Exceptions).

Grade, Existing. The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project regulated by this Development Code.

Grade, Finished. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk adjacent to the building at the completion of a project regulated by this Development Code.

Greenhouse. A building or structure containing a collection of plants and vegetation for horticultural purposes, e.g., fruit and vegetable gardens.

Gross Floor Area. See “Floor Area.”

Gross Leasable Area. The floor area provided for a tenant's occupancy and exclusive use, including basements, mezzanines or upper floors expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is the space for which tenants pay rent, including sales areas.

Group Home. Any residential care facility licensed by the State of California for occupation by six or fewer persons. See definition under Title 22 (Social Security) in the California Code of Regulations (Section 80001[g]).

9109.01.090 – “H” Definitions **Amended by Ord. No. 2348** **Amended by Ord. No. 2375**

Habitable. A structure or property that is constructed for human occupancy. See also “Uninhabitable.”

Handicraft Industry. Establishments engaged in on-site production of goods by hand involving the use of hand tools and small-scale equipment (i.e., drills and saws, hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on-site.

Hardscape. Areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation. Artificial turf shall not be considered hardscape.

Health Care Business. See “Hospitals and Clinics,” “Office, Medical and Dental,” and “Outpatient Surgery Facility.”

Hazardous Waste Facilities. All contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units.

Health/Fitness Facilities.

Small. An indoor facility of 3,000 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Examples of uses include Pilates, personal training, dance, yoga and martial arts studios.

Large. A full-service fitness center, gymnasium, or health and athletic club which is over 3,000 square feet in size and may include any of the following: sauna, spa or hot tub facilities; weight rooms; indoor tennis, handball, or racquetball courts; rock climbing wall, boxing ring, cheerleading, aerobic classes and other indoor sports activities; locker rooms and showers.

Hedge. See “Fence.”

Height. The vertical distance from a point on the ground below a structure to a point directly above. See Section 9103.01.020 (Height Measurement and Exceptions).

Heliport. An area used for the landing, parking, or takeoff of helicopters including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.)

Helistop. A single pad used for the landing, parking, or takeoff of one helicopter and other facilities as may be required by Federal and State regulations, but not including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.)

Hillside. The side or slope of a hill with a slope of more than 20% grade.

Home Occupation. The conduct of a business within a legal dwelling unit, with the business activity being incidental and clearly accessory to the primary residential use of the property. See Section 9104.02.170 (Home Occupations).

Home Occupation Permit. A permit required for Home Occupations. See Section 9107.13 (Home Occupation Permits)

Home Sharing. A use in which a dwelling, or portion thereof, is rented for tourist or transient purposes for compensation for a period of less than twenty-eight (28) consecutive calendar days, and the primary resident of the dwelling continues to reside on-site, in the dwelling, during the rental period. The definition shall include any arrangement in which the rental period is less than twenty-eight consecutive days or can be reduced below 28 consecutive days, or in which the dwelling is rented multiple times within 28 consecutive days. This definition does not apply to residential care facilities or dwellings operated as a group home pursuant to the Community Care Facilities Act that are otherwise exempt from local zoning regulations.

Horse Keeping. Boarding of horses owned by the occupants of the residential property.

Horse Boarding. See “Animal Sales and Services, Animal Boarding/Kennels.”

Horse Breeding, Training, and Shows. Equestrian activities including the care, breeding, boarding, rental, sale, riding or training of equines and other farm animals or the teaching of equestrian skill and open houses, clinics, and demonstrations.

Hospitals and Clinics. A State-licensed facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. Excludes sanitariums and residential care facilities.

Hospital. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Medical Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, birth center, urgent care clinics and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Hotel. A commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. A hotel or motel may include ancillary facilities such as common meeting rooms, dining facilities, and guest amenities. See also “Long-Term Stay Hotel” and “Motel”.

Hotel Condominiums. A hotel, including long-term hotel as defined in this section in which as part of an approved condominium project allows for one or more of the units to be individually owned and for those units to be offered on a commercial basis for overnight visitor accommodation, but not providing the units as room rentals on an hourly basis or for permanent residency. Hotel condominiums do not include fractional ownership of any unit such as timeshares or other vacation ownership.

9109.01.100 – “I” Definitions **Amended by Ord. No. 2375**

Indoor Entertainment. An establishment offering predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, live performance theaters, meeting halls, dance halls, pop-museums, escape rooms, and interactive exhibits.

Improvements (subdivision). Street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the subject final map. Improvement also refers to other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination, is necessary or convenient to ensure compliance with or implementation of the General Plan or any applicable specific plan.

Industrial. Establishments engaged in the manufacturing of finished parts or products, either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, sales, and distribution of the parts or products; and laundry and dry cleaning plants. Excludes vehicle/equipment rentals (“Vehicle/Equipment Rentals”), vehicle repair and service (“Vehicle Repair and Service”), and vehicle sales (“Vehicle Sales”).

Light Industrial. The manufacture and/or processing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects, and that has limited associated trucking activity. Light industries generally require limited amounts of raw materials to produce goods. Examples of light industries include, but are not limited to, the manufacture of baked goods (industrial bakeries) clothes, shoes, furniture, consumer electronics, and household items.

Heavy Industrial. The manufacture and/or processing of materials and goods utilizing large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Heavy industry often sells output to other business users rather than consumers. Characteristics of heavy industry include, but are not limited to, heavy trucking activity, noise, emissions requiring federal or state environmental permits, use of large quantities of hazardous materials as defined the U.S. Environmental Protection Agency, and requirement for specialized permits from federal and state occupational health and safety agencies.

Integrated Development. A group of two or more adjacent uses and/or lots planned and/or developed in a joint manner which may include shared structures, public spaces, landscape, and/or parking facilities. Integrated developments may be under single or multiple ownership.

9109.01.110 – “J” Definitions (Reserved)

9109.01.120 – “K” Definitions

Karaoke and/or Sing-Along Uses. Any primary or accessory indoor/outdoor gathering, conducted in an open forum, where one or more persons participate in live singing accompanied by recorded music (possibly aided by video) from which the vocals have been removed.

Kennel: See “Animal Sales and Services, Animal Boarding/Kennels.”

Kitchen. A room used for preparation of food. A complete kitchen contains a sink, refrigerator, stove or range top, and oven or microwave. A partial kitchen is missing one of the above components.

Knoll. A landform that extends above the surrounding terrain; hill. See also “Ridge” and “Ridgeline.”

9109.01.130 – “L” Definitions

Laboratories. See “Research and Development.”

Landscaping. Any combination of native or exotic plants, lawn, groundcover, trees, shrubs, and other plant materials, plus decorative outdoor and complementary elements such as pools, fountains, water features, paved or decorated walkways or surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops or porches or in boxes attached to structures typically are not considered landscaping.

Lease. An oral or written agreement or contract, tenancy at will, month-to-month, or similar tenancy.

Library. See “Cultural Institution.”

Light Pollution. Light that is directed to areas where it is not needed, and thereby interferes with some visual act or is detrimental to an abutting use or zone.

Light Trespass. Light or glare that enters areas or premises outside the boundary of the premises to be illuminated.

Liquor Store. A retail establishment primarily engaged in the sale of beer, wine, and spirits, and regulated by the Department of Alcoholic Beverage Control.

Live/Work Unit. A unit that combines a work space and incidental residential occupancy occupied and used by a single household. Live/work units have been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the California Building Code. The working space is reserved for and regularly used by one or more occupants of the unit. Living space includes, but is not limited to, a sleeping area, a food preparation area with reasonable work space, and a full bathroom including bathing and sanitary facilities which satisfy the provisions of applicable codes. Live/work units can include renter-occupant and/or owner-occupant.

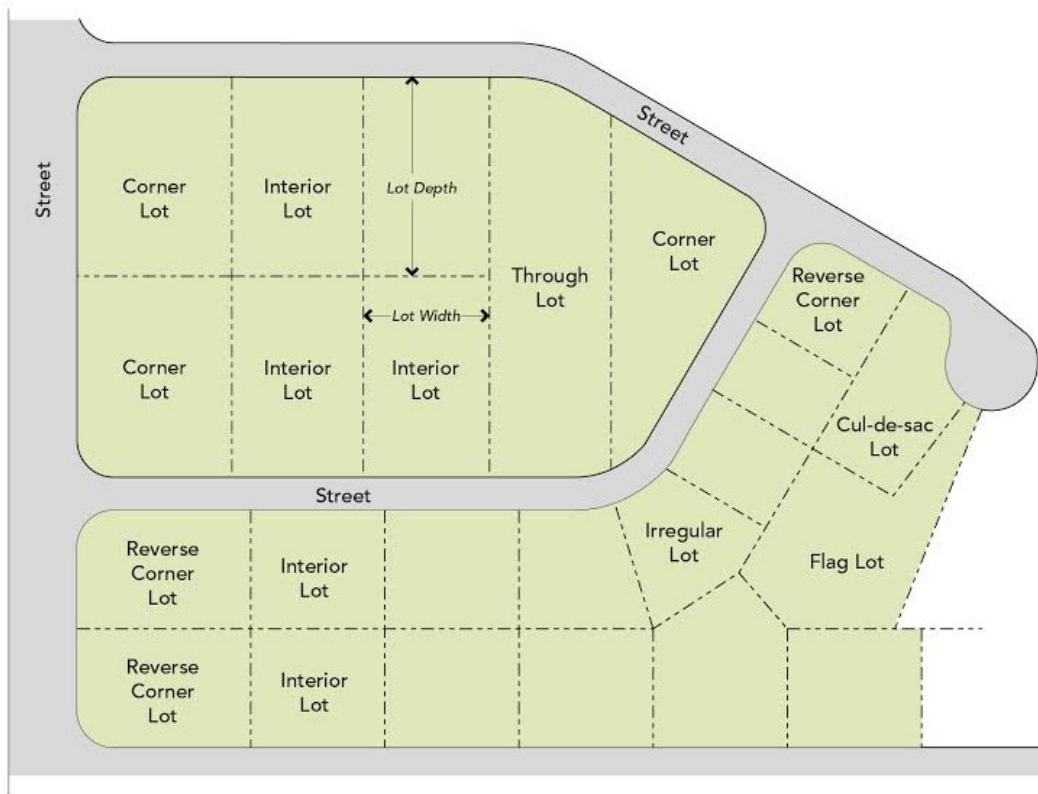
Living Area. The interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.

Loading Space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Long-Term Stay Hotel (Extended Stay). An hotel that offers transient lodging accommodations to the general public, targeted to the business or leisure traveler who is planning to stay for an extended time. To constitute an extended stay hotel, each hotel room must contain kitchen facilities to include a range cooktop, microwave or conventional oven, refrigerator, and sink, and must allow stays longer than 30 days.

Lot. A portion of real property as shown as a single delineated lot with a number or other designation on a plat recorded in the office of the County Recorder. See Figure 9-13 (Lot) for various lot types.

Figure 9-13
Lot



Abutting Lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Corner Lot. A lot bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

Cul-de-Sac Lot. A lot located on the curving portion of a cul-de-sac street.

Flag Lot. A lot that is located to the rear of another lot and is shaped such that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 25 feet of width.

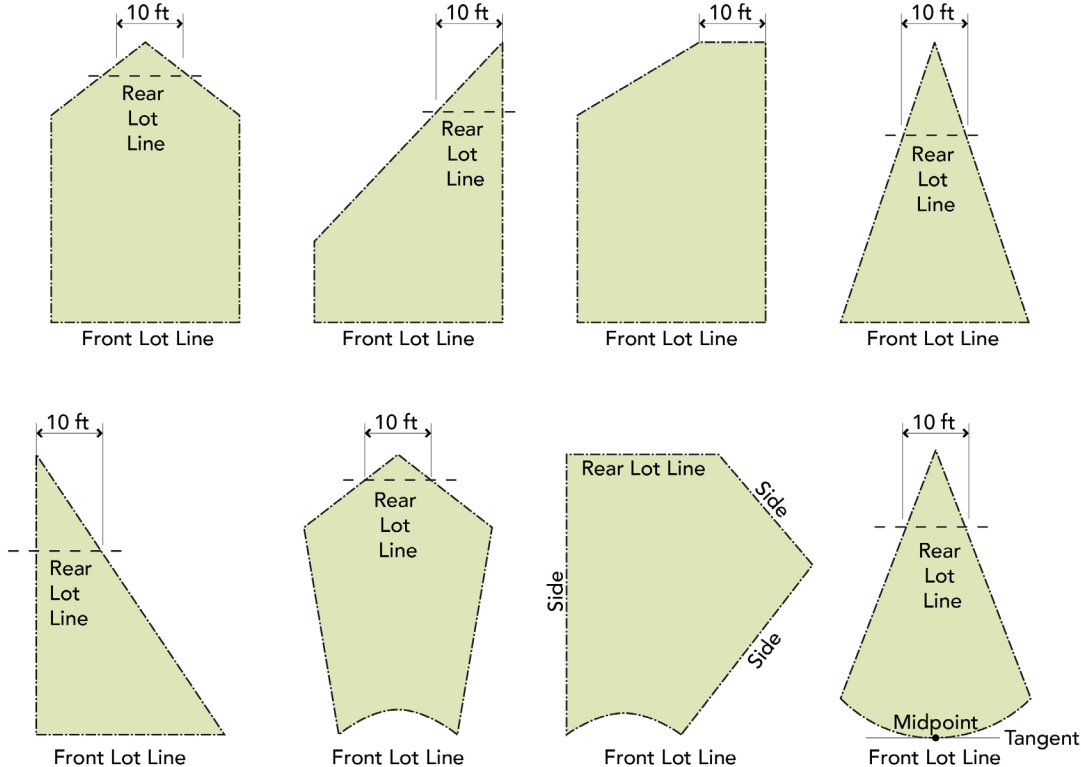
Interior Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees.

Irregular Lot. A lot of irregular, rather than rectangular, shape (see Figure 9-14: Irregular Lots).

Reverse Corner Lot. A corner lot, the rear of which abuts the side of another lot, whether across an alley or not.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

**Figure 9-14
Irregular Lots**



Lot Area. The total area measured in a horizontal plane, included within the lot lines of a lot.

Lot Area, Net. The ultimate lot area after the area of right-of-way dedications and private street easements have been subtracted.

Lot Coverage. The percentage of the net area of the lot covered by structures. This includes the perimeter of the building as viewed from a plan view, plus the area of all accessory buildings and structures, including but not limited to: covered porches and patios (including trellis covers), carports, porte-cocheres, storage sheds, permanent playhouses, etc.

Lot Depth. Lot depth is the measured distance along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

Lot Line. The boundary between a lot and other property or the public right-of-way.

Lot Line, Front. On an interior lot, the line separating the lot from the street. On a corner lot, the shorter lot line abutting a street. On a through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot Line, Side. Any lot boundary line that is not a front lot line or a rear lot line.

Lot Line, Street Side. On a corner lot, the longer lot line abutting a street.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line (or from a straight line drawn at a tangent to the midpoint of a front lot line on a curved street), will be deemed the rear lot line for the purpose of establishing the minimum rear setback (see Figure 9-14: Irregular Lots).

Lot Line Adjustment. The adjustment of property lines between four or fewer legally created adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than originally existed is not created; approved by the Director in compliance with Subsection 9105.07.030 (Lot Line Adjustments).

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth line, measured from the front property line or at the required front setback line, whichever is greater.

9109.01.140 – “M” Definitions

Manufactured Housing Unit. A dwelling unit which is either wholly or mainly manufactured at an off-site location and is assembled on site on a permanent foundation with permanent service connections. The definition does not include a mobile home, mobile accessory structure, or an automobile trailer or recreational vehicle.

Maintenance and Repair Services, Large Appliances. Establishments that provide home appliance and/or electronic or office equipment repair and maintenance, or building maintenance services. Does not include maintenance and repair of vehicles (see “Vehicle Repair and Service”). Illustrative examples of large appliances serviced include stoves, refrigerators, vacuum cleaners, and copy machines.

Maintenance and Repair Services, Small Appliance. Establishments that provide repair and maintenance for small electronic devices and computers. Illustrative examples of small electronic devices include computers, cellular phones, and other hand-held electronic devices.

Marijuana (Cannabis). All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include (1) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or (2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Commercial Marijuana Activity. The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.

Delivery. The commercial transfer of marijuana or marijuana products to a customer. “Marijuana Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

Manufacture. To compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

Marijuana Accessories. 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 marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

Marijuana Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

Marijuana Dispensary. A facility where marijuana, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.

Marijuana Distribution. The procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.

Marijuana Licensee. The holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.

Marijuana Products. Marijuana 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 marijuana or concentrated cannabis and other ingredients.

Sale. Any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

Massage Establishment. An establishment where massage services are provided. Massages are defined as the application of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client. See “Personal Services – Restricted”.

Mechanical Equipment. Equipment used to provide mechanical and/or plumbing functions, including, but not limited to, ventilation fans, heating, cooling and air conditioning equipment, generators, water heaters, cooling and air conditioning equipment, water heaters, spa and pool equipment and any other similar equipment.

Medical Marijuana Dispensary. See “Cannabis Dispensary.”

Mining. Extraction of natural resources and raw materials.

Ministerial. A government decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the action, including the issuance of a permit.

Minor Use Permit. A discretionary permit required for certain uses specified in this Code to provide for the thorough review of such proposed uses and their associated structures and other improvements, with the intent of ensuring that if approved, such use can be operated in a manner compatible with surrounding uses. See Section 9107.09 (Conditional Use Permits and Minor Use Permits).

Mixed Use Development (Mixed Use Project). An approach to land use development that involves integrating two or more different types of uses on the same property as part of a unified development. Generally, Mixed Use Development consists of commercial and residential uses integrated either vertically in the same structure or group of structures, or horizontally on the same development site where parking, open spaces, and other development features are shared. However, light industrial and commercial development may also be considered as Mixed Use. In a Mixed Use Development, both uses are considered primary uses of the land.

Mobile Food Vendor. A person or business that operates or assists in the operation of a food vending vehicle. See also “Vending Vehicle.”

Modular Home. See “Manufactured Housing Unit.”

Motel. A lodging establishment typically featuring a series of rooms whose entrances are immediately adjacent to a parking lot.

Motor Home. See “Recreational Vehicle.”

Multi-family Dwelling. See “Dwelling, Multifamily.”

Museum. See “Cultural Institution.”

9109.01.150 – “N” Definitions

Nail Salon. See “Personal Services, General.”

Newsstand. A stall, within an enclosed building, where newspapers and other periodicals are sold.

Nightclub. See “Eating and Drinking Establishments.”

Noise-Sensitive Receptor. Any residential dwelling unit or sensitive use, as defined in this section (see “Use”).

Nonconforming Lot or Parcel. Any property created by a legal subdivision of land that was created in compliance with all applicable ordinances and laws at the time the property was subdivided but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the property is located.

Nonconforming Structure. Any structure, building, or improvement that was lawfully established and in compliance with all applicable ordinances and laws at the time it was erected but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the structure is located.

Nonconforming Use. See “Use.”

Non-profit and Public/Quasi-Public Events. Any event or temporary use by an organization, association or corporation which is organized and carried on wholly for the benefit of religious, charitable, educational, recreational or scientific purposes, and from which no individual person other than bona fide employees and assistants necessarily employed receives any gain, remuneration or profit, including veterans' associations and corporations, and including any City, County, State, Federal, Governmental, Political, public or quasi-public unit, body, agency and entity.

Nursery School. See “Day Care.”

Nuisance, Public. As defined in Arcadia Municipal Code Article IX, Chapter 4, Section 9402 and Section 9402.3.

9109.01.160 – “O” Definitions Amended by Ord. No. 2375

Office.

Accessory. See “Use, Accessory Use.”

Business and Professional. An establishment providing direct, “over-the-counter” services to consumers (e.g., insurance agencies, real estate offices, travel agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices, excluding banks, and savings and loan associations (see Banks and Financial Institutions).

Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical and Dental. An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, physical therapy, and medical or dental laboratories incidental to these offices and supportive of on-site patient services, but exclude inpatient services and overnight accommodation.

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities. A site or portion of a site, not including any public right-of-way, devoted to the parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space.

Open Space, Common. The total land area within a residential development that is not individually owned nor dedicated for public use, and that is designed, intended, and reserved exclusively for the shared use of all the residents of the development and their guests. Examples include barbecue and picnicking areas, play areas, swimming pools, tennis courts, turf areas, and other recreational or leisure features and facilities. Common Open Space does not typically include enclosed spaces/facilities such as a community center, meeting rooms, etc.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Usable or Improved. Outdoor space that serves a recreational function or provides visual relief from the building mass.

Open Space, Unimproved. Any open space that has not been landscaped or otherwise provided with amenities, and is generally kept in a natural state.

Ornamental Street Lighting. A system of street lighting composed of individual free-standing light standards.

Outdoor Charitable Donation Boxes. See “Donation Boxes.”

Outdoor Dining. See “Eating and Drinking Establishments.”

Outdoor Entertainment. Any activity conducted out of doors and accessory to an allowed commercial use, and conducted for the enjoyment of the commercial patrons. Does not include any activity conducted out of doors in association with an approved Temporary Use Permit pursuant to Section 9107.23 (Temporary Use Permits).

Outdoor Storage. The storage of any materials outside of a structure, either as an accessory or primary use.

Outdoor Use and Display. Any condition other than storage whereby activities are conducted and/or merchandise is placed and advertised for sale outside of a structure, either as an accessory or primary use.

9109.01.170 – “P” Definitions

Amended by Ord. No. 2375

Amended by Ord. No. 2401

Parking Area. A space dedicated to accommodate any parking and loading space/stalls, loading area, backup area, driveways, and aisles.

Parking, Joint Use. The use of a single parking facility by several related uses occupying the same or adjacent parcels. For example, the use of a single parking facility by tenants of a shopping center.

Parking, Shared. The use of a single parking facility by two distinctly different uses with distinctly different hours of operation such that the shared use of the facility can be accomplished without limiting the ability of one use to occupy the facility to the detriment of the other. For example, distinctly different uses could be a place of religious assembly which generally has weekend parking demands and an office development, which typically uses the parking facility during the week.

Parking Space. An unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one motor vehicle.

Garage Parking Space. A parking space provided within an enclosed structure, with a closing and locking door, whose primary use is the storage of vehicles.

Off-Street Parking Space. A permanent parking space for a vehicle which is designed to City standards and not located on a dedicated street right-of-way.

On-Street Parking Space. A parking space for a vehicle which is designed to City standards and located on a dedicated street right-of-way.

Parking Structure. A structure that is designed specifically for automobile parking and where there are a number of floors or levels on which automobiles park.

Parks and Recreation Facilities. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including sports courts. May include passive outdoor recreation areas that also may be located in conservation areas and/or qualify as “open space.” Does not include the same facilities that are privately owned or commercial facilities (“Commercial Recreation and Entertainment”).

Parkway. The area between the curb face to the property line of a road right of way and includes the area normally set aside for sidewalks and landscape improvements.

Patio. A paved unenclosed outdoor area that is used for lounging, dining, etc.

Patio Cover. A solid or open roof structure and covering a patio, platform, or deck area, and that is either detached from or attached to another structure.

Pawn Shop. A commercial establishment that sells secondhand personal property and in which the operator provides loans secured by such personal property.

Person. Any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

Personal Services Business. Any business or enterprise that provides individual care to persons involving their personal health, fitness, grooming, or appearance.

Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:

- acupuncture and acupressure
- barber shops, hair salon, blowdry bar
- clothing rental shops
- cryotherapy
- dry cleaning pick up stores with limited on-site cleaning equipment
- locksmiths
- nail salon
- repair and maintenance (small and large appliances) shops
- tailors and seamstresses
- ticket services shops
- beauty services such as facials and non-surgical facial enhancements

Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- day spa
- holistic services such as reiki and therapeutic touch, but excluding acupuncture and acupressure
- fortune-telling and psychic services
- laundromats (self-service laundries)
- massage establishments (massage establishments shall only be allowed-as ancillary use within a Day Spa in CBD, MU, and DMU zones and not as a standalone use).
- palm and card readers
- tanning salons
- tattoo and body piercing services

Personal Storage. See “Storage - Personal.”

Permit. A specific authorization from the City to engage in a particular type of development or activity.

Pet Stores. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

Pharmacy. A place where prescription drugs are dispensed. Does not include medical marijuana dispensaries or any establishment where marijuana is bought and consumed.

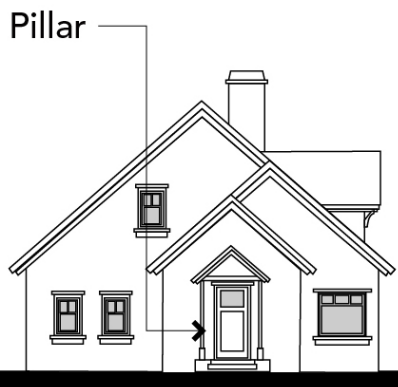
Pilasters. A rectangular column (structural or decorative) that is placed against a wall (see Figure 9-15: Pilasters).

**Figure 9-15
Pilasters**



Pillars. A column (structural or decorative) on a fixed base or pedestal (see Figure 9-16: Pillar).

**Figure 9-16
Pillar**



Places of Religious Assembly. Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers or full-time or part-time schools) may be allowed as incidental uses to the primary use.

Planned Development. An area of land, controlled by a landowner, to be developed as a unified project and single entity for a group of townhouse dwellings and/or detached dwelling units, the plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage, setback or required open space to the regulations in this Development Code.

Planned Development Permits. A discretionary permit for designing and developing land in a way that deviates from strict application of the development standards of this Development Code. See Section 9107.15 (Planned Development Permits).

Plant Nursery. A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

Pool House. See “Accessory Structure.”

Porch. Any covered area located at a building entrance, whether it is a projecting feature with a separate cover, or a recessed area behind the building wall.

Porte-Cochere. An accessory structure open on three sides and attached to the side or front of a building through which cars pass and is established for the convenient loading and unloading of passengers from an automobile. A porte-cochere is not a carport or garage nor may it be used to satisfy off-street parking requirements.

Postal service. An establishment that provides commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Primary Use. See “Use.”

Primary Building Line. That portion of the front setback area defined by the space between the front property line and the entire building frontage of the primary structure, whether or not all façade portions of the primary structure coincide with the front setback line (see Figure 9-17: Setbacks).

Printing and Duplicating Services. An establishment providing printing, blueprinting, photocopying, engraving, binding, three-dimensional printing, or related services.

Private Residence. A house, an apartment unit, a mobile home, or other similar dwelling.

Private Street. A thoroughfare providing recorded vehicular access to more than one property, in which any or all properties over which the access traverses are owned and maintained by a private individual(s) or agency, such as a homeowners association.

Public Assembly, Place of. See “Assembly/Meeting Facilities, Public or Private.”

Public Facility. A site or structure owned and operated by the City of Arcadia, or other public agencies, for the purpose of providing one or more services to residents of the City, and/or to support other City functions.

Public Parking Lots and Structures.

Public Transit. An officially designated, permanent location for a public bus stop, train or light rail station or car sharing service.

9109.01.180 – “Q” Definitions

Queuing Space. A temporary waiting area for motor vehicles or persons obtaining a service or other activity.

9109.01.190 – “R” Definitions

Railroad Transportation Facilities. Facilities owned and/or operated by a rail transit system, including but not limited to track and right-of-way, rail storage, and maintenance facilities.

Reasonable Accommodation. Providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. See Section 9107.17 (Reasonable Accommodation).

Rebuild. A term to describe an activity where more than 50 percent of the existing foundation/floor assembly or more than 50 percent of the exterior walls of a building are removed.

Recharging Station. A location that supplies electricity for the recharging of electric vehicles (including plug-in hybrids).

Recreational Equipment Rental. Rental of bicycles, scooters, skate board, ice skate, snow boards, surf boards, and similar recreational vehicles and equipment that are manpowered and do not include a motor, including on-site storage and incidental maintenance that does not require pneumatic lifts.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, camping trailer, pop-up campers, or boat or other water sport vehicle, with or without motive power, designed for recreational purposes. The definition includes any empty trailer on which an RV may be transported or stored. In no cases shall a RV be classified as a mobile home or dwelling unit.

Recycling Facilities. A center for the collection and/or processing of recyclable materials. A "recycling facility" does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer.

Collection facility (small). A facility that occupies an area of 500 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:

1. A mobile unit;
2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.
3. Kiosk-type units that may include permanent structures.
4. Unattended containers placed for the donation of recyclable materials.

Collection facility (large). A facility that occupies an area of more than 500 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.

Reverse vending machine. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value of not less than the container's redemption value as determined by the state. A "reverse vending machine" may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following: light processing and heavy processing facilities.

Religious Assembly, Place(s) of. See "Places of Religious Assembly."

Regional Shopping Center. A planned, integrated commercial development comprising not less than 750,000 square of gross leasable area, occupied by primarily (at least 80 percent) retail uses.

Remodel. An activity that alters an existing building where less than or equal to 50 percent of the building is removed, repaired or altered, excluding the interior finish wall coverings.

Research and Development. Establishments engaged in industrial or scientific research, including product testing. Includes electronic research firms or pharmaceutical research laboratories. Excludes manufacturing, except of prototypes, or medical testing and analysis.

Residential Care Facility. Any facility, place, or building which is maintained and operated to provide 24-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Convalescent facilities, rest homes, and board and care facilities are included. May include ancillary medical services for facility residents. See also "Supportive Housing and Transitional Housing".

Residential Use. The occupation of a structure that provides permanent housing for one or more households.

Residential Zone. A zone that is intended primarily for dwellings and related accessory uses. Residential Zones include R-M, R-0, R-1, R-2, R-3, and R-3-R, but do not include Mixed Use Zones or Residential Flex Overlay zones.

Responsible Review Authority. The designated City of Arcadia party responsible for reviewing and approving or denying the permits and actions, generally the Director, Commission, or Council.

Restaurants. See “Eating and Drinking Establishments.”

Retail Carts and Kiosks. The retail sale or viewing of merchandise located in a non-motorized pushcart or stand, designed to be portable and not permanently affixed to a structure or location.

Retail Sales. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments including but not limited to department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small item repairs. Does not include swap meet, pawn shop, or secondhand stores.

Reverse Vending – Consumer Goods. An automated mechanical device which accepts a consumer goods item such as coins or at least one or more types of small electronic devices including, but not limited to, cellular phones, tablets, and MP3 players, and issues monetary compensation.

Ride and Drives. Automobile and truck testing and demonstrations. Also may include safety and defensive driving schools and clinics.

Ridge. A long narrow hilltop or mountain range.

Ridgeline. The highest contour elevation of a landform when viewed from a public street.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Roof Deck. The walkable or otherwise usable open space area (including any swimming pools) located above the roof framing of the building, the only access to which is from the floors below.

9109.01.200 – “S” Definitions **Amended by Ord. No. 2348**

Schools, Private. A private academic educational institution, including boarding schools; colleges and universities; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include Trade and Vocational Schools, Tutoring and Education Centers, or non-tuition part-time instruction at places of religious assembly.

Schools, Public. A publically-funded academic educational institution, including colleges and universities; elementary, middle/junior, and high schools; military academies; and charter schools. This definition does not include Trade and Vocational Schools, Tutoring and Education Centers, or non-tuition part-time instruction at places of religious assembly.

Seasonal Sales. Temporary retail sale of seasonal merchandise. Examples include farm produce stands, Christmas tree sales lots, and pumpkin patches.

Second Dwelling Unit. “See “Dwelling, Accessory Dwelling Unit.”

Secondary Use. See “Use.”

Secondhand Store. A business involved in the retail sale of used goods and merchandise such as a thrift store, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops and swap meets.

Self-Service Display. The display or storage of products in a manner that is physically accessible to the general public without the assistance of the retailer or employee of the retailer. A vending machine is a form of self-service display.

Senior Residential Community. Senior Residential Community is a congregation of age restricted "apartment-type" living units with kitchen facilities in each unit of which there is at least one occupant who is a minimum age of 55 and in which as part of the group of units there are appurtenant common facilities, such as: facilities for preparation and serving of food and alcoholic beverages to its residents and guests, activity areas, fitness and exercise facilities and/or other common amenities and services.

Sensitive Use. See "Use."

Setback. The distance from which a structure, parking area, or other development feature must be separated from a prescribed lot line, easement, or other structure or development feature (see Figure 9-17: Setbacks), and as specified in the development regulations of each zone in the City. See also Section 9103.01.060 (Setback Measurements and Exceptions).

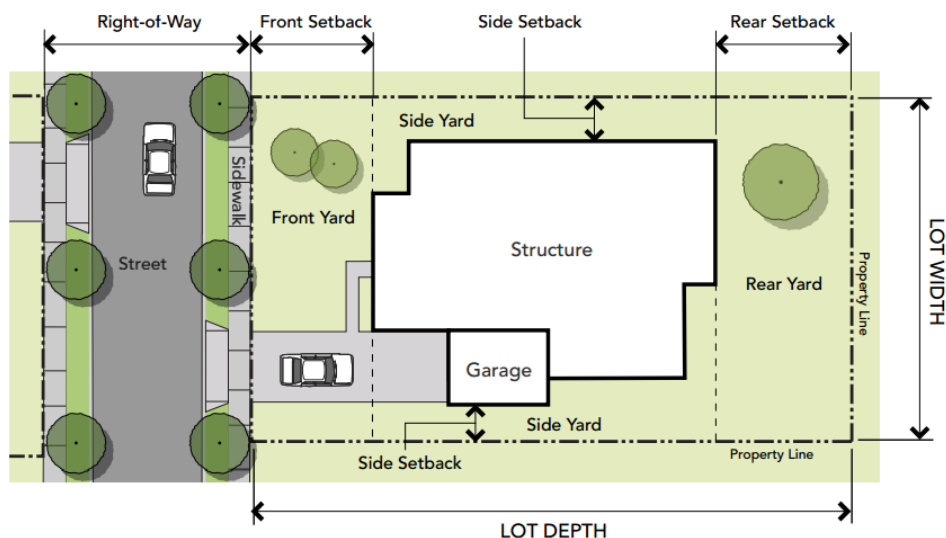
Front Setback. The minimum distance required between a structure and the front property line.

Side Setback. The minimum distance required between a structure and a side property line.

Special Setback. The minimum distance required between a structure and the street centerline, applied on certain designated Arcadia roadways. See Section 9103.01.060.F (Special Setbacks - Santa Anita Avenue and Second Avenue).

Rear Setback. The minimum distance required between a structure and the rear property line.

**Figure 9-17
Setbacks**



Shopping Cart. A basket that is mounted on wheels or a similar device provided by the operator of a commercial establishment for the use of customers for the purpose of transporting goods of any kind, including retail goods or laundry. A cart sold by a commercial establishment to a retail customer for that customer's personal use is not a shopping cart for the purposes of this Chapter.

Abandoned Shopping Cart. A shopping cart located outside the premises or parking lot or facility of the business establishment which furnishes the shopping cart for use by its patrons.

Shopping Cart Owner. The owner of the shopping cart, the agent of the owner of the shopping cart, including individuals or business entities, or the business establishment which furnishes the shopping cart for use.

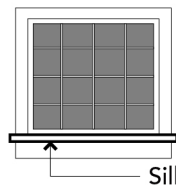
Short-Term Rental. A use in which a dwelling, or portion thereof, is rented for tourist or transient purposes for compensation for a period of less than twenty-eight (28) consecutive calendar days, and the renter is given exclusive use of the dwelling. The definition shall include any arrangement in which the rental period is less than twenty-eight consecutive days or can be reduced below 28 consecutive days, or in which the dwelling is rented multiple times within 28 consecutive days. This definition does not apply to residential care facilities or dwellings operated as a group home pursuant to the Community Care Facilities Act that are otherwise exempt from local zoning regulations.

Showroom. An accessory indoor space where goods and products that are produced on-site are displayed for viewing.

Sign. See Section 9103.11 (Signs) for all signs definitions.

Sill. The framing member that forms the lower side of an opening such as door or window (see Figure 9-18: Sill).

Figure 9-18
Sill



Single-family Dwelling. See “Dwelling, Single-family.”

Single-Room Occupancy. The term Single-Room Occupancy (SRO) shall mean a building or buildings constructed or converted for residential living consisting of one-room dwelling units, where each unit is occupied by a single individual or two persons living together as a domestic unit, and where the living and sleeping spaces are combined. A unit that contains both a bathroom and kitchen shall be considered a studio unit and not a Single-Room Occupancy Unit.

Site. A lot or group of contiguous lots not divided by any alley, street, other right-of-way or city limit that is proposed for development in accord with the provisions of this Development Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Site Plan. Construction plans that, at a minimum, contain existing and proposed property lines, location on-site of proposed work, streets, parking areas, and other details as required by the City to be depicted on the site plan for consideration in the site development review process.

Site Plan and Design Review. A development review procedure intended to ensure that development is designed to support General Plan policies, Development Code standards, and Design Guidelines. See Section 9107.19 (Site Plan and Design Review).

Slope Drain. An impermeable drainage device used for erosion control on a slope or hillside.

Smoking Lounges. An establishment where consumption and smoking of tobacco products and/or electronic cigarette and vaping devices is either an accessory or main use, such as hookah lounges, vaping rooms, cigar clubs, and other private smoking businesses. Smoking lounges do not include medical marijuana dispensaries or any establishment where marijuana is bought and consumed.

Solar Energy System and Small Residential Solar Energy System. “Solar Energy System” shall have the same meaning as the term is defined in Subsection (j)(4) of Section 65850.5 of the Government Code of the state of California, as amended from time to time or replaced by a successor statute. “Small Residential Solar Energy System” shall have the same meaning as the term is defined in Subsection (j)(3) of Section 65850.5 of the Government Code, as amended from time to time or replaced by a successor statute.

Special Events and Temporary Uses. Any activity of limited duration that is permitted through the issuance of a Temporary Use Permit, see Section 9107.23 (Temporary Use Permits). This definition includes carnivals, farmers' markets, seasonal sales, and promotional events.

Special Study Zone. The area delineated on the Alquist-Priolo Special Studies Zones Map of the State Geologist adopted by the City in compliance with Municipal Code Article III, Chapter 7.

Specific Plan. Under Article 8 of the Government Code (Section 65450 et seq.), a legal tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s). See Section 9107.21 (Specific Plans).

Sporting Event Viewing (not live). Characterized by activities that draw large numbers of people to view (from off-site) specific sporting events of a national or international significance, as determined by the Director, which are displayed by telecast, telephone, satellite and/or cable feed (not live) to the use location.

Sports Court. An outdoor uncovered surface used for active recreation, games, or sports. Examples of sports courts include tennis court, paddle court, badminton court, bocce court, baseball diamond, and basketball court. Sports court excludes equine-related recreational facilities and swimming pools.

Stable, Private. Private Stable is a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, Public. A stable for horses which are stabled, boarded, leased, rented or used for lessons by the general public.

Stairs, staircase, and stairways. A series, or flight, of steps between two floors for the purpose of ingress and egress. The term "step" shall mean those portions of the means of egress achieving a change in elevation by means of a single riser.

Stockpile. Imported earth temporarily placed and stored for future fill on or off site for the purposes of grading.

Storage.

Storage – Accessory. The indoor storage of materials accessory and incidental to the primary use is not considered a land use separate from the primary use.

Storage – Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

Storage – Personal. A structure containing a separate storage space that is designed to be leased or rented individually. Indoor storage shall mean that access to all storage spaces shall be from common interior corridors, and the facility has only shared loading areas. This use does not include outdoor storage of any kind. Further, such storage does not involve any manufacturing, office or business services, or human habitation in any storage space or anywhere on site. Also known as mini-storage.

Storage Containers – Temporary Portable. A purpose-built, fully enclosed, boxlike container with signage on one or more of its outer surfaces that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

Storefront. The primary (front facade) building entrance where access is taken from a public street, alley, public or private parking lot, or pedestrian mall/arcade or passage (see Figure 9-19: Storefront).

**Figure 9-19
Storefront**



Story. The portion of a building included between the upper surface of any floor and the upper surface of the next floor 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 above. See also “Basement” and “Attic.”

Streets. All alleys, avenues, courts, highways, lanes, places, streets, squares, sidewalks, parkways, curbs or other public ways in the City which have been or may hereafter be dedicated and open to public use, or other public property so designated in the General Plan and any law of the State, and as specified in the following descending order of pavement widths. See also “Private Street.”

Street, One Sided Cul-De-Sac. A cul-de-sac which is only haft formed in that the centerline of the cul-de-sac establishes one side of the cul-de-sac and the otherwise entire blub of the cul-de-sac is only hafted formed and not fully rounded as is customary for cul-de-sacs.

Street or Alley, Future. A street or alley which is necessary for the future division of land within a division of land or for the development of adjacent properties and which is offered for public use at an indeterminate future time when the Council determines that the acceptance and construction of the street or alley is warranted.

Principal Arterial Interstate. A freeway that is included as part of the interstate highway system. It is a controlled access, divided highway that is intended to accommodate high-speed regional travel. Freeways have grade-separated interchanges that provide access from freeway to freeway or between freeways and the arterial street system.

Major Arterial. An arterial roadway that has regional significance. It accommodates subregional and intercity travel and generally has eight travel lanes with a raised median and dedicated left turn lanes. Major Arterials accommodate regional traffic while also providing connection to primary arterials. The right-of-way width for Major Arterial roadways in the City is 220 feet, while the pavement widths range from 160 to 180 feet.

Primary Arterial. An arterial roadway that has less of a regional significance than Major Arterial roadways. It accommodates subregional and intercity travel and generally has four to six through travel lanes with a raised median and/or a center left-turn lane. Primary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting streets. The right-of-way widths for Primary Arterial roadways in the City range from 100 to 108 feet, while the pavement width is 84 feet.

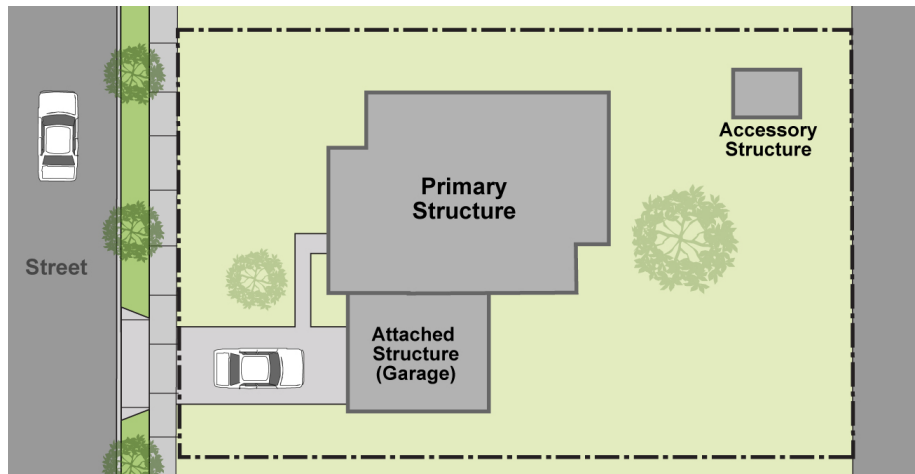
Secondary Arterial. An arterial roadway that has less of a regional significance than Primary Arterial roadways. It accommodates intercity travel and generally has four travel lanes with a painted median and/or a center left-turn lane. Secondary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting Collector Streets. The right-of-way widths for Secondary Arterial roadways in the City range from 84 to 92 feet, while the pavement widths range from 60 to 68 feet.

Enhanced Collector. A street that is intended to serve as an intermediate route to accommodate travel between arterial roadways and to provide access to the abutting properties. Enhanced Collector streets generally have two travel lanes although four lanes may be provided at certain locations. The right-of-way widths for Enhanced Collector streets in the City range from 80 to 88 feet, while the pavement widths range from 54 to 64 feet.

Collector. A street that is intended to serve as an intermediate route to accommodate travel between local streets and arterial roadways and to provide access to the abutting properties. Collector streets have two travel lanes. The right-of-way widths for Collector streets in the City range from 64 to 72 feet, while the pavement widths range from 40 to 48 feet.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground (see Figure 9-20: Structure).

**Figure 9-20
Structure**



Accessory Structure. See “Accessory Structure.”

Attached Structure. Any structure that has a wall or roof in common with another structure.

Primary Structure (Structure, Main). A structure where the primary or predominant use of the lot and/or building site is conducted.

Structural Alteration. Any change in the supporting members of a building such as bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Studio – Art and Music. Small-scale instructional facilities or a small practice space for the individual artist, musician, or any individual practitioner of the activities defined here, typically accommodating one group of students at a time, in no more than one instructional space. Examples include: individual and group instruction and training in the arts, production rehearsal, photography and the processing of photographs produced only by users of the studio facilities. Also includes production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided. Does not include dance, yoga, gymnastics, and martial arts studios (see Health/Fitness Facilities).

Instructional Area. Floor area devoted to the purpose of providing instruction to students of studio classes.

Subdivide. The act of dividing land or structures in compliance with Government Code Section 66410 et seq.

Subdivider. An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers.

Subdivision. The division of a tract of land, shown on the latest equalized County assessment roll as a unit or as continuous units, into defined lots, either improved or unimproved, which can be separately conveyed by sale, lease, or financing, and which can be altered or developed. The process often includes setting aside land for streets, sidewalks, parks, public areas, and other infrastructure needs, including the designation of the location of utilities.

Subdivision Map Act (the Act). Government Code Sections 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Division as the Act.

Substandard Condition. As defined in Chapter 4, Section 9405 of Arcadia Municipal Code

Substantial Rehabilitation or Substantially Rehabilitated. The substantial rehabilitation of a dwelling unit(s) as defined in Section 33413(b)(2)(iv) of the California Health and Safety Code.

Supermarket. A self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service. May include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and a pharmacy,

Supportive Housing. The term Supportive Housing (per California Government Code Section 65582[f], as may be amended) shall mean a dwelling unit occupied by a target population, with no limit on length of stay, that is linked to on-site or off-site services that assist the supportive housing resident(s) in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. A target population means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Welfare and Institutions [W&I] Code Section 4500) and may include—among other populations—adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. Supportive housing may be designed as a residential group living facility or as a regular residential use and includes the following:

Supportive Housing – Housing Type means two or more dwelling units on one parcel, where each unit functions as a single housekeeping unit and no on-site social services are provided.

Supportive Housing - Residential Care Facility Small Type means one residential facility on a parcel with six residents or fewer (including minor children), excluding staff, that operates as a group living facility, where the residents share a common living area and a kitchen.

Supportive Housing - Residential Care Facility Large Type means a residential facility with seven or more residents that operates as a group living facility where the residents share a common living area and a kitchen.

Swap Meet. Any event at which two or more persons offer personal property, new and/or used, for sale or exchange and at which a fee is charged for the privilege of offering or displaying personal property for sale or exchange, and/or at which a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange.

Swimming Pool. Any confined body of water, located either above or below the finished grade of the site or on a rooftop, which exceeds 18 inches in depth (or as otherwise defined by California Building Code Chapter 31 (Special construction), Section 3119.B.5 (Pools), as it may be amended from time to time), and which is designed, used or intended to be used for swimming or bathing purposes.

9109.01.210 – “T” Definitions Amended by Ord. No. 2400

Tankless Water Heater. Any water heater that instantly heats water as it flows through the device, and does not retain any water internally except for what is in the heat exchanger coil.

Tasting Room. See “Alcohol Sales, On-Sale, Accessory Only.”

Temporary Use. See “Use.”

Temporary Use Permit. A permit required to allow for short term activities. See Section 9107.23 (Temporary Use Permits).

Tent. See “Canopy or Canopy Structure.”

Tentative Map. A map prepared for the purpose of dividing a legal lot into five or more lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the

County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing). See also "Vesting Tentative or Tentative Parcel Map."

Tentative Parcel Map. A map prepared for the purpose of dividing a legal lot into four or fewer lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing). See also "Vesting Tentative or Tentative Parcel Map."

Thrift Store. See "Secondhand Store."

Tobacco Paraphernalia. Any instrument or paraphernalia that is designed for the smoking or ingestion of lawful tobacco products including without limitation cigarette papers, cigarette wrappers, cigar wrappers, blunt wraps, pipes, holders, clips, and cigarette rolling machines. "Tobacco paraphernalia" excludes "drug paraphernalia" as that term is defined in Health and Safety Code Section 11364.5(d), as amended from time to time.

Tobacco Product. Any substance containing tobacco or derived from tobacco and any substance used in electronic cigarette and vaping devices including but not limited to cigarettes, cigars, e-juice, e-liquid, e-nicotine, smoke juice, pipe tobacco, rolling tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, nicotine gel, nicotine lollipops, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco products" do not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Tobacco Shop. A retail establishment that primarily sells tobacco products, tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories. A "tobacco shop" does not include any type of "tobacco smoking establishment" or "electronic cigarette and vaping establishment."

Townhome (Townhouse). Townhomes are multi-family dwellings that are attached along common walls, where an individual unit occupies the space from the ground to the roof (units cannot be stacked).

Trade and Vocational Schools. A vocational school (or career school), providing vocational education, is a school in which students are taught the specific skills needed to perform a particular job.

Transitional Housing. The term Transitional Housing (per California Government Code Section 65582, as may be amended) shall mean buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance. Transitional housing may be designed as a residential group living facility or as a regular residential use and includes the following:

Transitional Housing - Housing Type. Two or more dwelling units on one parcel, where each unit functions as a single housekeeping unit and no on-site social services are provided.

Transitional Housing - Residential Care Facility Small Type. One residential facility on a parcel with six residents or fewer (including minor children), excluding staff, that operates as a group living facility, where the residents share a common living area and a kitchen.

Transitional Housing - Residential Care Facility Large Type. A residential facility with seven or more residents that operates as a group living facility where the residents share a common living area and a kitchen.

Trash Enclosure. A structure suitable to contain trash, garbage, and refuse for collection on a regular basis.

Tree, Mature. Any self-supporting woody perennial plant which has a diameter six inches or greater measured at breast height (i.e., 4.5 feet from ground).

Tree Preservation. Arcadia recognizes oaks, sycamores and mature trees as significant aesthetic and ecological resources, and as such has a Tree Preservation Ordinance. See Article IX, Chapter 7, Tree Preservation.

Trellis. A frame of lattice used especially as a screen or a support for climbing plants.

Tutoring and Educational Centers. A business where supplemental educational instruction in specific subjects and skills is provided to school-age children.

9109.01.220 – “U” Definitions

Unit. See “Dwelling.”

Uninhabitable. A structure or property that is not appropriate for human occupancy, as defined by the Building Code.

Urban Agriculture. See “Agriculture.”

Use. The purpose for which land or a structure is, arranged, designed, intended, maintained, or occupied.

Accessory Use. A use customarily incidental to, related, and clearly subordinate to a legal primary use established on the same parcel, and which does not alter the primary use or serve property other than the parcel where the primary use is located.

Allowed Use. A use of land identified by Division 2 (Zones, Allowable Uses, and Development Standards), subject to compliance with all applicable provisions of Division 2.

Compatible Use. A use that by its manner of operation, is suitable in the district in which it may generally be considered as a primary use or is reasonable given its proximity to residential or other known sensitive uses. Said use of land and/or buildings shall be in harmony with the uses on the property as well as abutting properties.

Conditional Use. A use permitted on a particular lot and within a zone only upon a finding that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Development Code and authorized by the Planning Commission and the granting of a valid permit.

Conforming Use. A lawfully established use of property that operates in compliance with all applicable provisions of this Development Code.

Nonconforming Use. Any use of land or activity that was lawfully established and in compliance with all applicable ordinances and laws at the time such use was initiated but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the use is located.

Primary Use. The principal or predominant use of any lot, building, or structure.

Secondary Use. Any use that is specifically allowed in the zone in which it is located but is subordinate to the primary use in terms of occupied structure area or lot area.

Sensitive Use. Any kindergarten, elementary school, middle school, high school, public library, public park, religious institution, or youth-oriented establishment characterized by either or both of the following: (1) the establishment advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors; or (2) the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

Temporary Use. A use of land that is designed, operated, and occupies a site for a limited period of time. See Section 9107.23 (Temporary Use Permits) for a list of allowed temporary uses.

Utility Structures and Service Facilities. All lines and facilities owned and/or operated by a licensed provider and related to the provision, distribution, collection, transmission, or disposal of water, storm drainage, sanitary sewage, oil, gas, electricity, information, telecommunications, telephone cable, and similar services. Includes facilities for the generation of electricity. Does not include “Communications Facilities” or “Wireless Telecommunications Facilities.”

9109.01.230 – “V” Definitions **Amended by Ord. No. 2401**

Valet Parking. A service provided by a business establishment whereby the automobiles of patrons, visitors, or customers are driven to a parking location by an attendant, or employee of said business establishment.

Vaping. Inhaling vapor from an electronic cigarette and vaping device. "Vaping" produces vapor, not smoke.

Variance. A modification of the specific regulations of this Development Code granted by the legislative body in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, See Section 9107.25 (Variance).

Vehicle Rentals. Rental of automobiles, construction equipment, motorcycles, drones, mopeds, motorized scooters, recreational vehicles, trucks, and similar vehicles and equipment powered by a motor, including on-site storage and incidental maintenance that does not require pneumatic lifts.

Vehicle Repair and Service

Automobile Washing/Detailing. An establishment engaged in the washing, waxing, or cleaning of automobiles or similar light vehicles.

Full Service. A car wash establishment where operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Self Service or Accessory. An establishment where washing, drying, polishing, or vacuuming of an automobile is done by the car driver or occupant. Also includes an independent car wash bay, in which the owner of the vehicle activates the system, and then either a conveyor pulls the vehicle through the wash or the vehicle is left parked in the bay and remains stationary while a machine moves back and forth and cleans the exterior of the vehicle.

Recharging Stations. See “Recharging Station.”

Service/Fueling Station. An establishment engaged in the retail sale of vehicle fuels or the retail sale of these fuels in combination with activities, such as providing minor vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or ancillary retail and grocery sales. Does not include body and fender work or "heavy" repair of trucks or other motor vehicles (see “Vehicle Repair - General”).

Vehicle Repair. The repair of motor vehicles in an enclosed building, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of nonfactory-installed products.

Major (Major Repair/Body Work). Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; machine shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

Minor (Minor Repair/Maintenance). Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including installation of electronic equipment (e.g., alarms, audio equipment, etc.); servicing of cooling and air conditioning, electrical, fuel and exhaust systems; brake adjustments, relining and repairs; oil and air filter replacement; wheel alignment and balancing; tire sales, service, and installation shops; shock absorber replacement; chassis lubrication; smog checks; engine tune-ups; and installation of window film, and similar accessory equipment.

Vehicle Sales

New. Sale of new automobiles, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.

Used. Sale of used automobiles, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts

Vehicle Storage. The storage of operative or inoperative vehicles. These uses include storage of towed vehicles, impound yards, and storage lots for buses and recreational vehicles, but do not include vehicle dismantling.

Vehicular Visibility Area. The provisions for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, and/or private driveways, as provided in the zones. Such space shall be kept free of buildings, structures, and landscaping which would constitute a visual obstruction, including but not limited to mailboxes and trees. See also Section 9103.01.070 (Vehicular Visibility Standards).

Vending Machine. An automated mechanical device which ejects consumer products including but not limited to snack food items, non-alcoholic beverages, electronic devices, and movies, and that accepts cash, debit, and/or credit. See also "Reverse Vending – Consumer Goods."

Vending Vehicle. Any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway or street, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged, or otherwise given.

Vesting Tentative Map or Tentative Parcel Map. A tentative map for any subdivision, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed and which meets all of the requirements for a vesting tentative map as specified in the Act (Government Code Sections 66452) and in compliance with Subsection 9105.03.100 (Vesting on Approval of Vesting Tentative Map).

Veterinary Services (Animal Hospital/Clinic). Establishments where household animals receive medical and surgical treatment and may be temporarily boarded (more than one-night stay) in association with such medical or surgical treatment. Short-term animal boarding may be provided as an accessory use.

Visitor Accommodations. See "Hotel or Motel."

Visual Obstruction. Any structure, fence, wall, landscaping, or similar feature or portion thereof that is solid or opaque and situated in such a manner that it obscures the vision of motorists and/or pedestrians and creates a safety hazard.

9109.01.240 – "W" Definitions **Amended by Ord. No. 2375**

Wall. A physical barrier constructed largely of masonry, brick, concrete, stucco, concrete block, or any combination thereof and intended to mark a boundary. See also "Fence."

Wall, Retaining. A wall not laterally supported at the top, that resists lateral soil load and other imposed loads.

Warehouse or Warehousing. An establishment engaged in providing facilities for the storage of furniture, household goods, products, or other commercial goods of any nature. Includes cold storage and construction/contractor offices. Does not include personal storage (mini storage) facilities offered for rent or lease to the general public ("Personal Storage-Mini-Storage"); or warehouse facilities in which the primary purpose of storage is for wholesaling ("Wholesaling").

Warehouse Retailer or Retail Warehouse. A retail establishment that provides goods and services related to construction, home repair, building material supplies, furniture, etc. Showrooms are allowed.

Water-efficient Landscape. Landscaping materials that are designed and maintained to function in a healthful and visually pleasing manner with limited water use, including plants which have minimal water requirements for subsistence, plants native to hot/dry environments, and xeriscape plants.

Wholesaling. The sale of commercial goods at or near production cost.

Windscreen. Any fence, wall, structure, or device material used to shield an area from the wind. Generally associated with sports courts.

Wireless Communications Facilities (WCF). See “Antenna and Wireless Communications Facilities”.

9109.01.250 – “X” Definitions (Reserved)

9109.01.260 – “Y” Definitions

Yard. An open space, other than a sports court, on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Chapter.

Yard, Front. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be at least equivalent to the required setback distance specified by this Article for the district in which it is located and measured inward from the front lot line.

Yard, Interior Side. A yard extending along an interior side of a lot from the front lot line to the rear lot line. The depth of an interior side yard shall be at least equivalent to the required setback distance specified by this Article for the district in which it is located and measured inward from the interior side lot line.

Yard, Street Side. A yard extending along the street side of a corner lot from the front lot line to the rear lot line. The depth of a street side yard shall be at least equivalent to the required street side setback distance specified by this Ordinance for the district in which it is located and measured inward from the street side lot line.

Yard, Rear. A yard extending across the rear of a lot for its full width between side lot lines. The depth of a rear yard shall be at least equivalent to the required rear setback distance specified by this Ordinance for the district in which it is located.

Yard Sale. The sale of goods, wares or merchandise on a residential property principally used as a residence (commonly known as a patio, yard, garage and/or backyard sale) on a temporary basis.

9109.01.270 – “Z” Definitions

Zero Lot Line. A circumstance in which a structure is located on or very near the edge of the property line.

Zone. Any of the residential, commercial, industrial, special-purpose, or overlay districts established by Division 2 of this Development Code, within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.)

Zoning Clearance. A nondiscretionary administrative verification procedure used by the City to verify that a proposed land use, improvement, or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use, improvement, or structure. See Section 9107.27 (Zoning Clearance).

Zoning Clearance (ADU). A ministerial verification procedure used by the City to verify that a proposed, non-exempt ADU complies with the development standards applicable to the zone, use, improvement, or structure.

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Division 10: Tree Preservation

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Section 9110.01 Tree Preservation

Subsections:

9110.01.010 Purpose and Intent
9110.01.020 Applicability
9110.01.030 Protected Trees
9110.01.040 Unprotected Trees
9110.01.050 Tree Maintenance
9110.01.060 Exemptions
9110.01.070 Tree Permit Requirements
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9110.01.090 Protective Measures
9110.01.100 Violations and Enforcement
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9110.01.010 Purpose and Intent

This Tree Preservation Chapter is established to recognize oaks, sycamores and mature trees as significant aesthetic and ecological resources as well as valuable environmental assets, and to create favorable conditions for the preservation and propagation of irreplaceable plant heritage for the benefit of the current and future residents of the City. It is the intent of this Chapter to maintain and enhance the public health, safety and welfare through the mitigation of soil erosion and air pollution. It is also the intent of this Chapter to preserve and enhance property values through conserving and enhancing the distinctive and unique aesthetic character of many areas in the City.

9110.01.020 Applicability

1. The provisions of this Chapter shall apply to all protected trees on all public and private property whether vacant, undeveloped, in the process of development or developed.
2. No protected trees as herein defined shall be removed, topped, trimmed, damaged or have its protected zone encroached upon except in conformance with the provisions of this section, except as allowed under Exemptions.
3. Tree valuations shall be established by the City's chosen methodology as set forth in the most current edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture. This shall be applied to those trees damaged, topped, trimmed or removed without a permit as well as those removed with a permit when an alternative replacement fee is required.
4. Any person, property owner, and contractor who violates or permits the violation of any provisions of this Ordinance shall be subject to the enforcement remedies set forth in the subsection 9110.01.100 Violations and Enforcement.

9110.01.030 Protected Trees

Protected Trees are recognized as valued environmental assets and significant aesthetic and ecological resources. Any proposed removal or encroachment upon the canopy or protected zone of a protected tree shall be subject to the provisions set forth in subsection 9110.01.070 Tree Permit Requirements. Protected trees shall include the following:

1. Engelmann Oak (*Quercus Engelmannii*) or Coast Live Oak (*Quercus Agrifolia*) with a trunk diameter larger than four (4) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring three (3) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.

2. Any other living California native or non-California native Oak tree with a trunk diameter larger than twelve (12) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring ten (10) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.
3. California, or western, Sycamore (*Platanus Racemose*) with a trunk diameter larger than six (6) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring four (4) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.
4. Mature Tree. Any tree, with the exception of the trees listed as Unprotected Trees, that have a trunk diameter larger than twelve (12) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring ten (10) inches each or greater in diameter, measured at a point of four and one-half (4½) feet above the root crown and the tree is located within a required front, side, street-side, or rear yard setback.

9110.01.040 Unprotected Trees

Unprotected trees are not subject to the regulations stated in this chapter. Unprotected trees shall include any non-oak and non-sycamore trees located outside a required front, side, street-side, or rear yard setback and any of the following trees located anywhere on a property:

1. Fruit and Nut trees
2. Shamel Ash (*Fraxinus uhdei*)
3. Ficuses, except Moreton Bay fig (*Ficus macrophylla*)
4. Eucalyptus
5. Tree of Heaven (*Ailanthus altissima*)
6. Palm Tree
7. Brazilian Pepper (*Schinus terebinthifolius*)
8. Carob (*Ceratonia siliqua*)
9. European White birch (*Betula pedula*)
10. Silk Oak (*Grevillea robusta*)
11. Mulberry (*Morus*)
12. Silver Maple (*Acer saccharinum*)
13. Italina Cypress (*Cupressus sempervirens*)
14. Western Cottonwood (*Populous fremontii*)
15. White Alder (*Alnus rhombifolia*)
16. Black Cottonwood (*Populus trichocarpa*)
17. All other varieties and/or hybrids of cottonwood (*Populus sp.*)
18. Arroyo willow (*Salix lasiolepis*)
19. Sweet Gum (*Liquidambar*)

9110.01.050 Tree Maintenance

1. Any portion of a tree that encroaches into the City's public right-of-way shall be maintained to prevent any visibility issue or pose any imminent danger to a person or property.
2. Any pruning or trimming of a protected tree shall not require a tree permit but shall be completed in accordance with the industry standards as set forth by the International Society of Arboriculture or the American National Standards Institute (ANSI), and in consultation with a Certified Arborist. All property owners shall be required to obtain a written recommendation from a Certified Arborist for any pruning and trimming work to a protected tree.
3. The removal of a tree limb from a protected tree shall not require a tree permit, but must be done in consultation with a Certified Arborist. The Certified Arborist shall be required to be on-site while the work is being performed and if necessary, the property owner shall provide proof to the City that this work was completed with a tree report detailing the need for removal.

9110.01.060 Exemptions

The following are exempt from the provisions of this Chapter:

1. **Emergency Situation.** A permit is not required where a protected tree is damaged by a storm, fire, or other natural disaster, the Development Services Director or the Director of Public Works Services or their designees, or any member of a law enforcement agency or Fire Department, in the performance of his or her duties, determines that protected tree poses an imminent threat to the public safety, or general welfare.
2. **Visual Barriers.** Removal or relocation of protected trees necessary to obtain adequate line-of-sight distances as required by the Development Services Director or the Director of Public Works Services or their designees.
3. **Public Utility.** Actions taken for the maintenance, and/or protection of existing electrical power or communication lines or other property of a public utility.
4. **City Property.** Removal, cutting, or pruning of protected trees on City owned property, which in the opinion of the Director of Public Works Services or designee, will cause damage to existing public improvements, pose danger to persons or property, or which are in a location that does not permit the development of the site for public purposes.
5. **Public Property.** Actions taken by local agencies for the maintenance of protected and unprotected trees located on property under their jurisdiction.
6. **Mature trees,** as defined herein, shall not be subject to encroachment permit requirements if they are not located on the property where development is proposed

9110.01.070 Tree Permit Requirements

A tree permit is required for all protected trees, as defined by this Chapter.

A. Tree Permits *[Combined with portions of 9702.01.030 – Application and Fees and 9702.01.040 – Action on Application]*

1. **Removal of Dead, Diseased and/or Hazardous Protected Trees.**
 - a) If the Director or designee determines that the tree is dead or hazardous, a tree report is not required and removal may be authorized.
 - b) In all other cases, a tree report is required from a Certified Arborist. The report must include an evaluation of the health of the protected tree and a recommendation.
 - c) Upon the receipt of a complete application, the Director or designee shall have seven (7) days to take action on the application, unless it is being acted upon with another discretionary permit

2. Removal of A Healthy Protected Tree

- a) A tree report shall be required from a Certified Arborist. The tree report must include an evaluation of the health of the protected tree, and the following information, at a minimum, the following:
 - (1) An explanation as to why the tree's removal is necessary.
 - (2) An explanation as to why tree removal is more desirable than alternative project designs.
 - (3) An explanation of any mitigation measures.
- b) Upon the receipt of a complete application to remove a healthy protected tree, the Director or designee shall have thirty (30) days to take action on the application, unless it is being acted upon with another discretionary permit.
- c) A Notice of Pending Decision shall be required for the Removal of a Healthy Tree application and shall be provided in compliance with Development Code Section 9108.13 (Public Notices and Hearings). The notice shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the subject property. Surrounding residents shall have up to 14 days to submit any comments before the date of the Director's consideration and final decision as stated in the notice.

3. Encroachment into a Protected Zone of Protected Trees.

- a) A tree report is required from a Certified Arborist. The tree report shall specify the location and condition of the trees, include potential impacts of the development, recommended actions and mitigation measures in order to preserve the long-term health of the trees. The tree report shall include, at a minimum, the following:
 - (1) An explanation why is it necessary to encroach upon the tree(s);
 - (2) An explanation why is the encroachment upon the tree(s) more desirable than an alternative project design; and
 - (3) An explanation of any mitigation measures.
- b) Upon the receipt of the application, the Director or designee shall have thirty days (30) days to take action on the application, unless it is being acted upon with another discretionary permit.

B. Application Requirements [*Portions from 9702.01.030 – Application and Fees*]

All applications shall be completed using a form provided by the City and shall contain all required information, including:

- 1. A complete evaluation of the tree and a tree report;
- 2. Required fees per City's Fee Resolution; and
- 3. The City may require additional information based on each individual situation and application related to the health of the tree(s).

C. City's Designated Homeowners' Associations [*Originally under 9702.01.040 – Action on Application*]

If the subject property is within a Homeowners Association area established pursuant to the Arcadia Municipal Code, and a project is being submitted to the Architectural Review Board, the property owner shall submit their tree removal request and project plans along with their architectural plans, to the Architectural Review Board of said Homeowners Association for review and approval, conditional approval or denial, prior to filing an application with the City for tree encroachment and/or healthy tree removal permit.

D. Expirations of Permit or Approval

Unless otherwise stated in the approval, the privileges granted under these applications shall become null and void if not utilized within twelve (12) months from the date of the final approval, unless otherwise specified in the permit or approval, or an extension is approved by the applicable Review Authority, in compliance with Development Code Section 9108.11.080 Expirations and Subsection 9108.11.090 (Time Extensions).

E. Appeals

The Review Authority's decision may be appealed, in compliance with Development Code Section 9108.07 (Appeals). The appeal shall be filed with the Department or City Clerk, within 10 days following the actual date the decision was rendered and accompanied with the filing fee identified in the City's Fee Schedule.

9110.01.080 Tree Replacement

1. Tree Replacement. For every protected tree that was approved to be removed, it shall be replaced with a minimum of two (2) new 24-inch box trees. When it is appropriate, the Director may modify, waive, increase, or reduce the tree replacement requirement.
2. Follow-up Report. The Certified Arborist, at the expense of the property owner, shall submit a follow-up report to the City that the work was completed, and to the satisfaction of the Director.

9110.01.090 Protective Measures

The following protective measures are hereby established for protected trees during development or construction activity to minimize any damage to the root system:

1. No building, structure, wall or impervious paving shall be located within the protected zone of any protected tree.
2. No construction related activities shall occur within the protected zone of any protected tree, including but not limited to, building construction, storage of materials, grade changes, or attachment of wires to or around tree trunks, stems, or limbs.
3. Each and every protected tree shall be shielded from damage during construction by a six (6) foot high chain link fence surrounding the entire dripline. The fence shall be supported by two-inch galvanized poles driven into the ground at appropriate distances. Fencing shall be installed prior to the commencement of any development on the site and remain in place throughout the construction and landscape period.
4. Branches that may be injured by vehicles or that interfere with construction shall be pruned carefully.
5. The root protection zone should be irrigated with clean potable water to keep the tree in good health and vigor before, during, and after construction.
6. All work conducted in the ground within the root protection zone of any protected tree should be completed with hand tools.
7. Any required trenching should occur outside of the dripline or protected zone of a protected tree.
8. Cutting of roots should be avoided.
9. "Natural" or pre-construction grade should be maintained in the root protection zone.

9110.01.100 Violations and Enforcement

- A. The Development Services Department, through its Code Services Officers, shall enforce the provisions of this Chapter. Additionally, Police Officers, planners, inspectors from Building Services and the Public Works Services Department, in the course of their duties, will monitor construction activities for compliance with the provisions of this Chapter. Any irregularities or suspected violations will be reported immediately to the Community Development Division for follow-up action.
- B. Whenever any construction or work is being performed contrary to the provisions of this Chapter, any tree permit, or any conditions of the appropriate development permit, a City inspector may issue a notice to the responsible party to "stop work" on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation or danger and no work shall be allowed until the violation has been rectified and approved by the Director of Development Services or designee.

C. Criminal and Civil Remedies.

1. Criminal.

Any person who violates any provisions of this Chapter including violations of inspector's orders shall be subject to the following remedies in addition to misdemeanor penalties for violation of the Municipal Code.

2. Restitution-Civil Penalties.

- a) It has been determined that the protected trees within the City are valuable environmental assets to the citizens of this community and as a result of the loss of any of these protected trees, the public should be recompensed, and penalties applied to assure the primary goal of conservation, protection, and preservation of protected trees as set forth in this Chapter.
- (b) Accordingly, any person violating the provisions of this Chapter shall be responsible for proper restitution including but not limited to the following or any combination thereof: (1) payment of a fine of up to \$1,000.00 or the amount set forth in a schedule of fines, in accordance with Chapter 4A of the Arcadia, (2) an order to pay to the City an amount equal to the replacement value or the actual replacement cost of the tree (3) replacement the protected tree, which has been removed, and/or (4) planting new protected trees or other trees which may be more appropriate to the site. Replacement shall be made based on the value or the actual replacement cost, whichever is higher, plus the cost of planting the replacement trees. The type, number, size and location of said equivalent replacement trees shall be determined by the Director or designee.
- (c) Tree values shall be established by the City's chosen methodology as set forth in the most current edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture.
- (d) The City Attorney is authorized to take whatever legal steps are necessary for recovery of civil penalties.

D. Administrative Remedies.

1. A suspension of any building permits until all mitigation measures specified by the City are satisfactorily completed.
2. Completion of all mitigation measures as established by the City.

9110.01.110 Liability

Nothing in this chapter shall be deemed to impose any liability upon the City, its officers, or employees. No duty of care or maintenance is imposed upon the City, its officers or employees with reference to private property, and no private property owner or other person in possession of private property is relieved from the duties to keep protected trees in a safe condition on their property. This Ordinance does not relieve the owner or possessor of private property from the duty to keep protected trees subject to this chapter in such a condition as to prevent the protected tree from constituting a hazard or dangerous condition to persons or property.

9110.01.120 Definitions

This Section provides definitions of the technical and other terms and phrases used in this Chapter as a means of providing consistency in its interpretation. Where any definition in this Section may conflict with definitions in other titles of the Arcadia Municipal Code, these definitions shall prevail for the purposes of this Code. If a word is not defined in this Section or in other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

Branch/Limb. A secondary outward growing stem that grows from the main trunk of a tree.

Canopy/Crown. Upper part of the tree consisting of branches, leaves, and foliage.

Certified Arborist. An individual who has demonstrated knowledge and competency through obtainment of the current International Society of Arboriculture arborist certification, or who is a member of the American Society of Consulting Arborists.

Damage. Damage shall mean any action undertaken that goes beyond industry pruning standards that is done without consultation of Certified Arborist which causes injury, death, or disfigurement to a protected tree. This includes, but is not limited

to, severe pruning, cutting, poisoning, overwatering, topping, trimming, relocating or transplanting a protected tree, or trenching, excavating or paving within the protected zone of a protected tree.

Dead tree. A tree that exhibits no signs of life whatsoever (e.g. green leaves or live limbs) during a period of the year when they should be present.

Diameter-at-breast-height (DBH). The standard measurement of the size of a tree. The diameter shall be measure at four and one-half (4½) feet above the root crown.

Director. In a matter involving private property, "Director" shall mean the Director of Development Services of the City of Arcadia or appointed designee. In the matter involving public property, "Director" shall mean the Director of Public Works Services of the City of Arcadia or appointed designee.

Dripline. Dripline shall mean a series of points formed by the vertical dripping of water, on any property, from the outward branches and leaves of a protected tree.

Encroachment. Encroachment shall mean any intrusion into the protected zone of a protected tree including, but not limited to, grading, fencing, landscaping, hardscape, excavation, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.

Multi-Trunk. Multi-trunk means any tree with multiple trunks attributed to a single tree. For purposes of determining the diameter of a multi-trunk tree, the diameter of each trunk shall be measured at a point four and one-half (4½) feet above the root crown.

Over Excavation. Over excavation refers to soil excavation that goes beyond the depth required for the formation of a structure.

Private Property. Private property shall mean land owned by individuals, partnerships, corporations, firms, churches, and the like to which land access by the public is generally restricted.

Protected Trees. Protected Trees are those trees that are recognized as valued environmental assets and significant aesthetic and ecological resources herein this Chapter. Any proposed removal or encroachment upon the canopy or protected zone of a protected tree shall be subject to the provisions set forth in subsection 9701.01.070 Tree Permit Requirements. See Subsection 9701.01.030 for a list of the protected trees.

Protected Tree Report. A Protected Tree Report is prepared and completed by a Certified Arborist. The report shall specify the location and condition of the trees, include potential impacts of the development, recommended actions and mitigation measure in order to preserve the long-term health of the trees.

Protected Zone. Protected zone shall mean a specifically defined area totally encompassing a protected tree within which work activities are strictly controlled. When depicted on a map, the outermost edge of the protected zone will appear as an irregular shaped circle that follows the contour of the dripline of the protected tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of a protected tree, or exclude the known root structure in the case of irregularly shaped trees.

Pruning. Pruning is the removal of selected branches that are dead, a hazard to public or property, or are otherwise selected for removal while preserving the overall form of the tree. Pruning can be done as a standard maintenance of the tree canopy and to give a tree a more balanced appearance, to reduce the weight on one side of a tree in order to prevent the tree from toppling, or to remove branches that are at risk of breaking and injuring people or damaging property.

Public Property. Public property shall mean land owned by a public or governmental entity and generally accessible to the public.

Removal. Removal shall mean the uprooting, cutting, or severing of the main trunk, of a protected tree.

Root Crown. Root crown shall mean that portion of a protected tree trunk from which roots extend laterally into the ground. Area where the main roots join the plant stem, usually at or near ground level. Also known as the root collar.

Root Flare. The root flare is the area at the base of a tree where the trunk transitions from trunk and bark tissues into root system tissues. Roots should be growing outward from the base of a tree at the same level as the surrounding soil or slightly above it. This creates a "flare" of roots that should always be exposed and never covered with soil or other materials.

Root Protection Zone. A circular ground radius corresponding to the distanced from the trunk to the edge of the tree dripline. The area indicates the tree's root system which contains sufficient roots and volume to maintain the tree's viability.

Stem. A woody structure that gives rise to other branches. A tree trunk is often referred to as a stem.

Topping. The removal of the uppermost branches of a tree, or cutting the trunk, in order to reduce its height without regard to overall form, structural integrity and the long-term tree health. Typically results in a horizontal cut across the trunk and leaving lateral branches. Topping is not an approved arboricultural industry standard and should be avoided. Topping results in injuries and may result in the early failure and death of trees.

Tree. A woody perennial plant with a single or multiple trunks, which typically develop a mature size of over several inches in trunk diameter.

Tree Protection Plan. A Tree Protection Plan is plan which outlines specific required measures and standards to protect trees during the pre-construction, demolition, construction, and post-construction development phases in order to safeguard the health and long-term welfare of protected tree(s) on a development site.

Thinning. Thinning is a selective removal of live branches to reduce the overall density of a canopy. Routine thinning does not necessarily improve the health of a tree; in fact, removal of foliage through pruning can reduce growth and energy reserves.

Trimming. Trimming means the alteration of the outward shape of a tree without regard to which branches are to be trimmed. Typically results in a geometric rather than natural shape.

Undeveloped Property. Undeveloped property shall mean land which is in its natural, original, or pristine state.

Unprotected Trees. Unprotected trees shall mean trees that are not subject to the regulations stated in the Chapter. Unprotected trees shall include any non-oak and non-sycamore tree located outside a required front, side, street-side, or rear yard setback and any of the following trees located anywhere on a property. See 9701.01.040 Unprotected Trees the list of unprotected trees.

Vacant Property. Vacant property shall mean land on which no buildings or improvements have been erected or orchards planted but which may have been graded for drainage or other purposes.