Sec. 106-1192. - “Z” Definitions

ARTICLE I. GENERAL PROVISIONS

DIVISION 1. – INTRODUCTORY PROVISIONS

Sec. 106-1. – Title.

This chapter may be cited as the "San Fernando Zoning Ordinance."

(Ord. No. 1270, § 30.001, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-2. – Authority.

This chapter is enacted pursuant to the California Planning and Zoning Law, title 7, division 1, chapter 4 (Government Code §§ 65800—65912). This chapter shall be administered by the City Council (hereafter referred to as the "Council"), Planning and Preservation Commission (hereafter referred to as the "Commission"), Community Development Director or designee (hereafter referred to as the "Director"), and the Planning Division of the Community Development Department (hereafter referred to as the "Division") as provided in Article V (Administration) of the SFMC.

(Ord. No. 1270, § 30.002, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-3. – Purpose.

The purpose of this chapter is to serve the public health, safety, comfort, convenience and general welfare by establishing land use districts designed to obtain the physical, environmental, economic and social advantages resulting from planned use of land in accordance with the general plan of the city and by establishing those regulations for the development and use of land and improvements within the various districts which will ensure that the growth and development of the city shall be orderly, attractive and efficient for the maximum benefit of its citizens.

Relationship to the City of San Fernando General Plan. This chapter provides the legislative framework to enhance and implement the goals, policies, plans, principles and standards of the San Fernando General Plan.

Relationship to the California Environmental Quality Act. When a project 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 chapter, the CEQA (Cal. Pub. Res. Code §§ 21000 et seq.), the CEQA Guidelines (Cal. Gov't Code §§ 15000 et seq.) and any environmental guidelines adopted by the City.

(Ord. No. 1270, § 30.005, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-4. – Structure of the development code.

A. *Organization of regulations.* This Code consists of six articles:
    1. Article I: General Provisions
    2. Article II: Base and Overlay Zones
    3. Article III: General Regulations
    4. Article IV: Standards for Specific Land Uses and Activities
    5. Article V: Administration
    6. Article VI: Definitions
B. *Types of regulations.* This Code contains five types of regulations controlling the use and development of property:
    1. *Use regulations.* These regulations specify land uses permitted, conditionally permitted, or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Use regulations for base zoning districts and for overlay districts are in Article II of this Code. Certain regulations that are applicable in some or all districts, and performance standards which govern special uses, are in Article III.

2. *Development standards.* These regulations control the height, bulk, locations, and appearance of structures. Development regulations for base zoning districts and for overlay districts are in Article II of this Code. Certain development regulations that are applicable to some or all districts are in Article III. These include regulations for specific uses, development and site regulations, performance standards, parking, and signage.
3. *Administrative regulations.* These regulations contain detailed procedures for the administration of this Code, and include common procedures, processes, and standards for discretionary entitlement applications and other permits. Administrative regulations are in Article V.
4. *Definitions.* Article VI provides definitions and articulates use classifications and terms and definitions used in this Code.

Sec. 106-5. – Official zoning map.

A. In order to carry out the purposes and provisions of this chapter, the city is divided into ten zones known as:

R-1	Single-family residential zone
R-2	Medium multiple-family zone
R-3	High multiple-family zone
RPD	Residential planned development zone
C-1	Limited commercial zone
C-2	Commercial zone
SC	Service commercial zone
M-1	Limited industrial zone
M-2	Light industrial zone
PD [1]	Precise development zone

B. The zones listed in subsection (a) of this section and the boundaries of such zones are shown upon the official zoning map of the city, and the map and all the notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by the map were all fully described in this chapter.

(Ord. No. 1270, § 30.006, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-6. – Applicability.

A. *Property affected.* The sections of this chapter shall apply, to the extent permissible under other laws, to all property within the city, whether such property is in public or private ownership, except streets, alleys and walkways which are dedicated for public use.

B. *Persons affected.* The sections of this chapter shall apply, to the extent permissible under other laws, to all persons, agencies and organizations, both public and private, except that in circumstances where an overriding public interest is found to be served by an action or development undertaken by a public agency, the commission or council may waive the requirements of this chapter to the extent deemed necessary.

[1] Cross reference(s)—Buildings and building regulations, ch. 18; environment, ch. 34; manufactured homes and trailers, ch. 46; planning, ch. 62; streets, sidewalks and other public places, ch. 74; subdivisions, ch. 78; telecommunications, ch. 86; vegetation, ch. 98.

C. *Activities affected by new or changed development or use.* Each section of this chapter shall apply, to the extent permissible under other laws, to all actions, activities or development initiated subsequent to the effective date of such section, including but not limited to the following:
   1. The division or leasing of land.
   2. Construction, alteration, remodeling, expansion, replacement or relocation of any building, structure or other facility or portion thereof.
   3. The use and occupancy of land, buildings, structures or other facilities.

D. *Other permits and requirements.* Nothing in this chapter eliminates the need for obtaining any other permits required by the City, or any permit or approval required by other provisions of the SFMC or the laws, rules or regulations of any City department or any County, regional, State, or Federal agency.

If any provision of this chapter, and the application thereof, to any person or circumstance is held invalid, the remainder of this chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 106-7. – Continuity of regulations.

The sections of this chapter, insofar as they are substantially the same as previous provisions of the San Fernando Municipal Code or any other ordinance repealed, amended or superseded upon the enactment of the ordinance from which this chapter derives, shall be construed as restatements and continuations of the previous provisions, and not as new enactments.

(Ord. No. 1270, § 30.900.1, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-8. – Nuisances.

Neither the sections of this chapter nor any approval pursuant thereto authorizes the establishment or maintenance of any use or circumstances which constitutes a public or private nuisance.

(Ord. No. 1270, § 30.900.8, 9-30-1985; Ord. No. 1305, 6-15-1987)

DIVISION 2. - INTERPRETATION OF ZONING CODE PROVISIONS.

Sec. 106-9. - Purpose.

This section provides rules for resolving questions about the meaning or applicability of any requirement of this chapter. The rules provided in this section are intended to ensure consistent interpretation and application of the provisions of this chapter.

Sec. 106-10. – Authority.

The Director shall have the responsibility and authority to interpret the requirements of this chapter unless specified otherwise in this chapter.

Sec. 106-11. – Rules of interpretation.

A. *Terminology.* When used in this chapter, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . . ." The words "buildings and structures" are referred to as "structures."

B. *Common words use.* If not specifically defined herein, or the context otherwise requires, then words of common use shall be defined as found in standard dictionaries.

C. *Number of days.* Whenever a number of days is specified in this chapter, or in any permit, condition of approval, or notice issued or given as provided in this chapter, the number of days shall be construed as calendar days, unless otherwise specified. Time limits will extend to the following working day where the

last of the specified number of days falls on a weekend, a City-recognized holiday, or a day the City is not open for business.

D. *Minimum requirements.* When any regulation of this chapter is being interpreted and applied, all provisions shall be considered to be minimum requirements, unless stated otherwise (such as height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).

E. *State law requirements.* Where this chapter references provisions of State law (e.g., The California Government Code, Subdivision Map Act, Public Resources Code, and the like), the reference shall be construed to be the current State law provisions, as they may be amended from time to time.

F. *Residential zones.* Whenever this chapter refers to "residential zones," it shall mean properties in the R1, R2, R3, RPD overlay and residential zones with a PD overlay.

G. *Calculations – rounding.* Wherever this chapter requires calculations to determine applicable requirements, any fractional result of the calculation shall be rounded to the next higher whole number when the fraction is 0.5 or greater, and to the next lowest whole number when the fraction is less than 0.5. In the case of the number of dwelling units, numerical quantities that are a fraction of whole numbers shall be rounded to the next higher whole number.

H. *Zoning map boundaries.* If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty:

1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;
2. If a district boundary divides a parcel, and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by the scale on the zoning map; and
3. Where a public street or alley, railroad, or utility right-of-way is officially vacated or abandoned, the property that was formerly in the right-of-way will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned right-of-way or easement.

I. *Allowable uses of land.* If a proposed use of land is not specifically listed in Division 2 (Residential Zones), Division 3 (Commercial Zones), Division 4 (Industrial Zones), Division 5 (Specific Plan Zones) and Division 6 (Overlay Zones) of Article II, the use shall not be allowed, except as follows.

J. *Applicable standards and permit requirements.* When the Commission determines that a proposed use not listed in Article II is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this chapter apply.

K. *Procedure for Interpretations.* At the written request of any interested person, or at the Director's discretion, the Director may determine the meaning or applicability of any requirement of this Title and may issue an official interpretation.

L. *Request for interpretation.* A request shall be written that specifically states the provision(s) in question and provides any information to assist in the review.

M. *Record of interpretations.* Official interpretations shall be:

1. In writing, and shall quote the provisions of this Title being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and
2. Distributed to the Council, Commission, City Attorney, City Clerk, and all pertinent staff.

N. *Appeals and referral.* Any interpretation of this chapter by the Director may be appealed to the Commission as provided in Division 2 of Article V of the SFMC. The Director may also refer any interpretation to the Commission for a determination.

O. *Amendments.* Any provision of this Chapter determined by the Director to need refinement or revision should be corrected by amending this chapter as soon as is practical. Until amendments can occur, the

Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the section being interpreted.

P. *Procedure for unlisted uses.* Any use may be permitted which in the judgment of the commission, as evidenced by resolution in writing, are similar to and no more objectionable than any of those enumerated in the applicable zone district.

DIVISION 3. – HIERARCHY

Sec. 106-12. – Pending proceedings

Proceedings initiated under provisions repealed, amended or modified by this chapter, and any vested right, shall not be affected by the enactment of this chapter, except that subsequent proceedings shall conform to the sections of this chapter insofar as possible. All land use permit applications that have been determined by the Planning Division to be complete before the effective date of this chapter, or any amendment to this chapter, will be processed in compliance with the requirements in effect at the time the application was deemed complete.

(Ord. No. 1270, § 30.900.2, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-13. – Rights under previous approvals.

A. A special use permit or other approval previously granted by the city and which would be eligible for consideration as a variance, conditional use permit or other approval under this chapter shall be deemed to be an approved variance, conditional use permit or other approval, respectively, under this chapter, subject to the terms of such approval.

B. All other special use permits and other approvals or conditions thereof, not in conformance with the provisions of this chapter, shall be deemed to be nonconforming privileges subject to the provisions of Division 6 of Article II of this chapter.

C. Notwithstanding subsection (A) or (B) of this section, if a special use permit or other approval deemed to be approved pursuant to this section, or any condition thereof, has resulted in a nonconformity, such nonconformity shall be subject to the provisions of Division 9 of Article V of this chapter.

(Ord. No. 1270, § 30.900.3, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-14. – Previous violation or conviction.

Any violation of and/or conviction under any provision repealed, amended or modified by this chapter shall be considered as a violation of and/or conviction under this chapter.

(Ord. No. 1270, § 30.900.4, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-15. – Conflicting regulations

Whenever any section of this chapter covers the same subject matter, overlaps, conflicts with or is contradictory to any other law or regulation, that section, law or regulation which is more restrictive or imposes the higher standard shall control, except as otherwise expressly provided.

A. *General Plan.* If conflicts occur between the provisions of the General Plan and other regulations of the City, then the most restrictive shall control.

B. *Municipal code provisions.* If conflicts occur between the requirements of this chapter and other regulations of the City, then the most restrictive shall control.

C. *Zoning code provisions.* If conflicts occur between the provisions within this chapter, the most restrictive requirement shall control; except in the case of any conflict between the regulations in Article II (Base and Overlay Zones) and Article III (General Regulations), Article III shall control.

D. *Development agreements or specific plans.* When conflicts occur between the requirements of this Title and standards adopted as part of any Development Agreement or Specific Plan, the requirements of the Development Agreement or Specific Plan shall control.

E. *Private agreements.* This chapter applies to all land uses and development, regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any covenant or agreement unless the City is a party to the covenant or agreement.

(Ord. No. 1270, § 30.900.6, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-16. - Procedural requirements.

Failure to follow the procedural requirements contained in this chapter shall not invalidate City actions taken in absence of a clear showing of intent.

Sec. 106-17. – Private agreements.

The sections of this chapter are not intended to abrogate, annul or impair any easement, covenant or other agreement between parties, except, where this chapter imposes a greater restriction or higher standard than that required by private agreement, this chapter shall control.

(Ord. No. 1270, § 30.900.7, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-18. - Nuisances.

Neither the sections of this chapter nor any approval pursuant thereto authorizes the establishment or maintenance of any use or circumstances which constitutes a public or private nuisance.

(Ord. No. 1270, § 30.900.8, 9-30-1985; Ord. No. 1305, 6-15-1987)

DIVISION 4. - ENFORCEMENT

Sec. 106-19. – Citation for infraction.

A. Pursuant to the provisions of state law, the city officers or employees designated by resolution of the city council may issue a citation without a warrant whenever they have reasonable cause to believe that the person to whom the citation is issued has committed an infraction in such officer's or employee's presence which is a violation of any section of this chapter designated as an infraction.

B. Citations for infractions shall be processed, issued and handled as provided by state law.

C. Any officer or employee making an arrest under the authority of this section shall follow the citation release procedures prescribed in Penal Code §§ 853.5—853.85, or such procedures enacted by the state.

(Ord. No. 1270, § 30.900.11, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-20. – Violation as nuisance.

A. Any building set up, erected, built, moved or maintained and/or any use of property contrary to this chapter shall be and is declared to be unlawful and a public nuisance, and the city attorney shall, upon order of the city council, immediately commence an action or proceeding for the abatement, removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or use of any property contrary to this chapter.

B. All remedies provided in this section shall be cumulative and not exclusive.

(Ord. No. 1270, § 30.900.12, 9-30-1985; Ord. No. 1305, 6-15-1987)

ARTICLE II. BASE AND OVERLAY ZONES

DIVISION 1. – GENERALLY

Secs. 106-21—106-40. – Reserved.

DIVISION 2. – RESIDENTIAL ZONES (R)

Sec. 106-41. – Purpose.

The purpose of the Residential Zones (R) are to implement and provide appropriate regulations for General Plan classifications of "Low Density Residential," "Medium Density Residential," and "High Density Residential."

Additional purposes of each Residential Zones are as follows:

A. *R-1 Single-Family Residential Zone.* The R-1 single-family residential zone is intended to provide for the development, protection and stability of single-family detached dwellings within relatively low density residential neighborhoods of the city.

B. *R-2 Medium Multiple-Family Zone.* The R-2 medium multiple-family zone is intended to provide an area for medium density residential development within the city.

C. *R-3 High Multiple-Family Zone.* The R-3 high multiple-family zone is intended to provide an area for high density residential development within the city.

(Ord. No. 1270, § 30.050, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-42. – Use regulations.

Table 106-42 prescribes the proposed land use regulations for Residential Zones subject to issuance of a building permit, business license or other required permit(s):

"P" designates permitted uses.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

TABLE 160-42: USE REGULATIONS – RESIDENTIAL ZONES				
District	**R-1**	**R-2**	**R-3**	**Additional Regulations**
Residential Use Classifications				
Single-Unit Dwelling	P	C (4)	C (4)	
Two-Unit Urban Residential Development	P	-	-	Article IV, Division 20 – Two-Unit Urban Residential Development
Duplex	-	P	P	
Triplex	-	P	P	
Fourplex	-	P	P	
Apartment	-	P	P	
Condominium	-	C	C	Article IV, Division 17 – Residential Townhouse/Condominiums and Residential Townhouse/Condominium Conversions
Community Care Facilities, Small	P	P	P	

Community Care Facilities, Large	C	C	C	
Small Family Day-care Home (8 children or less)	P	P	P	
Large Family Day-care Home (9 to 14 children)	P	P	P	Article IV, Division 11 – Large Family Day Care Home Permit
Employee Housing - Small	P	P	P	
Employee Housing - Large	P	P	P	
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	
Low Barrier Navigation Center	-	P	P	
Manufactured Home	P	P	P	
Manufactured Home Park	-	C	C	
Boardinghouse	-	-	C	
Accessory Dwelling Unit	P	P	P	Article IV, Division 1 – Accessory Dwelling Units
Public and Semi-Public Use Classifications				
Parks, picnic areas and playgrounds, public	P (1)	P (1)	P (1)	
Parks, picnic areas and playgrounds, private	-	-	-	
Grange halls, community centers, meeting halls	P (1)	P (1)	P (1)	
Church, temple, or other place of religious worship or spiritual assembly	C	C	C	
Schools, public or private	C	C	C	
Nursery school	-	-	C	
Hospitals or sanitariums	C	C	C	
Museums or libraries	-	-	C	
Electric distribution substation or pumping station	-	C	C	
Water well or water reservoir	-	C	C	
Water treatment facilities	-	-	-	
Non-residential off-street automobile parking lot	-	-	C	
Other Applicable Type				
Accessory Structure (e.g., Garage, Carport, Workroom, Storage Shed, Recreation Room, Cabana)	P (2)	P (2)	P (2)	

Private noncommercial greenhouses, horticulture collections, flower gardens, vegetable gardens and fruit trees.	P	P	P	
Home Occupations	P	P	P	Article IV, Division 10 – Home Occupations
Temporary Tract Sales Offices	P (3)	P (3)	P (3)	Article V, Division 5 – Temporary Use Permit and Special Event Permit
Temporary Contractors' Equipment Offices and Storage	P (3)	P (3)	P (3)	Article V, Division 5 – Temporary Use Permit and Special Event Permit

Specific Limitations:

(1) Subject to the approval of the Director.

(2) No bathroom, kitchen plumbing or fixtures or cooking facilities shall be permitted in conjunction with accessory buildings. A garage, workroom, storage shed, and recreation room shall not be divided into smaller size rooms and shall be maintained as a single open building.

(3) Subject to approval by the Director for a period not to exceed one year with two one-year extensions available, if requested for good cause.

(4) Density only allows 1 unit on the parcel.

(Ord. No. 1270, § 30.051, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1547, § 3, 1-20-2004; Ord. No. 1625, § 6, 3-18-2013; Ord. No. U-1666, § 9, 7-17-2017)

Sec. 106-43. – Density and massing development standards.

Tables 106-43.1 through 106.43.2 prescribe the development standards for the Residential Zones.

TABLE 106-43.1: LOT AND DENSITY STANDARDS – RESIDENTIAL ZONES				
District	**R-1**	**R-2**	**R-3**	**Additional Regulations**
Minimum Lot Size (sq. ft.)	7,500	7,500	7,500	
Maximum Residential Density	1 per lot	1 per 2,562 square feet of lot area	1 per 1,013 square feet of lot area	Article IV, Division 20 – Two-Unit Urban Residential Development. Density shall comply with General Plan land use designation.
Minimum Lot Width (ft.)				
General Standard	50	50	50	
Corner Lot	55	55	55	
Minimum Lot Depth (ft.)	100	100	100	
Specific Limitations:				

TABLE 106-43.2: BUILDING FORM AND LOCATION STANDARDS – RESIDENTIAL ZONES				
District	**R-1**	**R-2**	**R-3**	**Additional Regulations**
Maximum Height (ft.)	35	35	45	
Minimum Setbacks (ft.) from ultimate street right-of-way				
Front	20 (1) (2)	20 (1) (2)	20 (1) (2)	

Rear	20	20	20	See sections 106-188 and 106-189 for additional requirements on setbacks
Side	5	5	5	
Minimum Setbacks (ft.) from property line not abutting street				
Side	5	5	5	
Rear	15	15	15	
Minimum Setbacks (ft.) from property line abutting on alley				
Front	-	-	-	
Rear	20	20	20	
Side	5	5	5	
Minimum Setbacks for Garage/Carports (ft.)	20	20	20	
Minimum Space between Buildings	6	6	6	
Maximum Lot Coverage (% of Lot)	50 (3)	40 (4)	40 (4)	

Specific Limitations:

(1) Where 70% or more front setback depth of existing buildings along a block frontage is greater than the minimum required setback distance, a vacant lot situated along the block frontage shall have a front setback depth which is the average setback depth of existing buildings along the block frontage.

(2) Shorter frontage abutting either street of a corner lot shall constitute the front of the lot. Where a corner lot has equal frontage abutting both streets, the owner has the choice of which frontage constitutes the front of the lot.

(3) Accessory buildings may not occupy more than 50 percent of the required rear yard area.

(4) Accessory buildings may not occupy more than 30 percent of the required rear yard area.

(Ord. No. 1270, § 30.600.01, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-44. – Residential zoned property development standards.

A. *Residential accessory structures.* Residential accessory structures shall be constructed in accordance with section 106-45.

B. *Building colors and materials.* Exterior structure colors and materials shall be reviewed in conjunction with a request for any type of discretionary review as required by this code or as a result of any determination of non-conforming status. Exterior building elevation plans and color samples indicating proposed color schemes shall be provided as required by the Director. Approval authority for colors on the exterior of all building shall be by the Director or commission, as applicable.

C. *Common area (recreation area).* On each lot developed with more than four units there shall be a common area of no less than 1,000 square feet or 100 square per unit, whichever is greater. The minimum dimension for such an area shall be 25 feet.

D. *Internal Circulation.* A residential dwelling shall have continuous internal access through the unit. Bedrooms shall be accessed by a hallway or common area only. A room identified as a den, study or the like shall be considered a bedroom unless it is constructed in a manner that 50 percent or more of one wall is open to an adjacent room or hallway.

E. *Recreational vehicles.* No recreational vehicles shall be permitted within the required front setback area for a period of time exceeding 72 hours.

F. *Storage facilities.* Each dwelling unit in a multiple-family dwelling shall have at least 100 cubic feet of enclosed storage space.

G. *Trash areas.* Trash areas shall be provided in accordance with Division 8 of Article III and in a form approved by the Director.

H. *Usable open space (balconies, patios).* On each lot developed with more than four units, there shall be, in addition to other required yards and spaces, usable open space equal to 150 square feet per unit. Such space shall have a minimum dimension of ten feet.

I. *Utilities.* All utilities shall be underground.

J. *Landscaping.* Landscaping shall be provided in accordance with Division 4 of Article III.

K. *Walls and fences.* A six-foot wall shall be constructed where an R-2 or R-3 property abuts an R-1 zoned property and other treatment as approved by the Director. Also see Division 7 of Article III pertaining to walls and fences.

(Ord. No. 1270, § 30.551, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-45. – Residential accessory structures.

Accessory buildings and structures such as a garage, workroom, storage shed, recreation room or cabana are permitted on the same lot as the principal residential use and shall be incidental to, and not alter, the residential character of the site. A covenant may be required to be executed and recorded to ensure the accessory use and structure is identified and maintained consistent with the City's approval.

A. *All accessory structures*. The following regulations apply to all accessory structures:
    1. With the exception of an attached or detached garage, an accessory structure shall not be located in front of the main building or directly between the main building and the street.
    2. The total square footage of all non-parking-related accessory structures on a lot shall, other than an Accessory Dwelling Unit, not exceed the lesser of these three quantities:
        a. 500 square feet,
        b. 50 percent of the ground floor of the main building, or
        c. 50 percent of the rear yard area.
    3. Two story accessory residential structures, at a maximum of 26 feet high, will not be permitted unless only one store is the accessory residential structure and the other story is a garage and/or an accessory dwelling unit; and the second story satisfies the same setback requirements that would be applicable to a primary dwelling unit in the applicable zoning district, unless the second story is an accessory dwelling unit only.
    4. An exterior entrance to the second story of an accessory residential structure shall not project into any required minimum setback and shall be located to either face the primary dwelling unit and/or the side and/or rear property line that it is furthest away from.
    5. An accessory structure smaller than 250 square feet may be constructed of metal or similar material as approved by the Planning Division.
    6. All accessory structures shall be maintained in good condition. Any structure considered to be in disrepair, as determined by the Director of Community Development, shall be repaired, replaced or removed from the site.
    7. An accessory structure shall be maintained as a single open building and not be divided into smaller size rooms and shall.
    8. Bathrooms, kitchen plumbing or fixtures or cooking facilities within accessory buildings or accessory structures are prohibited.

B. *Detached accessory structures.* The following regulations apply to detached accessory structures:
    1. Detached accessory structures shall be located at least 6 feet from the main building. A breezeway may span the space between the two structures.
    2. Detached accessory structures shall be located at least 3 feet from any property line.

C. *Canopy structures*. The following regulations apply to canopy structures:
   1. Canopy structures shall not be located within the view of a public right-of-way, front or side yard area or driveway.
   2. Canopy structures with a maximum projected canopy area of 200 square feet, maximum height of 8 feet and maximum length of 20 feet may be located within a rear yard area provided that it is fully screened by 6-foot high fencing or shrubs.
   3. Reflective, mirrored type covering material shall be prohibited.

Secs. 106-46—106-70. – Reserved.

DIVISION 3. – COMMERCIAL ZONES (C)

Sec. 106-71. – Purpose.

The purpose of the Commercial Zones (C) are to implement and provide appropriate regulations for General Plan classifications of "Central Business District" and "Commercial."

Additional purposes of each Commercial Zones are as follows:

A. *C-1 Limited Commercial Zone.* The C-1 limited commercial zone is established to provide areas for limited commercial uses which offer retail and service facilities operative under development standards designed to create a compatible and harmonious setting.

B. *C-2 Commercial Zone.* The C-2 commercial zone is established to provide areas for commercial uses which offer a wide range of goods and services including facilities for shopping, convenience goods and services, professional offices and recreation for the community. It is intended to promote an environment which will encourage maximum efficiency of the commercial area with maximum protection for nearby property and property values by permitting only those uses which are necessary for the city and excluding those uses which are incompatible with this goal and which should be located elsewhere.

C. *SC Service Commercial Zone.* The SC service commercial zone is established to permit selected limited industrial (M-1) use activity along with commercial uses that reflect and complement existing development use pattern and yield no unacceptable impacts on noise, air quality, traffic and visual appearance.

(Ord. No. 1270, § 30.250, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-72. – Use regulations.

Table 106-72 prescribes the proposed land use regulations for Commercial Zones subject to issuance of a building permit, business license or other required permit(s):

"P" designates permitted uses.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

TABLE 160-72: USE REGULATIONS – COMMERCIAL ZONES				
District	**C-1**	**C-2**	**SC**	**Additional Regulations**
Residential Use Classifications				
Single Room Occupancy (SRO) Unit	C	C	-	Division 18 of Article IV – Single room occupancy (SRO), Emergency Homeless Shelters
Public and Semi-Public Use Classifications				

Parks, picnic areas and playgrounds, public	P	P	-	
Parks, picnic areas and playgrounds, private	P	P	-	
Schools, public or private	C	C	P	
Hospitals or sanitariums	-	P	-	
Ambulance services	-	C	C	
Museums or libraries	C	C	P	
Art galleries	C	C	P	
Botanical gardens	C	C	-	
Government buildings and related facilities	P	P	-	
Public utility substations	P (1)	P (1)	-	
Off-street parking lot	C	C	P	
Parking buildings	-	-	P	
Bus stations	-	P	P	
Taxi stations	-	-	P	
Mortuaries	-	P	P	
Radio and television stations without transmitting tower antennas	-	P	-	
Helistops	-	-	C	
Commercial Use Classifications				
Adult entertainment business	-	C	C	Article IV, Division 2 – Adult Businesses
Administrative and professional offices	P	P	P	
Animal Care, Sales and Services				
Grooming and Pet Stores	P	P	P (9)	
Veterinary Clinics	P	P	P	Article IV, Division 4 – Animal Boarding, Pet Day Care, Veterinary Clinics and Animal Hospitals
Automobile/vehicle sales and services	C (2)	P (2)	P (7)	
Car wash	-	C	-	
Alcohol Sales, on-site or off-site	C	C	C	Article IV, Division 8 – Establishments Selling Alcohol
Banks and Financial Institutions	P	P	-	
Business Services	P	P	-	
Clubs, lodges and halls	C	C	-	
Eating and drinking establishments	P	P	P	
Nightclubs	-	-	C	

Entertainment and Recreation				
Cinema/Theaters	C	C	C	
Bowling alley	C	C	C	
Cyber/Internet Café	C	C	-	
Arcades and Family Entertainment Centers	C	C	-	
Billiards and pool parlor	-	C	C	
Shooting/Archery Range				
Live entertainment	C(5)	C(5)	C (5)	
Health clubs or centers	-	-	C	
Pool halls	-	-	C	
Skating rinks, ice or roller	-	-	C	
Other commercial recreation	C	C	-	
Hotels and motels	C	C	C	
Automobile service stations	-	P	P	Article IV, Division 21 – Vehicle Fueling And Electric Vehicle (EV) Charging Stations
Maintenance and Repair Services				
Bicycle and Motorcycle	-	P	P	
Automobile, minor	-	C	P	Article IV, Division 6 – Automotive Repair Supplemental Regulations and Standards
Retail Sales				
General Retail	P	P	P (6)	
Rummage sales	-	P	-	
Secondhand stores	C	C	P	
Nurseries (flower, plant or tree)	-	P	P (8)	
Pawn shops	-	P	P	
Parking lot sales	C	C	-	
Fruit and vegetable stands, outdoor	-	C	-	
Personal Services				
General Personal services	P	P	P (10)	
Fortune-telling services	-	P (3)	-	
Bail bondsman	-	C	-	
Dating and escort services	-	C	C	
Industrial Use Classifications				

Manufacturing				
Equipment assembly, electrical, electronic and electromechanical	-	-	P (4)	
Instrument assembly, electrical, electronic and electromechanical	-	-	P (4)	
Jewelry	-	-	P (4)	
Optical equipment	-	-	P (4)	
Photographic products and equipment	-	-	P (4)	
Other Applicable Type				
Temporary Uses and Events	P	P	P	Article V, Division 5 – Temporary Use Permit and Special Event Permit
Outdoor dining with no amplified sound of music	P	P	P	Article IV, Division 13 – Outdoor Dining
Amusement device	P	C	-	Article IV, Division 3 – Amusement Devices
Rental, leasing and repair of articles sold on the premises incidental to retail sales	-	-	C	
Drive-Through Facilities	C	C	C	Article IV, Division 7 – Drive-Through Establishments

Specific Limitations:

(1) Masonry-walled and landscaped.

(2) Used car sales are only permitted in conjunction with a new car agency.

(3) The establishment shall be located a minimum of 1,000 feet from any other such use. No person under the age of 18 shall be allowed in the establishment.

(4) Limitations.

a. All activities other than incidental storage shall be conducted within an enclosed building and shall not be obnoxious or offensive because of emission of odor, dust, smoke, gas, noise, vibration or other similar causes and will not be detrimental to the public health, safety or general welfare.

b. Assembly and manufacture from previously prepared materials and use of the following devices in such assembly and manufacture is prohibited: drop hammers, automatic screw machines, punch presses exceeding five tons' capacity and motors exceeding one-horsepower capacity that are used to operate lathes, drill presses, grinders, or metal cutters.

(5) Accessory use, in a legally established bar, cocktail lounge or restaurant having an occupant load of less than 100 people.

(6) Sales including:

a. Antique shops.

b. Appliance stores, household.

c. Art supply stores.

d. Automobile supply stores, provided all repair activities are conducted within an enclosed building.

e. Bakery shops.

f. Bicycle shops.
g. Bookstores.
h. Christmas tree sale activities pursuant to section 106-849.
i. Clothing stores.
j. Confectionery or candy stores.
k. Delicatessens.
l. Dress shops.
m. Drugstores.
n. Electrical supply stores.
o. Florist shops.
p. Furniture stores.
q. Gift shops.
r. Glass and mirror sales, including automobile glass installation only when conducted within an enclosed building.
s. Grocery stores.
t. Hardware stores, including the sale of lumber and other building supplies, but excluding woodcutting other than incidental cutting of lumber to size.
u. Ice cream shops.
v. Ice sales, excluding ice plants.
w. Jewelry stores.
x. Leather goods stores.
y. Mail order houses.
z. Meat markets, excluding slaughtering.
aa. Motorcycle, motor scooter, and trail bike sales.
bb. Music stores.
cc. Newsstands.
dd. Notions or novelty stores.
ee. Office machines and equipment sales.
ff. Paint and wallpaper stores.
gg. Plumbing, heating, air condition equipment and supply store.
hh. Photographic equipment and supply stores.
ii. Retail stores.
jj. Shoe stores.
kk. Sporting goods stores.
ll. Stationery stores.
mm. Tobacco shops.
nn. Toy stores.
oo. Yarn and yardage stores.

(7) Automobile storage yard for new cars limited to inventory to be sold as new cars only by the dealership.
(8) not including growing of nursery stock.
(9) within an enclosed building only.
(10) Services including:

a. Automobile tire, battery and accessory services, provide all activities are conducted within an enclosed building.
b. Automobile brake repair shops, provided all repair activities are conducted within an enclosed building.

c. Automobile muffler shops, provided all repair activities are conducted within an enclosed building.
d. Automobile repair shops, including painting, upholstering, and body fender work pursuant to division 11 of article VI of this chapter.
e. Automobile laundry with wash racks constructed or arranged so that entrances and exists and any other openings therein shall not face any residential property within 100 feet.
f. Automobile rentals without drivers
g. Banks, savings and loans, credit unions and finance companies.
h. Barbershops.
i. Beauty shops.
j. Blueprint shops.
k. Communication equipment buildings.
l. Costume rentals.
m. Dental clinics.
n. Dental laboratories.
o. Dwelling and building services, pest control, window cleaning, disinfecting, termite control.
p. Electric distribution substation with masonry-wall and landscaping.
q. Electrician shops.
r. Employment agencies.
s. Film laboratories.
t. Furniture and appliance rentals.
u. Hospital equipment and supply rentals.
v. Interior decorating studios.
w. Locksmith shops.
x. Medical clinics.
y. Mimeograph and addressograph services.
z. Motion picture processing, reconstruction and synchronizing film with sound tracks.
aa. Photocopying and duplicating services.
bb. Photography studios.
cc. Plumbing shops.
dd. Public utility service centers.
ee. Radio and television broadcasting studios.
ff. Real estate offices.
gg. Recording studios.
hh. Repair shops, household and fix-it.
ii. Reupholster, furniture.
jj. Shoe repair shops.
kk. Sign shops within an enclosed building.
ll. Tailor shops.
mm. Telephone repeater stations.
nn. Tool rentals, including rototillers, power mowers, sanders and saws, cement mixers and other equipment, but excluding heavy machinery or trucks.
oo. Watch repair shops.
pp. Welding/blacksmith shops.

(Ord. No. 1270, § 30.252, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1625, § 7, 3-18-2013)

Sec. 106-73. – Density and massing development standards.

Tables 106-73.1 through 106-73.2 prescribe the development standards for the Commercial Zones.

TABLE 106-73.1: LOT AND DENSITY STANDARDS – COMMERCIAL ZONES				
District	**C-1**	**C-2**	**SC**	**Additional Regulations**
Minimum Lot Size (sq. ft.)	5,000	5,000	5,000	
Minimum Lot Width (ft.)	-	-	-	
Minimum Lot Depth (ft.)	-	-	-	
Specific Limitations:				

TABLE 106-73.2: BUILDING FORM AND LOCATION STANDARDS – COMMERCIAL ZONES				
District	**C-1**	**C-2**	**SC**	**Additional Regulations**
Maximum Height (ft.)	45 (4)	45 (4)	45 (4)	
Minimum Setbacks (ft.) from ultimate street right-of-way				See sections 106-188 and 106-189 for additional requirements on setbacks
Front	10 (1) (2)	10 (1) (2)	10 (1) (2)	
Rear	10	19	19	
Side	5 (1)	5 (1)	5 (1)	
Minimum Setbacks (ft.) from property line not abutting street				
Side	0 (3)	0 (3)	0 (3)	
Rear	0 (3)	0 (3)	0 (3)	
Minimum Setbacks (ft.) from property line abutting on alley				
Front	10	10	10	
Rear	0	0	0	
Side	0	0	0	
Maximum Lot Coverage (% of Lot)	60	60	70	

Specific Limitations:

(1) In the commercial zone, a land parcel constituting initial platted lots of record and comprising 7,000 square feet or less may have a street right-of-way setback depth equal to the average setback depth of the immediately adjoining buildings abutting the same street.

(2) Shorter frontage abutting either street of a corner lot shall constitute the front of the lot. Where a corner lot has equal frontage abutting both streets, the owner has the choice of which frontage constitutes the front of the lot.

(3) When abutting a residential R zone, the required setback shall be 20 feet.

(4) A screened shelter for the protection of equipment necessary only to the operation of the building excluding signs or space for additional floor area may extend a maximum of ten feet above the height limit. Heights in excess of 45 feet are subject to a conditional use permit as provided in Division 7 of Article V of this chapter.

(Ord. No. 1270, § 30.600.02, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-74. – Commercial zoned property development standards.

Development standards for commercial zoned property shall be as follows:

A. *Exterior building colors.* All building exterior structure colors shall be reviewed in conjunction with a request for any type of discretionary review as required by this code or as a result of any determination of non-conforming status. Exterior building elevation plans and color samples indicating proposed color schemes shall be provided as required by the Director. Approval authority for colors on the exterior of all building shall be by the Director or commission, as applicable.

B. *Exterior lighting.* All exterior lighting shall be 90 degrees cutoff downlight. The rays of any such lighting shall be confined to the property. No spillover shall be permitted.

C. *Parking, loading, trash.* Parking, loading, and trash shall be as required by Division 3 and Division 8 of Article III.

D. *Permanent buildings.* All uses permitted in C-1 and C-2 zones shall be inside permanent buildings except those for on-site and off-site sale of alcoholic beverages, parking lot sales, and schools in C-1 and new automobile sales and displays and sales room or lot and nurseries in C-2.

E. *Signs.* Signs shall comply with Division 9 of Article III.

F. *Storage.* All storage must be confined to the interior of the permanent structure.

G. *Utilities.* All utilities shall be underground.

H. *Landscaping.* Landscaping shall be provided in accordance with Division 4 of Article III.

I. *Walls and fences.* A six-foot wall shall be constructed where the property abuts residential zoned property and other treatment as approved by the Director. The wall shall not encroach into any future right-of-way. Also see Division 7 of Article III pertaining to walls and fences.

SC Service Commercial Zone shall be subject to the following additional development standards:

A. *Walls and fences.* A seven-foot wall shall be constructed where the property abuts residential zoned property; a six-foot wall or fencing shall be permitted along all other property lines except within the front setback. Also see Division 7 of Article III pertaining to walls and fences.

B. *Outside display.* All display in SC zone shall be located within an enclosed building except for the following:
    1. Automobile sales, limited to automobiles and trucks under two tons held for sale or rental only.
    2. Christmas trees and wreaths, the sale of.
    3. Electric distribution substations.
    4. Gas metering and control stations, public utility.
    5. Nurseries.
    6. Parking lots.

C. *Open storage.* Outside storage of materials and equipment shall only be permitted when incidental to the use of an office, store or other commercial building located on the front portion of the same lot, and provided that:
    1. Such storage is located on the rear one-half of the lot and is confined to an area of not to exceed 3,000 square feet.
    2. No power-driven excavating or road building equipment is stored on the premises.
    3. The storage area is completely enclosed by a solid wall or fence, with necessary gates, not less than six feet in height.
    4. No material or equipment is stored to a height greater than the wall or fence enclosing the storage area.
    5. There shall be no rentals, storage or storage for rental purposes of a commercial vehicle which exceeds a registered net weight of 5,600 pounds.

(Ord. No. 1270, § 30.555, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-75—106-100. – Reserved.

DIVISION 4. – INDUSTRIAL ZONES (M)

Sec. 106-101. – Purpose.

The purpose of the Industrial Zones (M) is to implement and provide appropriate regulations for General Plan classifications of "Central Business District" and "Commercial."

Additional purposes of each Commercial Zones are as follows:

A. *M-1 Limited Industrial Zone.* The M-1 limited industrial zone is established to provide areas for the location and operation of light manufacturing and related services and uses. This division is designed to promote the effective operation of light manufacturing uses and to increase their compatibility within this district and with adjacent land uses. It is also intended to provide for those uses which are supportive of or provide a direct service to the permitted industrial uses.

B. *M-2 Light Industrial Zone.* The M-2 light industrial zone is intended to provide an area for a variety of industrial activities operating under development standards designed to limit impacts on surrounding land uses.

(Ord. No. 1270, § 30.400, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-102. – Use regulations.

Table 106-102 prescribes the proposed land use regulations for Industrial Zones subject to issuance of a building permit, business license or other required permit(s):

"P" designates permitted uses.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

TABLE 160-102: USE REGULATIONS – INDUSTRIAL ZONES			
District	**M-1**	**M-2**	**Additional Regulations**
Residential Use Classifications			
Transitional Housing	C	C	
Public and Semi-Public Use Classifications			
Commercial antennas	C	C	
Emergency homeless shelters	-	P	Article IV, Division 18 – SRO, Emergency Homeless Shelters
Electric distribution and transmission substations, gas metering and regulation stations, and other similar public utility structures and uses	C	C	
Helistops	C	C	
Public service facilities	-	P(2)	
Commercial Use Classifications			
Administrative and professional office	C (4)	C (4)	

Animal Care, Sales and Services			
Animal Shelter	C	P	
Veterinary Clinics	P	P	Article IV, Division 4 – Animal Boarding, Pet Day Care, Veterinary Clinics and Animal Hospitals
Automobile/Vehicle Sales and Services	C	C	
Car Wash	P	P	
Commercial uses which are customarily and incidental to permitted industrial uses.	P	P	
Eating and Drinking Establishments	C	C	
Automobile Service Station	C	C	Article IV, Division 21 – Vehicle Fueling And Electric Vehicle (EV) Charging Stations
Maintenance and Repair Services			
Bicycle and Motorcycle	P	P	
Automobile	P	P	Article IV, Division 6 – Automotive Repair Supplemental Regulations and Standards
Retail Sales			
General Retail	P (1)	P (1)	
Heavy equipment sales and rental	-	P(2)	
Swap meets or flea markets, auctions indoor or outdoor	C	C	
Personal Services			
Extermination	C	C	
Laundromat and dry-cleaning	P	P	
House Moving	C	C	
Pest control contractors	-	P(2)	
Industrial Use Classifications			
Manufacturing			
Assaying	-	P (2)	
Assembly plants	P (2)	P (2)	
Assembly of plastic products	C	C	
Automobiles, trailers, boats, recreational vehicles	-	P (2)	
Boat building and repair businesses	C	C	
Building materials and hardware sales	P (2)	P (2)	
Blast furnaces as an accessory use and not needing EPA or AQMD approvals	-	P (2)	

Cabinet shops and woodworking	P (2)	P (2)	
Ceramics, pottery, statuary	-	P (2)	
Computer manufacturing, maintenance and service	P (2)	P (2)	
Cosmetics (no soap)	P (2)	P (2)	
Electric and gas appliances	P (2)	P (2)	
Engine manufacture	C	C	
Food products (excluding fish meat, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils)	P (2)	P (2)	
Glass edging, beveling and silvering	C	C	
Ink, polish, enamel	-	P(2)	
Jewelry	P (2)	P (2)	
Lumberyard, building materials, contractor storage	P (2)	P (2)	
Machine shop	P (2)	P (2)	
Machine shops and tool and die making	C	C	
Manufacture of ceramic products using only previous pulverized clay and using kilns fired only by electricity or gas	C	C	
Manufacture of control devices and gauges	C	C	
Metal engraving, metal fabrications	-	C	
Metal welding and plating business	C	C	
Motion picture studio or television studio	P (2)	P (2)	
Optical equipment	P (2)	P (2)	
Paint or related manufacture	C	C	
Pharmaceutical	P (2)	P (2)	
Photoengraving	C	C	
Photographic products and equipment.	P (2)	P (2)	
Product service center	P (2)	P (2)	
Sandblasting	-	P(2)	
Signs	P (2)	P (2)	
Telephone, communication exchange or equipment building	P (2)	P (2)	
Tile (indoor kiln)	-	P(2)	

Tire retreading and recapping	-	C	
Wallboard, glass (no blast furnace)	-	P(2)	
Welding shop	P (2)	P (2)	
Automotive impound area	-	P	
Blueprinting and photostating	C	C	
Chemical, biological, or anatomical laboratory	C	C	
Research and development facilities for the creation of prototypes	C	C	
Parcel service delivery depot	C	C	
Pharmaceutical laboratory	C	C	
Studio or office or quarters for industrial designing, model making, sculpture, architecture, engineering, planning, drafting, editorial and general designing and ceramic arts	C	C	
Warehousing, Storage, and Distribution			
Indoor Warehousing and Storage	C	C	
Outdoor Storage	C	C	
Truck terminal or yard	C	C	
Lumberyards and outside storage of building materials	C	C	
Rental yards, maintenance yards and storage yards for construction and agricultural related equipment, machinery and vehicles	C	C	
Recreation vehicle storage yards	C	C	
Wholesale business	P (2)	P (2)	
Hazardous waste facility	C	C	Article IV, Division 9 – Hazardous Waste Management Facilities
Landscaping and gardening service and supply businesses	C	C	
Roofing businesses	C	C	
Salvage and recycling businesses	C	C	
Other Applicable Type			
Temporary Uses and Events	P	P	Article V, Division 5 – Temporary Use Permit and Special Event Permit
Accessory uses integrated with and clearly incidental to a primary permitted use, including: (1) Employee's cafeteria or coffeeshop,	P	P	

(2) Exhibition of products, produced on the premises or available for wholesale distribution, (3) Offices.			
Accessory uses integrated with and clearly incidental to a primary permitted use, including: (1) Recreation area, (2) Facility.	C	C	
Outdoor Advertising Signs	C (5)	C (5)	

Specific Limitations:

(1) Commercial uses should be customarily and incidental to industrial uses.

(2) Uses should not be obnoxious or offensive because of emission of odor, dust, smoke, gas, noise, vibration or other similar causes detrimental to the public health, safety or general welfare

(3) Excluding fish meat, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils.

(4) No outdoor advertising sign shall be located within a 500-foot radius of any other such sign; each outdoor advertising sign shall have, at most, two sign faces, and each sign face shall have a maximum area of 100 square feet; the maximum height shall be 24 feet; and no outdoor advertising sign shall be located within 300 feet of a residential zone.

(5) Administrative, professional and business offices accessory to use permitted in this district

(Ord. No. 1270, § 30.402, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1486, § 2, 12-15-199

Sec. 106-103. – Density and massing development standards.

Tables 106-103.1 through 106-103.2 prescribe the development standards for the Industrial Zones.

TABLE 106-103.1: LOT AND DENSITY STANDARDS – INDUSTRIAL ZONES			
District	**M-1**	**M-2**	**Additional Regulations**
Minimum Lot Size (sq. ft.)	10,000	10,000	
Minimum Lot Width (ft.)	75	75	
Minimum Lot Depth (ft.)	-	-	
Specific Limitations:			

TABLE 106-103.2: BUILDING FORM AND LOCATION STANDARDS – INDUSTRIAL ZONES			
District	**M-1**	**M-2**	**Additional Regulations**
Maximum Height (ft.)	45	45	
Minimum Setbacks (ft.) from ultimate street right-of-way			See sections 106-188 and 106-189 for additional requirements on setbacks
Front	10 (1)	10 (1)	
Rear	10	10	
Side	10	10	
Minimum Setbacks (ft.) from property line not abutting street			
Side	0 (2)	0 (2)	
Rear	0 (2)	0 (2)	
Minimum Setbacks (ft.) from property line abutting on alley			
Front	10	10	
Rear	0	0	
Side	0	0	
Maximum Lot Coverage (% of Lot)	60	60	
Specific Limitations: (1) Shorter frontage abutting either street of a corner lot shall constitute the front of the lot. Where a corner lot has equal frontage abutting both streets, the owner has the choice of which frontage constitutes the front of the lot. (2) When abutting a residential R zone, the required setback shall be 20 feet.			

(Ord. No. 1270, § 30.600.02, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-104. – Industrial zoned property development standards.

Development standards for industrial zoned property shall be as follows:

A. *Exterior building colors.* Exterior structure colors shall be reviewed in conjunction with a request for any type of discretionary review as required by this code or as a result of any determination of non-conforming status. Exterior building elevation plans and color samples indicating proposed color schemes shall be provided as required by the Director. Approval authority for colors on the exterior of all building shall be by the Director or commission, as applicable.

B. *Exterior lighting.* All exterior lighting shall be 90 degrees cutoff downlight luminaires. The rays on all lighting shall be confined to the premises; no spillover shall be permitted.

C. *Parking, loading, etc.* Parking, loading, etc., shall be as required by Division 3 of Article III of this chapter.

D. *Permanent buildings.* All uses permitted in M-1 and M-2 zones shall be inside permanent buildings except those enumerated for these zones.

E. *Required street frontage.* The required street frontage shall be 75 feet.

F. *Signs.* Signs shall comply with Division 9 of Article III of this chapter.

G. *Storage.* No outside storage is permitted unless approved by conditional use permit.

H. *Utilities.* All utilities shall be underground.

I. *Landscaping.* Landscaping shall be provided in accordance with Division 4 of Article III of this chapter.

J. *Walls and fences.* A seven-foot wall shall be constructed where the property abuts residential zoned property; a six-foot wall or fencing shall be permitted along all other property lines except within the front setback. Also see Division 7 of Article III pertaining to walls and fences.

(Ord. No. 1270, § 30.560, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-105—106-130. – Reserved.

DIVISION 5. – SPECIFIC PLAN ZONES

Sec. 106-131. – Intent and purpose.

The SP specific plan zones are established to acknowledge and make reference to specific plans that have been adopted by the City of San Fernando pursuant to Government Code Section 65450 et seq. The specific plan zones provide for the flexible, creative and detailed planning and design of portions of the city which require a more comprehensive and coordinated approach than can be achieved through the conventional application of zoning regulations.

(Ord. No. 1562, § 10, 1-3-2005; Ord. No. 1671, § 2(Exh. B), 12-20-2017)

Sec. 106-132. – Municipal code and zoning map amendments.

A. The adoption of a specific plan shall be accompanied by an amendment to the San Fernando Municipal Code to acknowledge the approved specific plan and to establish a specific plan zone for the approved specific plan. A specific plan zone shall include the designation "SP," a reference number that corresponds to the particular specific plan, and the name of the specific plan.

B. The adoption of a specific plan shall be accompanied by an amendment to the City of San Fernando Zoning Map to change the zoning designation of the area covered by the specific plan to the designated specific plan zone. The specific plan zone shall be designated on the zoning map with the designation "SP," followed by a reference number that corresponds to the particular specific plan.

(Ord. No. 1562, § 10, 1-3-2005; Ord. No. 1671, § 2(Exh. B), 12-20-2017)

Sec. 106-133. – Specific plan zones and zoning map designations.

The following specific plans have been approved and are established as specific plan zones to be designated on the city zoning map as set forth herein.

A. Reserved.
B. Reserved.
C. Reserved.
D. Reserved.

E. *San Fernando Corridors Specific Plan.* The San Fernando Corridors Specific Plan (SP-5), a copy of which is on file in the office of the city clerk, has been prepared to implement development strategies for the revitalization of the city's primary commercial corridors, namely Truman Street, San Fernando Road, Maclay Avenue, and First Street. The San Fernando Corridors Specific Plan (SP-5) covers approximately 150 acres generally located along both sides of Maclay Avenue, from Pico Street to the northerly terminus of the city, along both sides of San Fernando Road and Truman Street from the city's westerly boundary line at Hubbard Street to the city's easterly boundary line along Fox Street (including properties on the south side of Celis Street from Kalisher Street to Fox Street), and along both sides of First Street and the south side of Second Street between Hubbard and Hagar Streets. The area covered by the San Fernando Corridors Specific Plan shall be established as the SP-5 San Fernando Corridors Specific Plan zone, and shall be designated on the zoning map by the designation "SP-5."

The purpose of the San Fernando Corridors Specific Plan (SP-5) is to put in place regulations and strategies to transform the city's downtown and adjacent supporting districts into attractive, livable, and economically vital places, preserving and enhancing existing industrial uses along First Street, and safeguarding existing, surrounding residential neighborhoods. The plan sets forth a policy framework, development standards, design guidelines, and an implementation program that includes capital improvements. The development standards are mandatory, while the design guidelines are recommendations that provide potential applicants and the city with a basis for proposing and reviewing development applications.

The provisions of the San Fernando Corridors Specific Plan (SP-5) are applicable to all properties within the specific plan area. The regulations, development standards, and design guidelines as contained in the San Fernando Corridors Specific Plan shall apply in their entirety to the review of development proposals. All other provisions of the Municipal Code continue to apply within the specific plan area except as expressly provided to the contrary in the San Fernando Specific Plan. Where San Fernando Corridors Specific Plan development standards and design guidelines do not provide adequate direction, the City of San Fernando Municipal Code shall prevail.

(Ord. No. 1562, § 10, 1-3-2005; Ord. No. 1671, § 2(Exh. B), 12-20-2017)

Sec. 106-134. – Amendments to specific plans.

Unless otherwise indicated in the applicable specific plan, all amendments to an adopted specific plan shall require planning and preservation commission review and recommendation and city council review and approval in accordance with the procedures specified by law.

(Ord. No. 1562, § 10, 1-3-2005; Ord. No. 1671, § 2(Exh. B), 12-20-2017)

Sec. 106-135. – Consistency with specific plan.

No application for a discretionary approval, including, but not limited to, a conditional use permit, site plan review, tentative map or parcel map, may be approved, adopted or amended within an area covered by a specific plan, unless found to be consistent with the adopted specific plan.

(Ord. No. 1562, § 10, 1-3-2005; Ord. No. 1671, § 2(Exh. B), 12-20-2017)

Sec. 106-136. – Relationship of specific plan to San Fernando Zoning Ordinance.

The provisions of any adopted specific plan shall control over duplicative and conflicting provisions of the San Fernando Zoning Ordinance. In the event the adopted specific plan is silent as to a development standard or procedure, the provisions of the San Fernando Zoning Ordinance shall control.

(Ord. No. 1562, § 10, 1-3-2005; Ord. No. 1671, § 2(Exh. B), 12-20-2017)

Sec. 106-137—106-162. – Reserved.

DIVISION 6. – OVERLAY ZONES

Subdivision I. – RPD Residential Planned Development Overlay

Sec. 106-163. – Intent and purpose.

The intent of this division is to:

A. Encourage within the density standards of the general plan and zoning ordinance the development of a more desirable living environment by application of modern site planning techniques and building groupings or arrangements that are not permitted through strict application of the present zoning and subdivision ordinances.
B. Encourage the preservation of greater open space for visual enjoyment and recreational use.
C. Encourage a more efficient, aesthetic and desirable use of land.
D. Encourage variety in the physical development patterns of the city.

(Ord. No. 1270, § 30.200, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-164. – Use regulations.

Only uses permitted in the residential zone to which this RPD residential planned development overlay zone is added shall be permitted conditions of this division and subject to a conditional use permit (i.e., application of this zone to an R-1 zone is limited to the one single-family detached dwelling per lot in a permanent location).

(Ord. No. 1270, § 30.201, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-165. – Development standards.

Any project developed pursuant to this division shall comply with the following, and any permit issued shall be subject to such provisions established as conditions of approval:

Tables 106-165.1 through 106-165.2 prescribe the development standards for the RPD.

TABLE 106-165.1: LOT AND DENSITY STANDARDS – RPD OVERLAY		
District	**RPD**	**Additional Regulations**
Minimum project area (acres)	2	
Minimum area and dimensions of lot		
Minimum building site area (sq. ft.)	5,000	
Minimum building site width		
Interior lots (ft.)	50	
Corner lots (ft.)	55	
Minimum building site depth (ft.)	100	

TABLE 106-165.2: BUILDING FORM AND LOCATION STANDARDS – RPD OVERLAY		
District	**RPD**	**Additional Regulations**
Maximum Height	35 ft, or 2 stories	
Minimum Setbacks (ft.) from ultimate street right-of-way		

Front	15 to 25; 20 ft. average	See sections 106-188 and 106-189 for additional requirements on setbacks
Garage entrance	20	
Rear	25	
Side	10	
Minimum Setbacks (ft.) from property line not abutting street		
Side	5 (1)	
Rear	25	
Maximum Lot Coverage (% of Lot)	50	

Specific Limitations:

(1) An additional 2½ feet shall be required for side yards adjacent to a main building 20 feet or more in height.

A. *Density.* The total number of dwelling units in any residential planned development shall not exceed the number of which would be allowed through development under the applicable land use designation in the general plan. Consideration shall be given to compatibility with surrounding land uses relative to proposed densities, housing types, and buffering.

B. *Projections into required yards.* Standards for projections into required yards shall be as follows:

1. Balconies, decks, porches, terraces, and exterior steps in excess of 30 inches in height may project five feet into the minimum rear yard setback.
2. Architectural projections such as eaves, cornices, canopies or cantilevered roofs shall maintain at least a 7½-foot clearance with the ground. Such architectural projections may project into minimum yard setback as follows:
    a. Three feet into the minimum side yard setback provided that the minimum distance between the eave line or other projection shall not be less than six feet between any projection on an adjacent lot.
    b. Three feet into the minimum rear yard setback.
    c. Three feet into the minimum front yard setback.
3. Chimneys, fireplaces, wing walls and other minor architectural features may project into the minimum setback a maximum of two feet.

C. *Access.* Each building site shall abut and have vehicular access from a dedicated public street.

D. *Off-street parking.* There shall be not less than two covered off-street parking spaces within a fully enclosed garage for each dwelling unit.

E. *Walls, fences and landscaping.* Walls, fences and landscaping shall conform to the following:

    a. The commission may require appropriate walls, fencing and landscaping around the project.
    b. A landscaping plan for all common open areas shall be submitted with the other plans. Approval of the landscape element shall include approval of an acceptable watering system, and assurance of continued maintenance.

F. *Signs.* For signs, the provisions of the zone in which the project is located shall apply.

G. *Minimum dwelling unit floor area.* The minimum floor area for each dwelling unit shall not be less than the requirements established by the zone.

H. *Common open space elements.* The planning commission shall review and approve the location, intent, landscape treatment and method of maintaining each common open space or recreational elements proposed. The commission may require as a condition of approval such improvements, fencing, walls or landscaping necessary to protect abutting residential development.

I. *Other conditions.* The planning commission may require other conditions of approval in keeping with the intent and purpose of this division and the principles of residential planned development.

(Ord. No. 1270, § 30.202, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-166. – Procedure.

A. *Concept plan review.* Prior to the submission of an application for a conditional use permit for an RPD residential planned development, the applicant shall submit, for preliminary review by the Director, a concept plan. The concept plan should include, but is not limited to, the following:

1. A schematic plan showing in general terms the uses proposed, densities, types of housing units, open spaces, streets, extent of grading, and landscaping.
2. Calculations of the site area, number of dwelling units, and open space area.

No decision will be made; however, the comments and suggestions of the Director may assist the applicant in developing more precise plans.

B. *Conditional use permit application.* An application for a conditional use permit to allow a residential planned development shall be filed by the applicant and acted upon by the commission, pursuant to Division 7 of Article V of this chapter. The application shall be accompanied by 15 copies of the general development proposal, including the following:

1. Architectural and topographical survey map of the site and the area within 100 feet of the site, including all existing structures, improvements, trees, natural features, waterways, elevations, and contour lines (intervals not more than five feet, except where authorized by the Director). An aerial photograph may, with approval of the Director, be accepted in lieu of the map.
2. General development plan showing the general location of all proposed structures and uses, types of housing, location and widths of streets, parking areas, pedestrian and bicycle circulation, recreation facilities, dedicated and commonly owned open space areas, extent of landscaping and grading (including two section drawings of the site, one generally north-south and one east-west, showing the existing contour and proposed graded contour of the site); geological and soil survey reports; method of drainage; an indication of the phasing of the development with each workable phase (see subsection E. of this section) delineated; and a time schedule for the completion of each workable phase.
3. Computations of gross site area, number and sizes of units in various housing types, common open space area and number of covered and uncovered parking spaces. Where the development is to be completed in phases, these computations shall also be shown for each workable phase of the development.
4. Any of the requirements in subsections B.1. through B.3. of this section may be modified or waived by the Director, upon the finding that such requirement is unreasonable or unnecessary for the particular proposal, and the Director shall inform the commission of any such modification or waiver prior to the hearing of the application.
5. Three copies of rough drafts of proposed legal agreements and documents, including homeowners' association, deed restrictions, covenants, dedication of development rights, easements, and proposed method of maintenance and perpetuation of open space areas.
6. Full disclosure of governmental programs, if any, under which the housing will be developed.
7. Such other data or plans as may reasonably be required by the commission for a proper and complete consideration of the proposed development.
8. Where subdivision of land is intended, tentative maps may be processed concurrently with the conditional use permit application; such tentative maps shall be drawn and submitted pursuant to chapter 78 of this Code.

C. *Revisions to plan.* If, at the request of the applicant, revisions to the general development plans are desired, the following guidelines will be used by the Director in determining the proper course of action:

1. For minor revisions not involving a change in use, increase in density or extent or general location of buildings, or reduction in area of open space, the plans need not be returned to the commission; however, approval of the Director is required.

2. For revisions involving an increase in density, traffic flow or reduction of open space of no more than ten percent, and/or major change in location of building and open space, the revised plans must be reviewed by the commission and the conditional use permit amended as required.

3. For major revisions involving a change in use or a decrease in the area of open space exceeding ten percent, a new conditional use permit application must be filed, a new filing fee paid, and public hearing scheduled.

D. *Bond for all common area and off-site improvements.* Prior to issuance of a building or grading permit, and prior to approval of a final map where subdivision is involved, a bond or other acceptable security shall be posted to ensure the completion of all common area and off-site improvements within any phase of the development, including landscaping, recreational facilities, and other site features pursuant to approved plans.

E. *Phase.* No occupancy permit shall be granted for any structure and no parcels, lots or portion of a residential planned development site shall be separately sold or encumbered, until approval of the Director, upon the finding that all of the common area and off-site improvements in the phase of which such structure, parcel, lot or portion is a part are completed to the extent that the dwelling units are accessible and livable, and all dwelling units in the workable phase are substantially developed (all building walls covered), pursuant to the approved plans. A bond or other guarantee of substantial completion of all dwelling units in a phase may be accepted by the city in lieu of substantial completion. The commission may waive this requirement for substantial completion of all dwelling units in a phase upon the finding that, in the particular residential planned development, it is unnecessary for the protection of the city's residents' interest. A workable phase shall consist of either an entire residential planned development or a portion of a residential planned development which, in itself, is functional and meets the density and open space requirements of this chapter. The division of any residential planned development into workable phases shall be approved by the commission during the general development plan review.

F. *Time limit.* If construction has not been completed to the point of foundation inspection for a unit within one year, or if the phase has not been completed within two years from the date of final approval of the final development proposal for the phase, the conditional use permit shall expire and be of no further effect, and any final map for the subdivision thereof shall become null and void, and the city, at its option, may cause the owner of the property to process, through the city, a subdivision to revert the property to acreage. A one-year extension may be granted by the commission for good cause and where conditions of the surrounding area have not changed to the extent that the general development proposal for the residential planned development or the final development proposal for any phase thereof no longer meets the conditional use permit or plan review criteria.

G. *Review criteria*. Developments constructed under this division shall be of a superior design and quality and may include common recreation facilities not normally provided in a standard residential development which would occur under the applicable development standards of this chapter. During the review of the general development plans at the conditional use permit hearing, the commission shall use the following criteria in evaluating the proposed development:

1. The proposed residential planned development conforms to the intent of the general plan and any specific plans adopted by the city.

2. The site and grading plans indicate proper consideration for the preservation of existing trees and native plant growth, watercourses and other natural features, and natural topography.

3. The plans for the proposed development show that proper and adequate consideration has been given to privacy at the individual, family and neighborhood levels, including visual and acoustical privacy, in terms of the separation and orientation of dwelling units and private outdoor living areas.
4. The plans indicate that proper consideration has been given to auto and pedestrian circulation discouraging through traffic on local streets, speed control, access, convenience, safety, and the recreational aspects of pedestrian and bicycle circulation, and that the design of any proposed streets that vary from city standards indicates that they will perform the function required and that the off-site improvements will not create maintenance costs to the city which greatly exceed the costs for standard off-site improvements.
5. The plans indicate that the common open space areas will be usable for recreation and/or valuable for views, conservation and/or separation of dwelling units.
6. The plans indicate that proper consideration has been given to the provision of common recreation areas and facilities, in relation to the size of the private lots and reduced recreation opportunities in private yards.
7. The plans indicate proper consideration for adjacent existing and future developments, and the extension of the circulation, open space, drainage and utility systems from one development to another.

(Ord. No. 1270, § 30.203, 9-30-1985; Ord. No. 1305, 6-15-1987)

Subdivision II. – PD Precise Development Overlay

Sec. 106-167. – Intent and purpose.

The PD precise development overlay zone may be applied as an additional zone classification to land zoned under any other zone classification of this chapter. Areas zoned PD shall be subject to compliance with an approved precise plan of development including any conditions established thereon by the commission.

(Ord. No. 1270, § 30.500, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-168. – Use regulations.

Only those uses permitted in the zone to which the PD precise development overlay zone is added shall be permitted under conditions of this division.

(Ord. No. 1270, § 30.501, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-169. – Development standards.

The provisions of the zone to which the PD precise development overlay zone is added shall apply. In addition, the development shall conform to any conditions established on the approved precise plan of development.

(Ord. No. 1270, § 30.502, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-170. – Special provisions.

A. *Procedure.* Development of land in a PD precise development zone for any specific use shall be subject to the issuance of a certificate of use. The issuance of such a certificate of use shall not authorize the development or utilization of the land in question for any other use. All procedures regarding a certificate of use in a precise development zone, or the revocation or modification thereof, shall be governed by provisions establishing procedures related to conditional use permits as amended from time to time. The application for a certificate of use in a precise development shall include the following:

1. A boundary survey map of the property. A tentative subdivision map may be substituted for this requirement if the applicant proposes to subdivide the property.
2. Existing topography of the development area shall be shown with contours at not more than two-foot intervals.
3. The gross land area of the development, the present zoning classification thereof, and the zoning classification and existing land use on all adjacent properties, including the location of structures and other improvements thereon.
4. A general development plan with at least the following details shown to scale and dimensioned:
    a. Location and use proposed for each existing and each proposed structure in the development area, the number of stories, gross building area, and approximate location of entrances.
    b. All existing and proposed storage, curb cuts, driving lanes, parking areas and loading areas.
    c. All pedestrian walks and open areas for the use of occupants of the proposed development and the public.
    d. Types of surfacing proposed for all walks and driveways.
    e. A detailed plan for the landscaping of the development, including the location and heights of all proposed walls, fences and screen planting, and a statement setting forth the method by which such landscaping and fencing shall be preserved and maintained.
    f. A grading plan for the entire development.
    g. All existing or proposed physical features such as hydrants, utility facilities, floodlights, drainage facilities and recreation facilities, and a statement setting forth the method by where these features shall be preserved and maintained.
    h. Any additional drawings or information as may be required by the commission.
5. Plans and elevations of one or more structures to indicate architectural type and materials of construction.

B. *Planning commission authority.* The planning commission shall have the authority, as an administrative act, subject to the provisions of this section, to require conditions of development in addition to those required by the zone, where it is determined that such conditions are necessary to further the objectives of the general plan and are in harmony with the intent, purpose and spirit of this chapter and/or where such additional requirements are deemed essential to protect the public safety and general welfare of the community. All special conditions established by the commission in accordance with this section may be appealed to the council.

(Ord. No. 1270, § 30.503, 9-30-1985; Ord. No. 1305, 6-15-1987)

Subdivision III. – MUO Mixed Use Overlay

Sec. 106-171. – Intent and purpose.

The MUO mixed use overlay zone is established to provide development opportunities for integrated, complementary residential and commercial development on the same parcel or a contiguous group of parcels. The MUO zone may be applied as an additional zone classification to land zoned C-1 limited commercial zone or C-2 commercial zone.

Sec. 106-172. – Use regulations.

A. Property may be developed solely for residential uses at a density range of 20-35 units per acre.

B. Property may be developed solely for uses permitted or conditionally permitted in accordance with the provisions of the underlying zoning district.

C. Uses mandated by state law to be permitted in mixed use zone districts are permitted in the Mixed Use Overlay (Transitional and Supportive Housing, Low Barrier Navigation Centers and Accessory Dwelling Units).

D. If property is developed with a mix of residential and non-residential uses within the same project area, the following are required:

1. For the commercial component, property may be developed with uses permitted or conditionally permitted in accordance with the provisions of the underlying zoning district, except for the specific limitation identified in section 106-72.
2. Commercial uses are required on the ground floor adjacent to arterial streets and at all corners adjacent to arterial streets.
3. On corner parcels, the non-residential use shall turn (wrap around) the corner for a distance of at least 30-feet, or at least 50% of the building façade, whichever is less. The termination of use shall occur at an architectural break in the building.
4. For buildings located within 20 feet of a public street, the non-residential component of a mixed-use project shall contain at least 60% pedestrian-oriented commercial uses intended to increase pedestrian activity on the adjacent streets. Other non-residential uses may be substituted for commercial uses, if authorized by a resolution of the Planning and Preservation Commission, provided, it can be demonstrated that such non-residential use will increase pedestrian activity on the adjacent streets and is not a prohibited use listed below.
5. All commercial tenant spaces on the ground floor shall have a minimum depth of 30 feet.
6. Overall commercial floor area shall be a minimum of 25% of the project's total gross floor area.
7. Residential uses shall occupy a minimum of 50% of the project's total gross floor area.
8. The minimum residential density permitted is 20 units per acre.
9. The permitted residential component of the mixed-use project includes:
10. Multiple-family dwellings;
11. A live-work unit, defined as a dwelling unit that combines residential and commercial or office space within the same space, shall be considered a residential unit or development in the Mixed Use Overlay. A live-work unit or development must comply with all building code requirements which may require size, separation and use requirements and limitations.
12. The following uses and activities shall not be permitted within the Mixed Use Overlay zone when a mixed use project is proposed:
    a. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, or any similar use.
    b. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
    c. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.
    d. Any activity or use, as determined by the responsible review authority 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 gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

1. After approval, a mixed-use building shall not be converted to entirely residential use.
2. A City-approved covenant shall be executed by the owner of each residential unit within a mixed use development for recording in the land records of Los Angeles County, and shall include statements that the occupant(s) understand(s) and accept(s) the person is living in a mixed use

development, and that commercial activities are permitted pursuant to the regulations in the SFMC. If the project includes rental residential units, the project owner shall execute such covenant and a copy of the recorded covenant shall be provide to each new occupant of the rental units.

Sec. 106-173. – Density and massing development standards.

Any project developed pursuant to this division shall comply with the following, and any permit issued shall be subject to such provisions established as conditions of approval. Please note if residential uses are not proposed, only the Development Standards of the underlying zone district apply:

TABLE 106-186: DEVELOPMENT STANDARDS – MIXED-USE OVERLAY (MUO)				
District	**MUO (100% Commercial)**	**MUO (100% Residential)**	**MUO Mixed-Use**	**Additional Regulations**
Density (du/acre)	N/A	20-35	20-35	
Yards/ setbacks (ft.)				See sections 106-188 and 106-189 for additional requirements on setbacks.
Front (min./max.)	(1)	5/10 (3)(4)	0/15 (2)(4)	Reference to living wall requirements
Street side (min./max.)	(1)	5/10 (3)(4)	0/0 (2)(4)	
Interior Side (min.)	(1)	5 [5]	0 (5)	
Rear	(1)	5 [5]	0 (5)	
Maximum height (ft.)	(1)	45 (7)	45 (7)	
Building site coverage (max. %)	(1)	80	80	
Open space standards (sq ft.)				See section 106-173 C.
Private (min.)	-	80	60	
Common (min.)	-	100	100	

Specific Limitations:

(1) Follow the base zone district (Section C-1 & C-2) development standards.

(2) A 0-15-foot setback is allowed to accommodate pedestrian-oriented outdoor uses and amenities which the Director of Community Development determines are appropriate to an urban setting, such as outdoor patio dining areas, plazas and courtyards, fountains, public art, entry forecourts, and landscaping.

(3) A reduced setback may be permitted if the ground floor is used for non-living areas such as manager's office, gym, etc.

(4) A 15-foot setback is required when abutting single family residential uses to match front yard setback.

(5) A 10-foot setback is required if proposed or existing uses will abut existing or proposed non-residential uses.

(6) Applies to the non-residential components of the project only

(7) Certain Roof mounted structures may exceed height. See Division 6 of Article III.

A. General Standards

1. Screening. When a multi-story building is proposed and the second story or above is located within 50 feet of the side or rear yard of a single-family lot, screening measures should be applied to provide a reasonable degree of privacy.
    a. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior of the unit, incorporating wing walls or louvers, using glass block or other translucent material, and other such methods.
    b. Sufficiency of Screening. The Planning and Preservation Commission shall determine the sufficiency of the proposed screening measures and may require additional measures.
2. Security Barriers.
    a. Any security barriers installed on the windows or the doors of the premises shall be installed only on the interior of the building and in compliance with all City Building, Zoning, and Fire Codes.
    b. Security barriers shall meet the following criteria:
        i. Only open grill design security systems located on the inside of the building shall be permitted on elevations visible from the street.
        ii. Open grill design security systems shall be primarily transparent with not less than seventy-five percent (75%) visibility from the street.
        iii. Solid roll-down security doors are prohibited unless part of a vehicle loading bay.
        iv. Interior security gates shall be opened and fully retracted during the hours of operation.

B. Building Standards

1. Façade modulation and articulation.
    a. Building Length Articulation. At least one projection or recess shall be provided for every 50 horizontal feet of wall in one of the following manners:
        i. Projections or recesses for buildings 50 feet wide or less shall be exempted from the building length articulation requirement; projections or recesses for buildings greater than 50 feet in width but less than 100 feet in width shall be no less than 12 inches in depth; or projections or recesses for buildings 100 feet wide or wider shall be no less than 24 inches in depth.
        ii. The depth and width of the projection or recess shall be proportionate to the overall mass of the building.
    b. Building Height Articulation. In order to maintain a human scale for multi-story buildings, the height of façades shall be broken into smaller increments as follows:
        i. Ground Floor. A substantial horizontal articulation of the façade shall be applied at the top of the first story. This element shall be no less than 18 inches tall, and should project from the adjacent wall plane. It shall be designed as a cornice, belt course, or a similar architectural element which is appropriate to the style of the building.
        ii. Top Floor. Buildings or portions of buildings which are three stories in height or taller shall also provide articulation for the top story of the building. This may be accomplished by a color change, material change, a cornice/belt course at the bottom of the uppermost story, by stepping the uppermost story back, or similar measures.

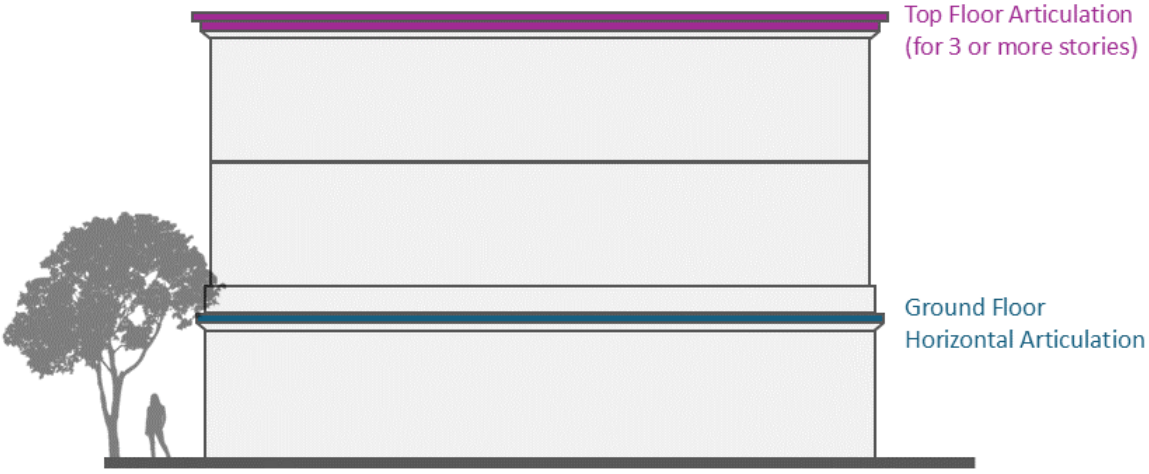


Figure 106-173.1. Building Height Articulation

c. Blank building facades shall be prohibited. Building facades without the use of windows or doors shall not span a continuous horizontal length greater than 20 feet across any story.

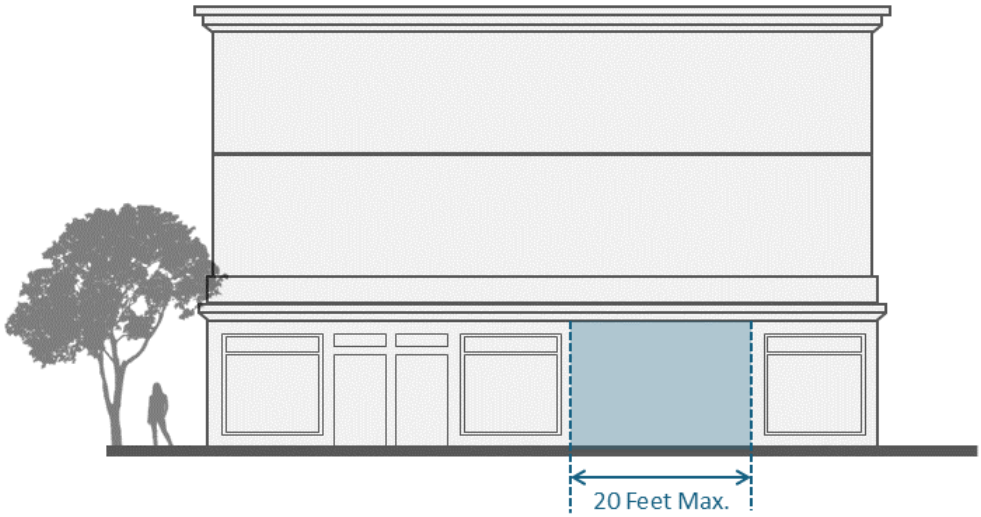


Figure 106-173.2. Blank Façade

d. Façade design.

i. The street-facing façade shall use of at least two different façade materials or colors, each covering a minimum of 20 percent of the street-facing façade.

ii. All façade materials and colors, such as siding, window types, and architectural details, used on the street-facing façade shall be used on all other building façades.

2. Transparency. Placement and orientation of doorways, windows, and landscape elements shall create strong, direct relationships with the street. Street-facing façades of all buildings shall incorporate windows and openings providing light to adjacent spaces, rooms, and uses.

a. Commercial ground-floor uses. Windows and openings facing streets shall constitute a minimum of 50% of street-facing building faces. Windows shall provide a clear and transparent view into ground floor-uses or shall display merchandise to reinforce a pedestrian scale. Film may be provided to protect from the sun or as required to satisfy

State or local energy efficiency requirements as long as some level of transparency is maintained.

b. Commercial upper-floor uses. Windows and openings facing streets shall constitute a minimum of 40% of street-facing building faces.

c. Residential ground-floor uses. Windows and openings facing streets shall constitute a minimum of 30% of street-facing building faces.

d. Residential upper-floor uses. Windows and openings facing streets shall constitute a minimum of 20% of street-facing building faces.

C. Open Space Standards. Maintaining open space areas provides recreational opportunities, allows sunlight to enter into living spaces and provides a spacious and inviting feel. Open space requirements are as follows:

1. Private open space(s) attached to residential units shall be designed to avoid direct visibility into the interiors of adjacent units.
2. Any common open space shall measure at least 15 feet in length in any direction. A minimum of 25 percent of the total area of the common open space shall be landscaped.
3. The following regulations apply to required residential open space areas within all mixed-use zoned lots.
    a. More than one open space area may be provided on a lot. The sum of square footages for all eligible open space areas on a lot shall comprise the total open space area for that lot.
    b. Required side or rear yard areas may be included in the calculated open space area but a required front yard area may not.
    c. All required open space shall be usable. Usable open space shall be improved to support residents' passive or active use. Such open space shall be located on the same parcel as the dwelling units for which it is required. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as swimming pools, changing facilities, fountains, planters, benches, and landscaping.
    d. Open space areas shall have no parking, driveway or right-of-way encroachments.
    e. Usable open space does not need to be located on the ground. Rooftop gardens and rooftop landscaping, including rooftops above parking structures, may be used to satisfy the open space requirement. Rooftop open space features and vertical projections such as sunshade and windscreen devices, open trellises, and landscaping shall not exceed 16-feet in height beyond the maximum permitted height.
4. Landscaping. A landscaping plan for all common open areas shall be submitted with the other plans. Approval of the landscape element shall include approval of an acceptable watering system, and assurance of continued maintenance.
    a. New development shall plant new trees and bushes along the main street frontage to the full extent.
5. Fences, walls, and hedges.
    a. Whenever a mixed-use zoned lot shares a side or rear property line with a residentially zoned lot, and non-residential uses are located within 15 feet of that side or rear property line, a six-foot tall solid masonry wall shall be provided, along or adjacent to all such side and rear lot lines. The wall shall conform to the height regulations applicable to front yard areas of the residentially zoned lot having the common lot line. A landscape buffer shall also be provided along the shared lot lines.
    b. Roll down security gates or fencing may not be on the exterior of buildings.

D. Parking Standards
    1. Applicable Standards. The applicable standards and requirements, including number of minimum parking stalls, required in Division 3 of Article V of this chapter shall apply, with the following additional standards in this subsection.
    2. Parking reduction in proximity to transit. Pursuant to Government Code § 65863.2, the required off-street vehicular parking may be waived for certain projects within one-half mile distance of public transit, as applicable.
    3. Parking reduction for mixed-use and residential projects. A reduction in off-street parking requirements may be granted pursuant to Division 3 of Article V.
    4. Screening.
        a. Screening. Any parking structure with at least one floor of parking at grade or above, and which contains primary property frontage along a primary street, shall incorporate wrapped residential uses or retail businesses with shopping windows viewable from the sidewalk along the ground floor, or two or more of the following features:
            i. Display or shopping windows;
            ii. Landscape material (e.g., foundation plantings, vertical trellis with vines, planter boxes with cascading landscape material) that results in the parking structure being adequately screened from adjoining parcels;
            iii. Architectural detailing and articulation that provides texture on the façade or structure openings and effectively integrates the parking structure into the basic building design.
        b. Surface parking. Surface parking shall be located on the interior side or rear of the site to the greatest extent practicable. Surface parking between the sidewalk and buildings shall be prohibited unless no alternatives are feasible.

E. Site Standards
    1. Access and circulation.
        a. Building entrances.
            i. Street-facing primary entrances for non-residential uses shall be accessible to the public during business hours. Residential and non-residential entries shall be clearly defined features of front façades, and of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance, while maintaining a pedestrian scale.
            ii. When non-residential and residential uses are located in the same building, separate exterior pedestrian entrances, elevators and lobbies shall be provided for each use. The entrances for non-residential uses shall be designed to be visually distinct from the entrances for residential uses.

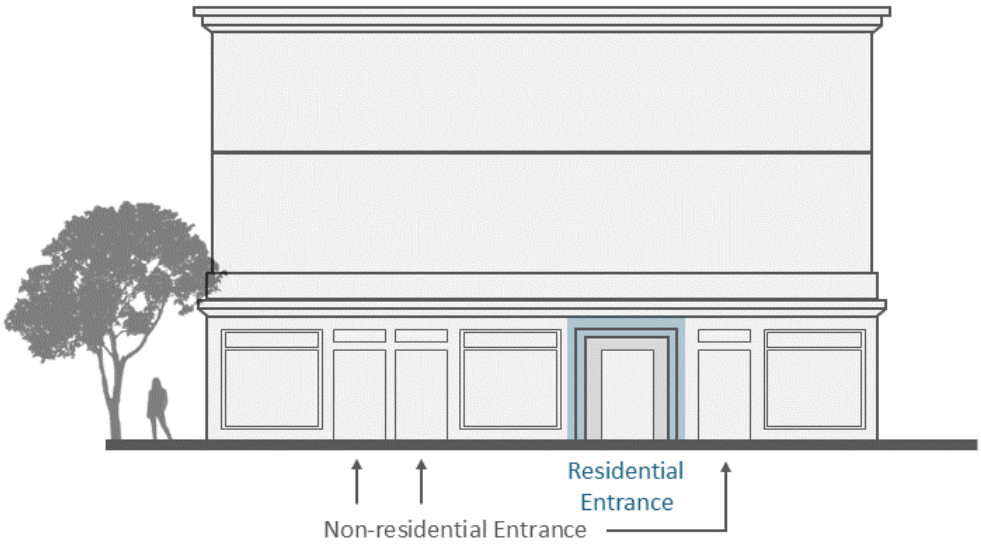


Figure 106-173.3. Building Entrances

b. Pedestrian access. Pedestrian access from the adjacent street public right-of-way shall be incorporated into all ground floor uses within the MUO zone.

c. Development projects shall promote walkability and connectivity to include design and orientation standards including:

i. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas and pedestrian amenities.

ii. Lighting shall be incorporated along sidewalks or other pedestrian walkways to enhance the pedestrian environment and provide for public safety. Lighting shall be low mounted and downward casting in a manner that reduces light trespass onto adjacent properties.

iii. Connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the primary entry and sidewalk, generally no more than 125% of the straight-line distance.

2. Exterior lighting. Lighting for non-residential uses shall be appropriately designed, located, and shielded to ensure that they do not negatively impact the residential uses in the development nor any adjacent residential uses. All exterior lighting shall be 90 degrees cutoff downlight. The rays of any such lighting shall be confined to the property. No spillover shall be permitted.

3. Trash and Recycling. Recycling and refuse storage facilities for non-residential uses shall be separate from residential uses, clearly marked, located as far as possible from residential units and shall be completely screened from view from the residential portion of the development. Recycling and refuse storage facilities for non-residential uses shall be compatible in architectural design and details with the overall project. The location and design of trash enclosures shall mitigate nuisances from odors when residential uses might be impacted. Trash areas for food service and sales uses, when occupying the same building as residential uses, shall be refrigerated to control odor.

4. Signs. The applicable provisions for signs in Division 9 of Article III shall apply.

5. Loading and unloading. Where applicable, the covenants, conditions, and restrictions of a mixed-use development shall indicate the times when the loading and unloading of goods may occur on

the street, provided that, in no event, shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week.

6. Uses restricted to indoor. All non-residential uses must be conducted wholly within an enclosed building. The following uses or businesses are exceptions to this rule:
7. Outdoor dining and food service in conjunction with a cafeteria, café, restaurant or similar establishment;
    a. Other sales and display areas as approved through a conditional use permit or similar discretionary permit; and
    b. Other uses as approved by the Planning and Preservation Commission through a Conditional Use Permit process.
8. Outdoor sale and display location. No outdoor sale or display area shall occupy any required parking spaces or required yard areas.

Sec. 106-174. – Procedure.

A. Development of land in a MUO mixed use overlay zone for mixed use development shall be approved with a site plan review procedure, unless proposed non-residential uses require a conditional use permit. In that case, a conditional use permit is required. Housing development projects with 20% affordable units shall be processed ministerially under the Zone Clearance, Streamlined Development process.

B. As part of the Site Plan Review or Conditional Use Permit submittal, the applicant shall submit a copy of a sewer and water capacity analysis prepared by a licensed engineer that shows that existing or proposed sewer and water infrastructure is adequate to support operations of the mixed use development.

C. As part of the Site Plan Review or Conditional Use Permit submittal, the applicant shall submit a copy of a fiscal analysis that provides a detailed evaluation of the potential financial impacts on municipal services, including any projected increase in costs of providing municipal services like police, fire, and code enforcement services.

ARTICLE III.- GENERAL REGULATIONS

DIVISION 1. – GENERALLY

Sec. 106-175—106-187. – Reserved.

Sec. 106-188. – Exceptions to setback depths.

A. For the purposes of this article, on existing lots of record less than 100 feet in depth may have a front and rear setback equal to 20 percent of the depth of the lot of record.

B. On existing lots of record less than 50 feet in width may have a side yard equal to ten percent of the width of the lot but not less than three feet.

C. In the commercial zone, a land parcel constituting initial platted lots of record and comprising 7,000 square feet or less may have a street right-of-way setback depth equal to the average setback depth of the immediately adjoining buildings abutting the same street.

D. Any one side or rear setback depth, whichever is applicable, may be varied on an existing nonconforming permitted structure in a residential district to an average side or rear setback depth found for similar located structures on lots within the block. Where applicable average depth is less than the existing setback depth, the given setback depth for the present structure shall govern. Where no applicable average depth is found for similarly located structures on lots within the block, established setback depth for the district shall govern. Total area of the proposed structural expansion may not exceed 50 percent of the total surface area of one side of the existing structure, nor shall the proposed structural expansion

when completed result in having a detrimental effect on the adjoining property's fire safety and enjoyment of light and air.

E. Where an existing easement depth from the property line is greater than the required setback depth from the property line for a principal or accessory structure, the easement depth shall prevail as the required setback for the principal or accessory structure.

(Ord. No. 1270, § 30.601.02, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-189. – Projections into required setback area.

Building projections may extend into, and other encroachments may be located in, required yards according to the standards of Table 106-189 and are subject to all applicable requirements of the Building Code. The "Limitations" column states any other limitations that apply to such structures when they project into required yards.

TABLE 106-189: ALLOWED BUILDING PROJECTIONS AND ENCROACHMENTS INTO REQUIRED YARDS				
Projection/Encroachment	**Front or Street Side Yard (ft)**	**Interior Side Yard (ft)**	**Rear Yard (ft)**	**Limitations**
Porte cochere or carport (attached)	Not permitted	6	5	All roof drainage shall be designed onto the property where the porte cochere or carport are located.
Porte cochere or carport (detached)	3	3	3	
Balconies, decks, porches, terraces, exterior steps (in excess of 30 inches in height), and exterior stairways (unroofed and unenclosed)	5	3	5	Projections shall not be closer than two (2) feet to any side property line or three (3) feet to any front or rear property line of a building site, when projecting into any required setback area.
Eaves, cornices, canopies and cantilevered roofs	25%	40%	25%	Projections shall not be closer than two (2) feet to any front, side, or rear line of the building site when projecting into a required setback area.
Chimneys, fireplaces, wing walls and other minor architectural features	2	2	2	Projections shall not project into any required setback area so as to be closer than three (3) feet to any property line of the building site.

All other projections not mentioned above	3	3	3	Projections shall not be closer than three (3) feet to any property line of the building site.

(Ord. No. 1270, § 30.605.03, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106.190. – Access.

A. *Access to streets.*
   1. Every structure shall be constructed upon, or moved to, a legally recorded parcel with a permanent means of access to a public street, in compliance with City standards.
   2. All structures shall be properly located to ensure safe and convenient access for servicing, fire protection, and parking.
   3. Parcels located on a private street, which were legally established before the effective date of this Title, are exempt from the required compliance with the latest adopted City standards for private streets.

B. *Pedestrian access.* All multiple-family residential, non-residential, or mixed use developments shall provide a minimum of one pedestrian walkway of no less than four feet in width, from each adjoining street frontage connecting said street with either the main building entrance or common pedestrian corridor.

C. *Access to Accessory Structures.* Accessory structures and other on-site architectural features shall be properly located to ensure that they do not obstruct access to main structures or accessory living quarters.

Secs. 106-191—106-211. – Reserved.

DIVISION 2. – STREET DEDICATION AND IMPROVEMENT

Sec. 106-212. – Exceptions.

Section 106-214 does not apply to the following buildings or structures if they comply with all other sections of this chapter:

A. Electrical distribution and transmission substations.

B. Water storage tanks, water reservoirs and water pumping plants, but excluding offices or maintenance yard facilities.

C. Gas measurement, distribution and meter control stations.

D. Telephone repeater stations.

(Ord. No. 1270, § 30.660.01, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-213. – Requirement.

Except as otherwise provided in this division and this article, no building or other structure shall be used on any lot, any portion of which abuts upon any public street, unless the one-half of the street which is located on the same side of the centerline as such lot has been dedicated and improved as provided in this division.

(Ord. No. 1270, § 30.660.02, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-214. – Dedication standards.

Streets shall be dedicated to one-half the planned ultimate width, measured from the centerline, and including corner cutoffs. All such rights-of-way are to be determined by the Director as specified in the subdivision ordinance in chapter 78 of this Code and the circulation element of the general plan.

(Ord. No. 1270, § 30.660.03, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-215. – Improvements.

Before a structure subject to this article may be used, curbs, gutters, sidewalks and drainage structures where required shall be constructed at the grade and at the location specified by the Director of public works unless these already exist within the present right-of-way; in such cases, all damaged sidewalks, curbs and drainage structures shall be replaced or repaired as required by the Director of public works; or on property the owner has agreed to dedicate, curbs, gutters, sidewalks and drainage structures which are adequate, and the Director of public works so finds.

(Ord. No. 1270, § 30.660.04, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-216. – Agreement to dedicate.

In lieu of dedication as provided in this division, the Director of public works may accept an agreement to dedicate signed by all persons having any right, title, interest or lien in the property, or any portion thereof, to be dedicated. The signatures on such agreement shall be acknowledged and the Director of public works shall record such agreement in the office of the county recorder.

(Ord. No. 1270, § 30.660.05, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-217. – Agreement to improve.

A. In lieu of the required improvements under this division, the Director of public works may accept from any responsible person a contract to make such improvements. The improvements shall be completed within the time specified in the agreement to improve, except that the Director of public works may grant such additional times as he deems necessary if, in his opinion, a good and sufficient reason exists for the delay.

B. Such contract shall be accompanied by a deposit with the city of a sum of money or negotiable bonds or savings and loan certificates of shares in an amount which, in the opinion of the director of public works, equals the cost thereof. If savings and loan certificates or shares are deposited, the owners thereof shall assign such certificates or shares to the city, and such deposit and assignment shall be subject to all the provisions and conditions of the Director of public works.

C. If the estimated cost of the improvements equals or exceeds $1,000.00, in lieu of such deposit, the applicant may file with the city a corporate surety bond guaranteeing the adequate completion of all the improvements, in a penal sum equal to such estimated cost.

D. Upon the failure of the responsible person to complete any improvement within the time specified in an agreement, the council may, upon notice in writing of not less than ten days served upon the person signing such contract, or upon notice in writing of not less than 20 days served by registered mail addressed to the last known address of the person signing such contract, determine that the improvement work or any part thereof is incomplete and may determine that the responsible person is in default and may cause the improvement security or such portion of deposits or bonds given for the faithful performance of the work, as is necessary to complete the work, to be forfeited to the city, or may cash any instrument of credit so deposited in such amount as may be necessary to complete the improvement work.

(Ord. No. 1270, § 30.660.06, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-218. – Existing structures.

Sections 106-213 to 106-216 do not apply to the use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot, if the total value of such alteration, enlargement or construction does not exceed one-half of the current market value of all existing buildings or structures on such lot.

(Ord. No. 1270, § 30.660.07, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-219. – Parkway trees.

Parkway trees are required to be provided and planted by the owner or developer of any lot in connection with any construction on such lot requiring a permit valued under the building code in excess of $1,000.00, except as otherwise provided in the following:

A. Such parkway trees shall be planted in the public easement (parkway strip) between the street pavement and the lot line of such lot. If a sidewalk exists in such parkway strip without provision for parkway trees, tree wells shall be provided as part of such parkway tree requirement.

B. No occupancy permit shall be issued for such construction on such lot until the required parkway trees have been planted or such planting has been provided for in accordance with this section and the specifications of the Director of public works. Such provision may be made by bond in an amount not to exceed the estimated cost of the parkway tree requirement.

C. Notwithstanding subsections (1) and (2) of this section:

    1. The total estimated cost of the parkway tree requirement shall not exceed one-third of the estimated value of the improvements provided for in such permit; and

    2. Where adequate public right-of-way (parkway strip) does not exist, or where the adjacent street is not improved with curb, gutter and sidewalk, such parkway tree requirement may be waived in connection with such building permit. Such waiver shall not affect the requirement for parkway trees in connection with any subsequent application for a building permit with respect to such lot.

D. This section shall not apply to incidental construction on already developed residential lots. Such incidental construction shall include, but not be limited to, room or patio additions, room realignment, and swimming pool and garage construction. Incidental construction as used in this subsection shall not include the construction of a residential unit.

(Ord. No. 1270, § 30.660.08, 9-30-1985; Ord. No. 1305, 6-15-1987)

Cross reference(s)—Vegetation, ch. 98.

Sec. 106-220. – Landscape maintenance.

A. Prior to the installation of the landscaping in the public right-of-way, the developer shall provide for the continued maintenance by an agreement with the city.

B. Lawn and ground cover shall be trimmed or mowed regularly. All planting areas shall be kept free of weeds and debris.

C. All plantings shall be kept in a healthy and growing condition. Fertilization, cultivation, and tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances.

D. Irrigation systems shall be kept in working condition. Adjustments, replacements, repairs and cleaning shall be a part of regular maintenance.

E. Trees shall be staked and tied with lodge poles.

F. Stakes and ties on trees shall be checked regularly for correct functions. Ties shall be adjusted to avoid creating abrasions or girdling on trunks or branches.

(Ord. No. 1270, § 30.665.0, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-221—106-246. – Reserved.

DIVISION 3. – VEHICULAR PARKING LOADING AND MANUEVERING AREAS

Subdivision I. – In General

Sec. 106-247. – Paving and drainage of vehicular areas.

A. All areas used for the movement, parking, loading, repair, or storage of vehicles of any type, other than mobile home sites, shall be paved with either:

1. Concrete to a minimum thickness of 3½ inches;
2. Asphaltic pavement to a minimum thickness of 1½ inches over four inches of crushed rock, gravel or similar material; or
3. Other surfacing material providing equivalent life, service and appearance in the opinion of the Director of public works.

B. All such areas shall be graded and drained to dispose of all surface water. Drainage shall not be permitted across the surface of sidewalks or driveways, except for vehicular areas serving residential uses.

(Ord. No. 1270, § 30.670.01, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-248—106-276. – Reserved.

Subdivision II. – Off-Street Parking and Loading

Sec. 106-277. – General requirements.

Every use of property shall be required to provide the number of off-street parking spaces which satisfies the needs of the use. The required parking spaces shall be used only for the purpose of parking vehicles. Unless otherwise specified in this division, the off-street parking required may be at grade, below grade or above grade and may be open or within a partially or fully enclosed structure. Every parking space shall be directly accessible from a vehicular driveway or aisle unless specified otherwise. [2]

[2] Cross reference(s)—Traffic and vehicles, ch. 90.

(Ord. No. 1270, § 30.670.02, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-278. – Parking spaces required.

A. *Residential.* The minimum number of off-street parking spaces required for each category of residential use shall be as follows:

Use			Off-Street Parking Required
(1)	Attached or detached single-family dwellings		Two parking spaces (in a garage) for each dwelling
(2)	Cluster development		Two covered parking spaces for each dwelling unit plus one uncovered parking space for each dwelling unit
(3)	Two or more dwelling units in one building site such as duplexes, apartments, houses, apartment complexes including condominiums, stock cooperatives and community projects:		
	a.	Zero to one-bedroom units	One and one-half covered off-street parking spaces for each dwelling unit
	b.	Two-bedroom units	Two covered off-street parking units for each dwelling unit
	c.	Three-bedroom or more	Two and one-half covered off-street parking spaces for each dwelling unit plus one-half off-street parking space for each bedroom in excess of three
	d.	In addition to the required number of parking spaces for each dwelling unit, two-tenths guest parking shall be provided for each dwelling unit on a building site containing four or more dwelling units	
	e.	For dwelling units containing five or more dwellings, up to 25% of the required uncovered parking spaces may be compact, provided such spaces are clearly and individually marked	
	f.	Location of required off-street parking spaces shall be located not more than 200 feet and conveniently accessible to the dwelling units served by the parking spaces	
	g.	Required covered off-street parking spaces for multiple-family residential shall be designated as to the dwelling unit to which they are assigned (plot plans and site plans submitted for permits)	
	h.	Uncovered and unenclosed off-street parking spaces which are located between building and an abutting street shall be screened from the street to a height of 3½ feet in a manner consistent with the city's ordinances	

	For the purposes of this subsection, when a room such as a den, study or sewing room is provided in conjunction with a single, bachelor, one-bedroom or two-bedroom unit and the room meets the definition of a habitable room, such room shall be considered a bedroom; if such a room is constructed in a manner that 50 percent or more of one wall is open to an adjacent room or hallway, it shall not be considered a bedroom	
(4)	Mobile home park	Two spaces for each mobile home (tandem parking permitted), plus one guest parking space for each four mobile homes
(5)	Convent, rectory, monastery and other group quarters for members of a religious order; boardinghouse or rooming house, fraternity or sorority house, dormitory	One space for each two rooming units
(6)	Caretaker's residence	One space for each residence
(7)	Retirement home, senior citizens' housing	One space for each rooming unit, plus two spaces for each resident employee. (The parking area to be improved shall be one space for each two rooming units, plus two spaces for each resident employee. The difference between the required parking area and the parking to be improved shall be held as open space reserve to meet additional parking needs or required parking in case of conversion to another use.)
8	Supportive housing	No required parking spaces for supportive housing within 0.5 mile of a public transit stop.

B. *Institutional.* The minimum number of off-street parking spaces required for each category of institutional use shall be as follows:

Use			**Off-Street Parking Required**
(1)	Community care facilities		Required parking spaces to be determined for each conditional use permit based primarily upon the facility's licensed capacity, type of care and number of employees
(2)	Long-term health care facility		One space for each two beds licensed by the regulatory agency
(3)	Hospital		One and one-half spaces for each bed licensed by the regulatory agency
(4)	Schools (public or private):		
	a.	Elementary school, junior high school (kindergarten through grade 9)	Two spaces for each classroom
	b.	Senior high school	Five spaces for each classroom

	c.	Business, vocational or trade school	One space for each 125 square feet of teaching area
(5)	Library, museum, art gallery		One space for each 400 square feet of gross floor area
(6)	Church, mortuary		One space for each seven fixed seats (or 10½ linear feet of fixed pew or bench) in the largest assembly room. For the area within the largest assembly room not occupied by fixed seats, pew or bench, the off-street parking required shall be one space for each 35 square feet of net floor area

C. *Commercial.* The minimum number of off-street parking spaces required for each category of commercial use shall be as follows:

Use		**Off-Street Parking Required**
(1)	Gymnasium, skating rink, theater, nightclub, auditorium, lodge room, sports arena, stadium and other places of public assembly or entertainment	One space for each five fixed seats (or seven linear feet of fixed bench) in the largest room or space for public assembly or entertainment. For the area within the largest room or space for public assembly or entertainment not covered by fixed seats or benches, the off-street parking required shall be one space for each 21 square feet of net floor area. There shall be a minimum of ten parking spaces provided
(2)	Dining and drinking establishments	Areas used exclusively for entertainment shall have a parking requirement as indicated in subsection (c)(1) of this section. All other areas shall have a parking requirement of one space for each 100 square feet of gross floor area. There shall be a minimum of ten parking spaces provided
		In the central business district as defined in the land use element of the general plan, the parking requirement shall be one space for each 300 square feet of gross floor area for new development or enlargement of an existing building structure beyond its original size
(3)	Bowling alley	Three spaces for each bowling lane, plus the parking spaces required for the other activities within the building
(4)	Hotel	One space for each transient unit, plus two spaces for the resident manager's unit
(5)	Automobile service	One space for each pump island, station plus one for each bay

(6)	Plant nursery	One space for each 1,000 square feet of indoor or outdoor sales or display area. There shall be a minimum of five parking spaces provided
(7)	Offices, studios, retail sales and services and other general commercial activities not classified elsewhere	One space for each 300 square feet of gross floor area. For a vehicle sales, display, leasing or rental agency, there shall be a minimum of five parking spaces provided
(8)	Clinic, dental or medical	One space for each 150 square feet of gross floor area

D. *Industrial.* The minimum number of off-street parking spaces required for each category of industrial use shall be as follows:

Use		**Off-Street Parking Required**
(1)	Manufacturing, warehousing and other industrial activities not classified elsewhere	Whichever of the following results in the greater requirement:
		a. One space for each 750 square feet of gross floor area up to and including 72,000 square feet, and thereafter one space for each 1,000 square feet of gross floor area; or
		b. One space for each two employees on the largest shift.

E. *Recreational (public and private).* The minimum number of off-street parking spaces required for each category of public and private recreational uses shall be as follows:

Use		**Off-Street Parking Required**
(1)	Passive park	One space for each 10,000 square feet of net land area

F. *Exception*. Pursuant to Government Code Section 65863.2, there are no minimum parking requirements on a residential, commercial, or other development project if the project is located within one-half mile of public transit.

(Ord. No. 1270, § 30.670.03, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1463, § 1, 3-4-1996; Ord. No. 1656, § 3, 9-6-2016)

Sec. 106-279. – Computation of required parking spaces.

A. When required parking spaces are based upon gross floor area, the floor area devoted exclusively to parking and maneuvering of vehicles shall not be considered in the computation.

B. When, as a result of computation, the total number of parking spaces results in a fractional amount, any fraction less than one-half shall be disregarded, and any fraction equal to or greater than one-half shall require one parking space.

(Ord. No. 1270, § 30.670.04, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-280. – Nonconforming off-street parking and loading facilities.

A. Existing conforming buildings whose off-street parking and loading facilities do not conform to this chapter may be expanded or facilities added, provided the requirements for off-street parking and loading space shall have been complied with for those facilities which are added and enlarged. In the central business district, as defined in the city's general plan, any legal conforming use may occupy a vacant or partially vacant building without regard to the amount of parking available, except that banks, savings and loans and other lending institutions must obtain conditional use permit approval by the planning commission to occupy a building with less parking than required by section 106-278, pertaining to parking spaces required. In addition, any existing commercial building may be utilized to the fullest extent feasible within existing footprints and building walls to accommodate any legal conforming use without regard to the parking available on site.

B. Existing nonconforming single-family dwellings whose off-street parking and loading facilities do not conform to this chapter may be expanded or facilities added to a maximum of 20 percent of the existing facilities without meeting current requirements for off-street parking. If the expansion or addition or facilities exceeds 20 percent, the off-street parking and loading space requirements shall have to be complied with for those facilities to be constructed.

(Ord. No. 1270, § 30.820.10, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1457, § 1, 8-21-1995)

Sec. 106-281. – Parking spaces required for mixed uses.

A. When there are two or more different uses located on the same lot or within the same building, the total number of parking spaces required shall equal the sum of requirements, including fractional amounts, for each use. The resulting sum shall then be rounded off to the nearest whole number pursuant to section 106-279. No parking space required for one use shall be considered as providing the required parking for any other use. However, for the area designated as the central business district in the land use element map of the general plan, parking spaces serving uses possessing unique and widely divergent operating hours, such that one use would not in its day-to-day operation have need of the parking spaces during the operating hours of the other use, may share those parking spaces with another use providing the area where the sharing occurs is not heavily impacted by a parking shortage as determined by the city engineer's parking study prepared and updated periodically for the city parking authority and provided:

    1. A shared parking agreement is developed between property owners and the agreement is submitted to the planning department for review prior to recording the agreement with the county recorder; and

    2. A copy of the recorded shared parking agreement is transmitted to the planning Director prior to issuance of a certificate of occupancy.

B. Office space incidental to a manufacturing, warehouse or other industrial use shall have its required parking spaces computed at the same ratio as the industrial use, provided the office space does not exceed 20 percent of the total gross floor area. Office space in excess of 20 percent of the total gross floor area shall have its required parking spaces computed at the same ratio specified for office space.

(Ord. No. 1270, § 30.670.05, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1456, § 1, 7-17-1995)

Sec. 106-282. – Change in intensity.

Whenever the intensity of use changes through a change in the number or quantity of dwelling units, floor area, employees, fixed seats or other units of measurement specified in this subdivision to determine the required parking, the number of required spaces shall be adjusted either upward or downward to reflect the change in intensity.

(Ord. No. 1270, § 30.670.06, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-283. – Change in use.

Whenever there is a change in use resulting in a different parking requirement, the required spaces shall be adjusted either upward or downward to reflect the change in use. This section shall not apply to the conversion of manufacturing or warehouse floor area to office space, provided the total office space does not exceed 20 percent of the total gross floor area.

(Ord. No. 1270, § 30.670.07, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-284. – Location of parking.

A. Parking spaces required for uses shall be located on the same lot as the use for which such spaces are provided. For nonresidential development, some or all of the required parking spaces may be located off site if facilities and/or in-lieu fees determined by city council resolution are provided instead of the required parking spaces and with a City-approved Off-Site Parking Plan. Conditions for granting the Off-Site Parking Plan require findings that the Off-Site Parking Plan will be an incentive to, and a benefit for, the proposed nonresidential development and that public transit facility is available for providing public transit patrons access to the nonresidential development.

B. A nonresidential off-street parking lot may be permitted in a residential zone if the parking lot is located immediately adjacent to or across an alley, street, or easement from a nonresidential zoning district.

C. Notwithstanding subsections (A) and (B) of this section, the shared use of parking facilities may be permitted where particular uses or activities meet the following conditions:

1. Parking facilities for any nonresidential use may share parking facilities with another use if no substantial conflicts exists in the principal operating hours of the uses proposed to share parking facilities;
2. The maximum distance between the outer boundaries of the uses proposed to share parking facilities shall be 500 feet from the uses being served, measured from the nearest corner of the parking facility to the entrances of the uses being served via the shortest pedestrian route; and
3. The adjacent or nearby properties shall not be adversely affected by the proposed shared parking.
4. Parking facilities used for off-site parking, except city parking lots, shall require a written agreement between property owners specifying the term of the agreement, the number of spaces to be required of each use proposing to share parking facilities and further documenting how the sharing arrangement will satisfy the parking needs of each affected use, and the location and layout of the parking facility represented on a site plan. The agreement shall be submitted to the Director of community development for approval before it is recorded in the official records of the county recorder's office, on title to the property where the off-site parking is being provided. A conformed copy of the recorded agreement shall be delivered to the Director of Community Development prior to the issuance of a certificate of occupancy.

D. Notwithstanding subsections (A) and (B) of this section, managed or valet parking may be provided for all on-site or off-site parking subject to a Parking Plan approved by the Director of Community Development which shall include:

1. An executed lease agreement for the use of the off-site vehicle parking area;
2. A site plan prepared a by design professional indicating all site features, address and address of the property served by the parking, site ingress and egress location(s); proposed queuing location (if any) and the identified land uses; and the total parking spaces required and where provided;
3. The hours and method of parking operation including vehicle storage and retrieval process;
4. The number of parking attendants serving the parking facility; and
5. Methods for vehicles storage and retrieval during non-operating hours.

(Ord. No. 1270, § 30.670.08, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1463, § 2, 3-4-1996)

Sec. 106-285. – Provision for using city parking lots for on-site off-street parking facilities.

A. Notwithstanding any other section of this chapter to the contrary, off-street parking required of development consisting of either new construction or change in use intensity resulting from an enlargement of an existing building footprint taking place in the central business district, as defined in the general plan, may be provided by existing city parking lots through a written contract with the city. The contract shall:

1. Designate the city parking lot number within the distance designated in section 106-284 and the number of off-site parking spaces to be credited to the development. In no case shall the number of credited parking spaces designated for a city parking lot exceed the actual number of available spaces.
2. Prohibit the owner from utilizing the number of credited parking spaces in a city parking lot for any other use than that provided for in the contract.
3. Provide that the credited parking spaces be conferred on a specified property and shall continue to apply to the property and shall not be transferable to another property by the owner who holds the credited parking spaces under the contract.
4. Specify an appropriate cost per credited parking space to be paid the city by the owner of the property that has been given an entitlement to use credited parking spaces and specify the method of payment.

B. For purposes of meeting the off-street parking requirements of this chapter, a contract meeting the requirements in subsection A. of this section shall be deemed to be the equivalent of satisfying on-site off-street parking regulations.

Ord. No. 1463, § 3, 3-4-1996)

Sec. 106-286. – Parking stall size.

The minimum parking stall dimensions for required parking spaces shall not be less than that set forth as follows:

Type		Dimensions
(1)	Residential uses	Nine feet in width by 19 feet in length for both covered and uncovered parking
(2)	Commercial and industrial uses	Nine feet in width by 19 feet in length
(3)	Spaces for physically handicapped	Fourteen feet in width by 20 in length
(4)	Compact vehicle spaces	Eight feet in width by 16 feet in length
(5)	Parallel parking spaces	Length shall be increased to 24 feet, or 21 feet for compact cars
(6)	Nonresidential parking abutting a wall, fence, building or other obstruction	One and one-half feet of width shall be added to the width otherwise required for commercial uses. Two feet of width shall be added to the width for all other nonresidential uses

(Ord. No. 1270, § 30.670.09, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-287. – Parking for handicapped persons.

Parking for handicapped persons shall be provided in accordance with standards established in the state handicapped requirements.

(Ord. No. 1270, § 30.670.10, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-288. – Compact spaces.

For nonresidential parking, not more than 30 percent of the total required spaces may be designed and reserved for the parking of compact vehicles. Such spaces shall be so designated either by signing or marking.

(Ord. No. 1270, § 30.670.11, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-289. – Parking lot design.

A. The layout and design of parking lots and areas, including access to required parking spaces, turning radii, angle of parking and aisle width shall be as set forth in parking lot design standards adopted in accordance with section 106-324. All required off-street parking spaces shall be designed to provide safe and efficient means of access to an alley, street or driveway to the satisfaction of the Director, and all off-street parking lots or areas with six or more spaces shall be designed in such a manner that vehicles exit such lots or areas facing forward.

B. The minimum width with parking aisle for one-way traffic shall be 15 feet.

Parking Angle (degrees)	Aisle Width (feet)
0—54	15.0
55—59	16.0
60—64	17.0
65—69	18.0
70—74	19.5
75—79	21.0
80—90	24.0

(Ord. No. 1270, § 30.670.12, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-290. – Lighting.

All off-street parking areas within commercially zoned projects shall be provided with exterior lighting, meeting the following minimums:

A. The equivalent of one footcandle of illumination shall be provided throughout the parking area.

B. All lighting shall be on a time-clock or photo-sensor system.

C. All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted.

D. Illumination shall not include low pressure sodium.

(Ord. No. 1270, § 30.670.14, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-291. – Perimeter guards.

Bumper guards or wheel stops shall be provided for all parking spaces abutting the perimeter of a parking area where such perimeter is within 15 feet of a building, structure, public right-of-way or lot line, except spaces within a garage or carport.

(Ord. No. 1270, § 30.670.15, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-292. – Marking of parking areas.

Required parking spaces shall be double-striped with the stall widths measured from the midpoints of the double-stripe markings.

(Ord. No. 1270, § 30.670.16, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-293. – Parking area design.

Common off-street parking areas including multiple garages and carports serving five or more dwelling units shall comply with the following:

A. The off-street parking area shall be designed so that a vehicle within a parking area will not have to enter a street to move from one location to another within the parking area. Parking and maneuvering areas, including garages/carports, shall be designed so that any vehicle can leave the parking area and enter an adjoining vehicular right-of-way traveling in a forward direction.

B. Bumpers and tire stops shall be provided at the end of each open parking space along any property line abutting a public walkway, street or alley except for screening its position to ensure that the motor vehicle will not extend into the public right-of-way.

C. All parking spaces shall be clearly outlined on the surface of the parking facility except for parking spaces that otherwise have been in compliance with the parking detail approved by the planning Director.

(Ord. No. 1270, § 30.670.17, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-294.—106-321. – Reserved.

Subdivision III. – Truck Loading and Maneuvering

Sec. 106-322. – Loading areas required.

Off-street loading areas shall be provided for the uses listed as follows:

Uses	Minimum Loading Area Requirements
Use in the C-1 or C-2 zone	One space for each lot, at least 14 feet by 40 feet
Use in the M-1 or M-2 zone	One space for each lot, at least 14 feet by 55 feet

(Ord. No. 1270, § 30.671.01, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-323. – Truck maneuvering and loading area standards.

Truck maneuvering and loading areas shall be provided and arranged as set forth in truck maneuvering and loading area standards adopted in accordance with section 106-322 wherever:

A. A loading area is required.

B. A loading dock is provided.

C. A door greater than eight feet by eight feet is provided, unless the Director finds that such door cannot be utilized or is not intended to be utilized for loading and unloading.

D. Wherever a door equal to or less than eight feet by eight feet is provided, unless the Director finds that such door cannot be utilized or is intended to be utilized for loading and unloading.

(Ord. No. 1270, § 30.671.02, 9-30-1985; Ord. No. 1305, 6-15-1987)

Note(s)—Any primary use which is developed as office space shall not be required to provide a truck loading area, provided that a deed restriction is recorded, in the office of the county recorder, restricting the use on the property to office space, and such proof of recordation is submitted to the satisfaction of the Director.

Sec. 106-324. – Driveway access and traffic sight clearance.

A. The location and design of driveway access to the public street and limitations on the location and height of walls, landscaping, buildings, signs and other facilities shall be as required by the Director of public

works pursuant to the highway and traffic regulations of this Code, where applicable, or as otherwise determined by the Director of public works or by the fire department to be necessary in order to provide adequate sight distance for vehicular and pedestrian safety.

B. Driveway access widths required to serve the following uses shall be as follows:
    1. For a single-family dwelling a driveway shall be ten to fifteen feet wide but may be up to twenty feet when leading to a double car garage at the or near the front setback.
    2. For four or less dwellings in any combination of single-family or multiple-family dwellings, the driveway shall be 20 to 24 feet wide.
    3. For five or more dwellings in any combination of single-family or multiple-family dwellings, the driveway shall be 24 feet wide, for each driveway, where one or more two-way traffic driveways are provided or 12 feet, for each driveway, where two or more one-way driveways are provided.
    4. For commercial uses, the minimum width of a driveway having public access shall be 24 feet. Channelized driveway widths shall be subject to the approval of the Director and the Director of public works.
    5. For industrial uses, the minimum driveway width shall be 24 feet and subject to the approval of the Director and the Director of public works.

C. Circular driveways. Circular driveways shall be approved by the Planning Division and subject to the following standards:
    1. Allowed only in the R-1 zone
    2. On lots only with a street frontage of 75 feet or more are eligible for circular driveways.
    3. On lots with more than one street frontage, the circular driveway may only be located on the street frontage which is 75 feet or greater.
    4. The circular driveway shall not have a width greater than 15 feet.
    5. The circular driveway shall have a minimum outer radius of 26 feet measured from the front property line perpendicular to the center point of the circular driveway.
    6. The Department of Public Works shall review and approve the proposed curb cuts, the distance between the curb cuts, and the potential traffic impacts that could result from the installation of the circular driveway.
    7. All other standards and requirements in this code shall be met.

(Ord. No. 1270, § 30.671.03, 9-30-1985; Ord. No. 1305, 6-15-1987)

Note(s)—If any building, or portion thereof, is proposed to be located more than 150 feet from a street, then fire department regulations may require a greater minimum driveway access width than the standards stated herein.

Sec. 106-325. – Parking standards.

Under this subdivision, the minimum width with parking aisle for one-way traffic shall be 15 feet.

Parking Angle (degrees)	Aisle Width (feet)
0—54	15.0
55—59	16.0
60—64	17.0
65—69	18.0
70—74	19.5
75—79	21.0
80—90	24.0

(Ord. No. 1270, § 30.671.04, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-326—106-341. – Reserved.

DIVISION 4. – LANDSCAPE STANDARDS FOR PRIVATE PROPERTY

Sec. 106-342. – Purpose.

This division establishes requirements for landscaping on private property to improve the livability and attractiveness of the city, enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, conserve water, screen and buffer incompatible land uses, reduce paving, increase permeable surfaces, enhance the quality of neighborhoods, and improve air quality.

Sec. 106-343. – Applicability.

The provisions of this section shall apply to all development and land uses as follows:

A. Development Projects. All projects that require an administrative or discretionary permit, including conditional use permits, site plan review for major remodels as described in subsections (C) and (D) below, and subdivisions shall provide landscaping in compliance with this section.

B. Model Water Efficient Landscape Ordinance (MWELO). All projects that require landscape and irrigation plans compliant with MWELO shall provide landscaping in compliance with this section.

C. Existing Development. Any application for the expansion of an existing multifamily residential, commercial, or industrial development that results in a 20 percent or more of the existing square footage or 500 square feet, whichever is less.

D. Single Family Dwellings. Projects involving the new construction of one or more single-family dwellings, or an addition of 500 square feet or more to an existing single-family dwelling, shall be required to submit landscape and irrigation plans.

E. Parking Lots. Redesigned or resurfaced multi-family, commercial, or industrial parking lots when the work is in association with a development project, or if grading is required.

Sec. 106-344. – Landscape design and irrigation plans.

The project applicant shall submit a landscape design plan and irrigation plan that meets the criteria set forth in this section for all projects that meet the applicability standards above. All landscape design and irrigation plans shall be prepared by a California licensed landscape architect or other qualified professional and shall include the following:

A. Plans showing landscape areas, hardscape areas, and allowable impervious surfaces.

B. The project applicant shall ensure that the defensible space required by the city code is maintained and shall avoid fire-prone plant materials and mulches.

C. A description of the type and size of all proposed plant materials.

D. Any proposed stormwater facilities.

E. A description of all hardscape materials and features.

F. Irrigation plans shall accompany the landscape design plan and incorporate low water use systems as required by the California Model Water Efficient Landscape Ordinance.

Sec. 106-345. – Landscaping standards.

A. *Tree Requirement*. All new development projects require a minimum one 15-gallon, native canopy tree within a street facing setback.

B. *Residential zones*. The following landscaping standards shall apply to all residential properties within the R-1, R-2, R-3, RPD zones:

1. A minimum of 20 percent of the lot area not comprised of buildings or required vehicular access and parking areas shall be comprised of pervious surfaces such as landscaping, gravel, rocks, or other similar pervious materials.
2. A minimum of 50 percent of all street-facing yard areas between the principal dwelling unit and the public or private street curb, shall be maintained as a landscaped area. Hardscape areas containing impervious surfaces shall only be used for the purpose of pedestrian and vehicular access, and paved patios and decks.
3. No more than 50 percent of the required landscaped areas may consist of decorative features such as boulders, river and lava rock, fountains, ponds, rock riverbeds, pedestrian bridges, arbors and pergolas with a maximum height of 9 feet.
4. Mulch may be used as an integral part of required landscaped areas.
5. The following standards shall apply to multi-family residential properties with surface parking lots:
    a. A minimum 5-foot landscape buffer strip shall be provided between a parking lot and public right-of-way and shall be maintained with a permanent automatic irrigation system.
    b. Parking lot canopy trees shall be provided at the ratio of one (1) tree for every four (4) parking spaces.
6. No vehicle shall be parked in a required landscape area.

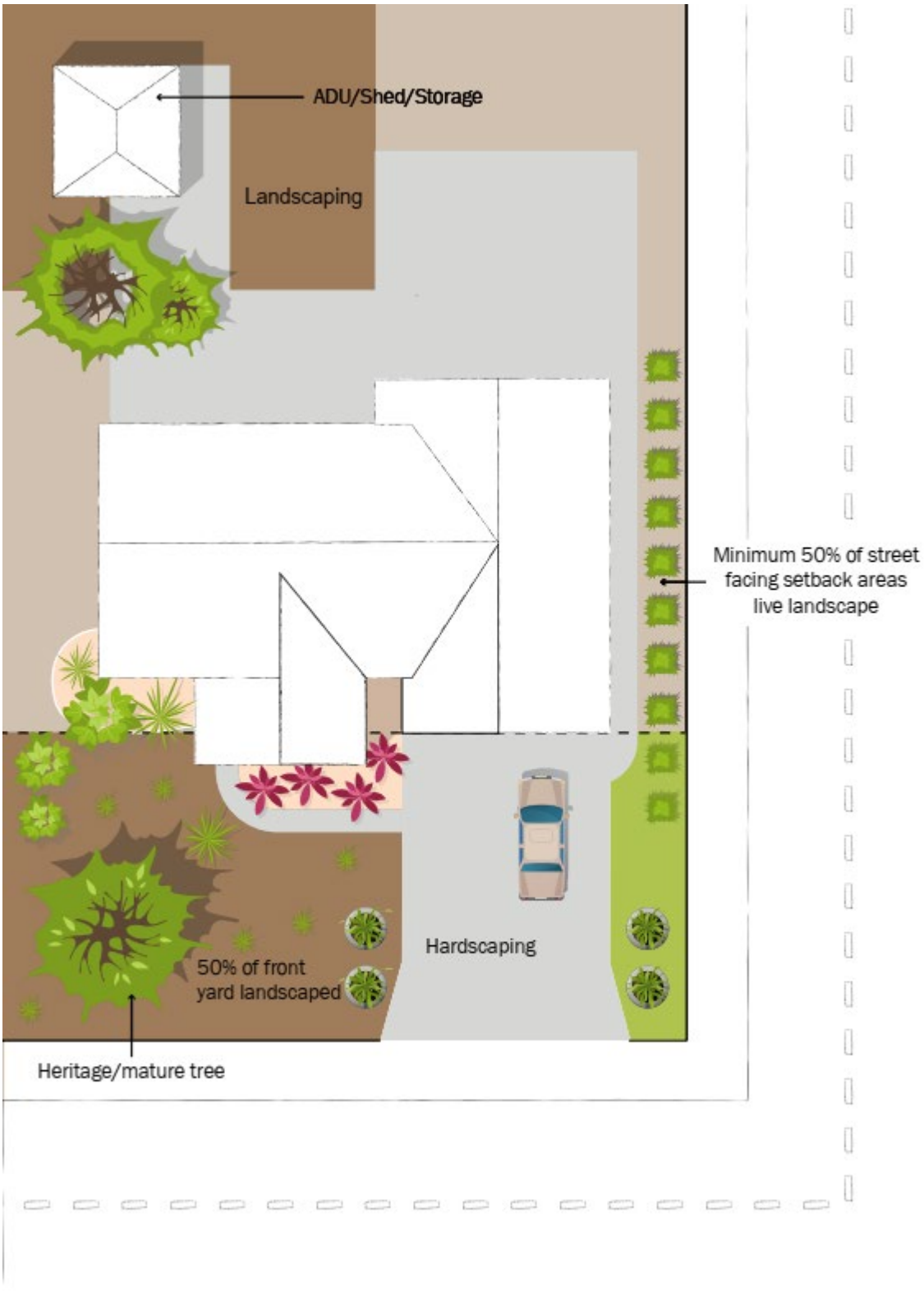


Figure 106-345-1. Residential Landscaping Diagram

C. *Commercial zones*. The following landscaping standards shall apply to all commercial properties within the C-1 and C-2 zones:

1. A minimum 50 percent of all street facing setback areas shall be maintained as a landscaped area except for driveways, pedestrian walkways, or parking aisles.
2. For commercial buildings where no setback is provided on a street facing part of the building, a minimum 25 percent of the wall area shall area shall be planted with a living wall or minimum 2-foot wide planter boxes or planting beds.
3. The following standards shall apply to commercial properties with surface parking lots:
    a. A minimum of 2 percent of parking lot area shall be landscaped and shall be so arranged as to emphasize visual attractiveness as viewed by the public from surrounding streets and walkways.
    b. A minimum 5-foot landscape buffer strip shall be provided between a parking lot and public right-of-way.
    c. Parking lot canopy trees shall be provided at the ratio of one (1) tree for every four (4) parking spaces.
    d. The total area of any project not devoted to lot coverage and paving shall be landscaped, irrigated, and maintained in compliance with the requirements of this section.
    e. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped, unless it is determined by the community development Director that landscaping is not necessary to fulfill the purpose of this section.

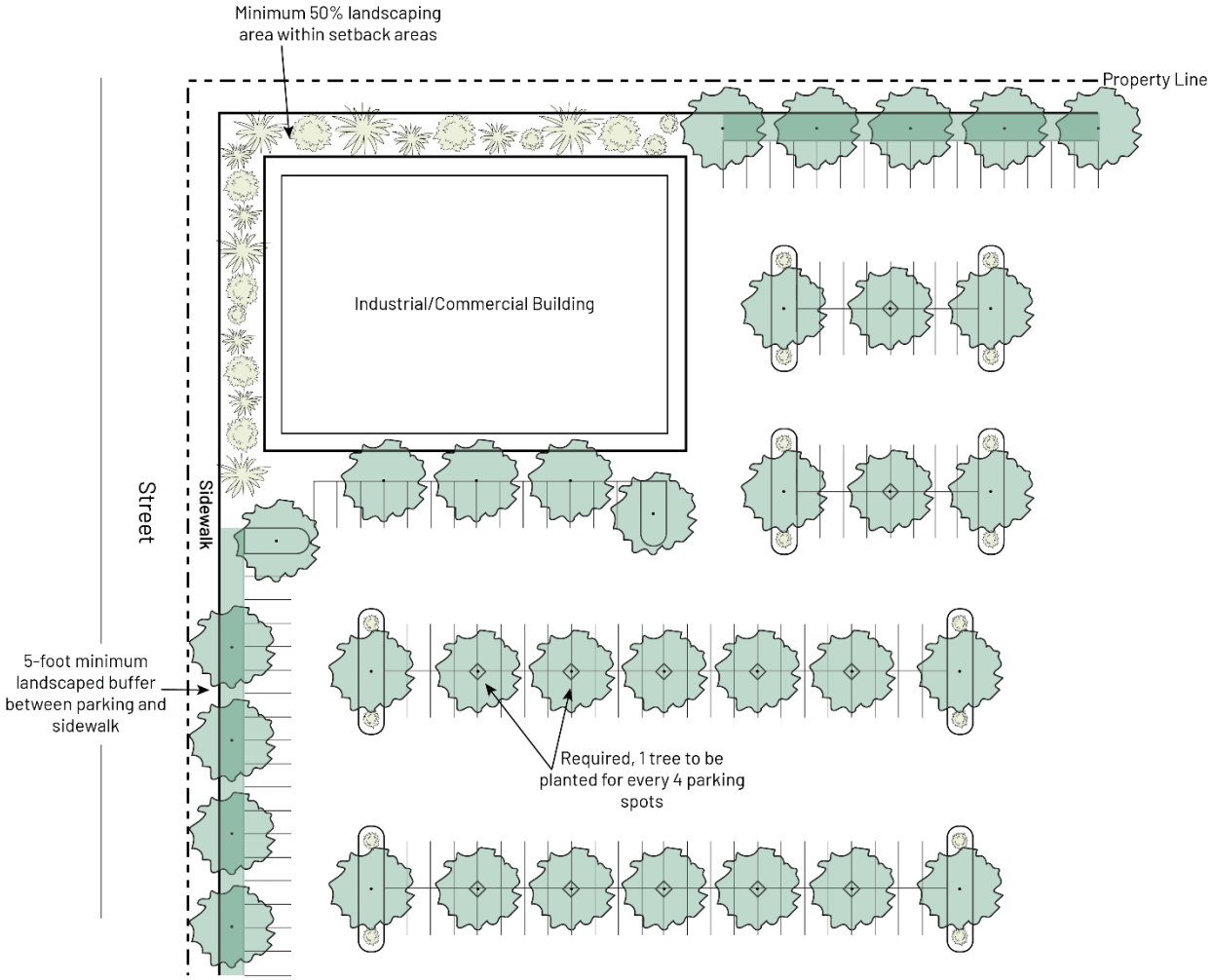


Figure 106-345-2. Commercial Parking Lot Landscaping Diagram

D. *Industrial zones*. The following landscaping standards shall apply to all industrial properties within the M-1 and M-2 zones:
    1. A minimum 50 percent of all street facing setback areas shall be maintained as a landscaped area except for driveways, pedestrian walkways, or parking aisles.
    2. For industrial properties with parking lots the following standards shall apply:
        a. A minimum of 2 percent of parking lot areas shall be landscaped and shall be so arranged as to emphasize visual attractiveness as viewed by the public from surrounding streets and walkways.
        b. A minimum 5-foot landscape buffer strip shall be provided between a parking lot and public right-of-way and shall be maintained with a permanent automatic irrigation system.
        c. Parking lot canopy trees shall be provided at the ratio of one (1) tree for every four (4) parking spaces.
        d. The total area of any project not devoted to lot coverage and paving shall be landscaped, irrigated, and maintained in compliance with the requirements of this section.
        e. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped, unless it is determined by the community development Director that landscaping is not necessary to fulfill the purpose of this section.

Sec. 106-346. – Modification to landscape standards.

The community development Director may modify the landscape requirement by a maximum 1 percent in the required setback areas, open space areas, and areas not devoted to lot coverage and paving. The modification may only be approved if the Director finds that the project provides: a higher overall quality of landscape design than would normally be expected for a similar development project; a superior landscape maintenance plan; and for outdoor dining activities, special paving or other examples of exceptional architectural quality in the project's design.

Sec. 106-347. – Plant materials and planting standards.

Plant materials shall be of a type and placement compatible with the project site and surrounding land uses as follows:

A. Artificial turf is prohibited.
B. Invasive plant species are prohibited.
C. Landscape planting shall emphasize drought-tolerant and native species and be suitable for the soil and climatic conditions of the site.
D. Native plant material or compatible, nonnative plant material shall be selected.
E. Plant materials shall be provided in the following sizes and shown on the landscape plan:
    1. The minimum acceptable size for trees shall be a 15-gallon.
    2. Newly planted trees shall be supported with stakes or guy wires.
    3. Shrubs shall be a minimum size of five gallons. When planted to serve as a hedge or screen, shrubs shall be planted with two or four feet of spacing, depending on the plant species.
    4. Shrubs and hedges shall not exceed three feet in height within the front and street side setback areas.
    5. Ground cover shall be generally spaced at a maximum of six to eight inches on center. When used as ground cover, minimum one-gallon sized shrubs may be planted 10 to 24 inches on center.
F. Trees planted within ten feet of a street, sidewalk, paved trail or walkway shall be a deep-rooted species or shall be separated from paved surfaces by a root barrier to prevent physical damage to public improvements
G. A minimum distance of 15 feet is required between the center of trees to street light standards, water meters, back-flow prevention systems, sewer cleanouts and fire hydrants.

H. New and replacement tree species shall be in conformance with the City of San Fernando Urban Forest Management Plan or as approved by the community development Director.

Sec. 106-348. – Landscape maintenance standards.

The following landscape maintenance standards are required for all landscaped areas in the City:

A. All landscaping shall be permanently maintained in a healthy and thriving condition at all times, in compliance with the approved landscape design plan.
B. Lawn and ground cover shall be trimmed or mowed regularly. All planting areas shall be kept free of weeds and debris.
C. All plantings shall be kept in a healthy and growing condition. Fertilization, cultivation, and tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances.
D. Irrigation systems shall be kept in working condition. Adjustments, replacements, repairs and cleaning shall be a part of regular maintenance.
E. Stakes and ties on trees shall be checked regularly for correct functions. Ties shall be adjusted to avoid creating abrasions or girdling on trunks or branches.

Sec. 106-349. – Enforcement.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of these landscape standards or failing to comply with any order or regulation made hereunder, shall be subject to the penalties set forth in Chapter 1 Article III of the San Fernando Municipal Code.

Sec. 106-350. – Tree preservation and protection on private property.

The following regulations apply to the protection, preservation, maintenance, removal, and replacement of any heritage tree, protected tree, or native tree on private property:

A. A heritage or protected tree that is a threat to the public welfare as determined by the Los Angeles Fire Department, San Fernando Police Department, or San Fernando Public Works Director or removal as directed by a county, state, or federal agency, or an insurance provider shall be exempt from obtaining a zoning clearance, administrative permit, or discretionary permit approval for its removal.
B. The planning and preservation commission upon a recommendation from the Director is authorized to approve the removal of a heritage tree, native tree, or protected tree based on the findings of a report prepared an International Society of Arboriculture (ISA) certified arborist confirming one or more of the following factors:
    1. The tree is dead.
    2. The tree has reached an over-protected condition for its pre-existing location and will result in the deterioration of surrounding hardscaped areas potentially resulting in a health and safety hazard.
    3. The tree which is infected with a disease which cannot be treated successfully, or there is a strong potential that the pathogen could spread to other trees in the immediate vicinity.
    4. The tree has a severe void of heartwood due to wood consuming organisms which could potentially cause catastrophic failure (i.e., collapse).
    5. A tree has been determined to be a hazard because of its high potential for failure due to considerable dead or dying foliage, branches, roots or trunk.
    6. The tree requires extensive root pruning because of excessive hardscape damage resulting in the severe reduction of its capacity to support itself thereby creating a potential safety hazard.
    7. A healthy living tree that has caused damage to any underground utility as a result of root blockage.
    8. A tree that is causing an immediate threat to the health and safety or general welfare of the property owner or the public.

9. The removal is necessary to prevent a substantial inconvenience or financial hardship to the property owner as determined by the community development Director.

C. Where it has been determined that preservation of a heritage tree, native tree, or protected tree is infeasible, replacement tree(s) shall be provided at a 1:2 ratio as follows:
    1. Replacement trees shall be planted on the site where the tree has been removed, except in instances where on-site planting and future tree survival is shown to be infeasible in which case the community development Director shall authorize other off-site locations where maintenance will be guaranteed.
    2. If the relocation or replacement tree is to be planted on private property, the owner of the proposed suitable relocation site consents in writing to the placement of a relocated or replacement tree.
    3. Replacement trees shall be canopy trees as defined in this section.
    4. The property owner shall sign a covenant to maintain the tree and replace it in 3 years if it dies. Follow up with survival of required trees after 3 years. Trees that have not survived establishment must be replaced.

D. Tree protection before construction. Construction projects that will impact more than 1,200 sq ft of land must submit a Tree Protection Plan as a part of building plan check outlining what measures will be taken to protect existing trees during construction including:
    1. The location, species, DBH, and condition of trees
    2. The Tree Protection Zone for all trees to be preserved
    3. Tree fencing (to be installed under dripline)
    4. Erosion control
    5. Tree pruning
    6. Soil compaction mitigation
    7. Irrigation
    8. Tree maintenance schedule
    9. A Tree Root Plan will be required in the case of grading or excavation. Tree plans should be approved and overseen by a certified arborist.

E. Tree protection during construction. Care shall be exercised by all individuals, developers and contractors working near heritage trees or protected trees so that no damage occurs to such trees. During construction, these trees shall be protected in the following manner:
    1. All trees to be saved shall be enclosed/delineated by an appropriate temporary construction barrier, such as fencing or other mechanism, prior to commencement of work. Barriers are to remain in place during all phases of construction and may not be removed without the written consent of the community development Director.
    2. Such barrier(s) must be located a distance from the trunk base of two times the trunk diameter, up to a maximum of 15 feet, unless otherwise approved in writing by the community development Director.
    3. No fill material shall be placed within three feet from the outer trunk circumference of any tree.
    4. No fill materials shall be placed within the drip line of any tree in excess of 18 inches in depth. This guideline is subject to modification to meet the needs of an individual tree species, as determined by a certified arborist or licensed landscape architect.
    5. No substantial compaction of the soil within the drip line of any tree shall be undertaken.
    6. No construction, including structures and walls, that disrupts the root system shall be permitted. As a guideline, no cutting of roots should occur within a distance equal to 3½ times the trunk diameter, as measured at ground level. Actual setback may vary to meet the needs of individual tree species as determined by a certified arborist or licensed landscape architect. When some root removal is necessary, the tree crown may require thinning to prevent wind damage.

7. Any tree that dies as a result of construction must be replaced with two 15 gallon size trees with a mature tree canopy of at least 20 ft and low water requirement.

F. The community development director, through city police officers, building inspectors, community preservation officers and members of the community development department, in the course of their duties, when monitoring construction activities, shall check for compliance with the provisions of this article. Any irregularities or suspected violations of this article shall be reported immediately to the community development Director.

G. Immature trees may be relocated or removed without a permit.

Sec. 106-351. – Model Water Efficient Landscape Ordinance (MWELO) requirements.

Landscape design plans are required to comply with California MWELO standards as follows:

A. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the city, who are constructing a new (single-family, multi-family, public, institutional, commercial, or industrial) project with a landscape area greater than 2,500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of compost and mulch as delineated in this section. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.

B. Property owners or their building or landscape designers that meet the threshold for MWELO compliance above shall:

1. Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
    a. For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than six percent organic matter in the top six inches of soil are exempt from adding compost and tilling.
    b. For landscape installations, a minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
    c. Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
2. The irrigation plan shall include sustainable landscaping principles and must prevent irrigation runoff, low head drainage and overspray.
3. The installation of synthetic grass or artificial turf in landscaping plans for private development is prohibited.
4. The MWELO compliance items listed in this section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in section 70-147(a) shall consult the full MWELO for all requirements.
5. Comply with LID stormwater management standards by encouraging the construction of roofs on new private development that directly runoff into vegetated areas onsite, or include a rain gutter that is directed toward vegetated areas.

C. If, after the adoption of this article, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO September 15, 2015 requirements in a manner that requires city to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

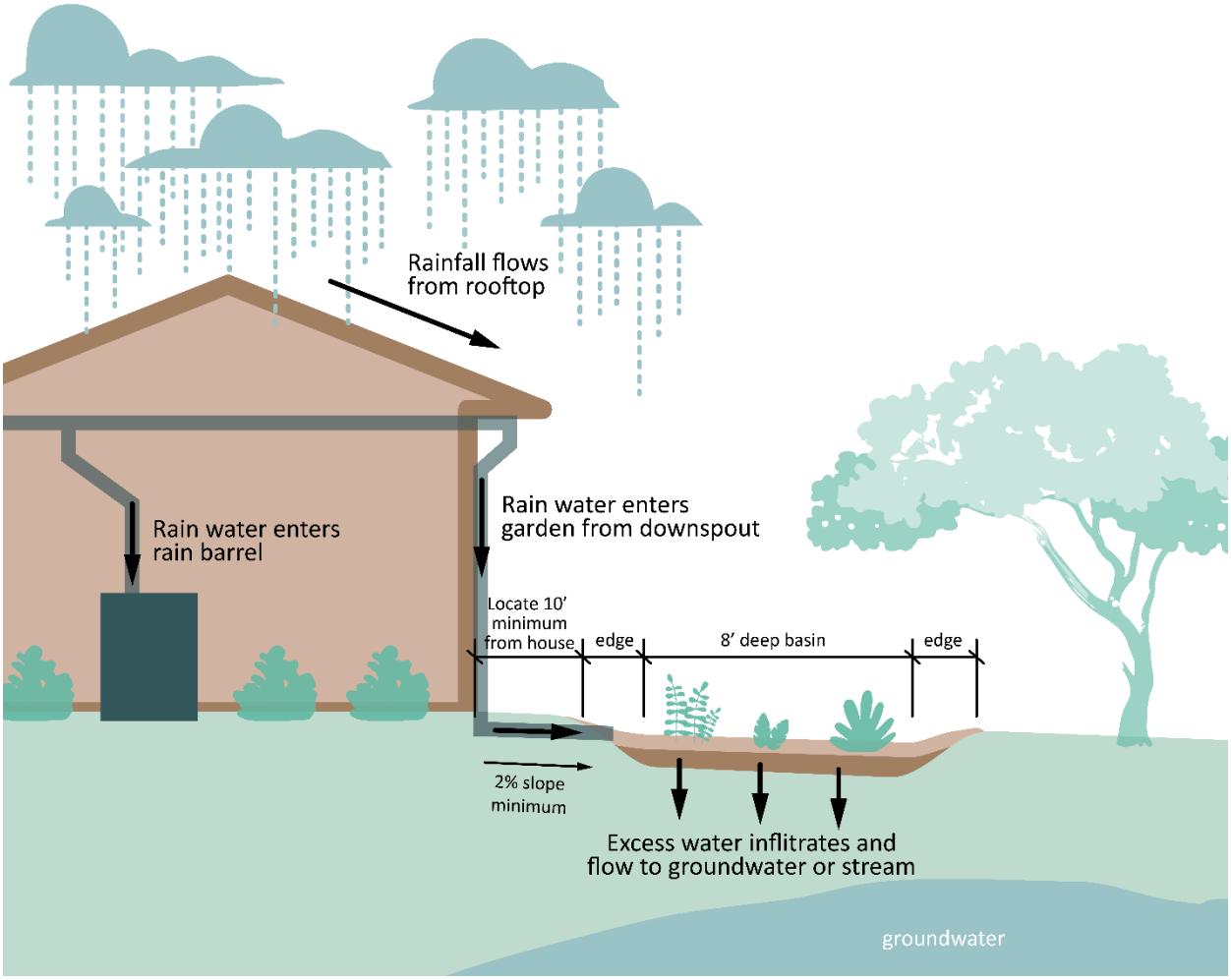


Figure 106-351. Example of MWELO Compliance

Sec. 106-352. - Reserved.

DIVISION 5. – LIGHTING

Sec. 106-353. – Outdoor lighting.

General Standards for Outdoor Lighting. Exterior lighting shall comply with the following requirements:

A. All lighting shall be energy-efficient (e.g., LED, or other lighting technology) with a rated average bulb life of not less than 10,000 hours.

B. All lighting shall be shielded and/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.

C. Permanently installed lighting shall not blink, flash, or be of unusually high intensity or brightness.

D. All outdoor lighting for non-residential uses shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building(s) is not in use and the lighting is not required for security.
E. All lighting fixtures on the site should be uniform or compatible with respect to base support, finish material texture, color, and/or style of poles and luminaires. Landscaping and pedestrian walkway lights shall be less than four feet in height.
F. Maximum Height. Freestanding light poles and luminaires shall not exceed the following maximum heights:
G. 15 feet for residential and mixed-use projects.
H. 18 feet for non-residential projects, or a lesser height determined by the Director, to mitigate any impacts to adjoining properties.
I. Security Lighting.
    1. Multiple-Family Residential Developments. Aisles, passageways, and entryways/recesses related to and within the building complex shall be illuminated with an intensity of at least one-quarter foot-candles at the ground level during the hours of darkness.
    2. Non-Residential Developments. All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one-quarter foot-candles of light.

Secs. 106-354. — 106-363. - Reserved.

DIVISION 6. – SCREENING

Sec. 106-364. – Screening.

A. *Screening.* When a multi-story building is proposed and the second story or above is located within 50 feet of the side or rear yard of a single-family lot, screening measures should be applied to provide a reasonable degree of privacy.
    1. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior of the unit, incorporating wing walls or louvers, using glass block or other translucent material, and other such methods.
    2. Sufficiency of Screening. The Planning and Preservation Commission shall determine the sufficiency of the proposed screening measures and may require additional measures.
B. *Equipment Screening.* All of the following equipment and spaces shall be screened on all sides and subject to the standards of this section:
    1. Solid walls and/or fences of six feet in height shall screen mechanical equipment, garbage receptacles, loading areas, and other unsightly areas, and provide privacy at the back of lots and alongside streets.
    2. All rooftop mechanical equipment shall be placed behind a permanent parapet wall and shall be completely screened from view.
    3. Screening shall be equal in height to the highest portion of the equipment or ducting and shall be permanently maintained.
    4. All wall air conditioner units shall be screened from view with material that is compatible and in harmony with the architectural styling and detailing of the building.

Secs. 106-365—106-373. - Reserved.

DIVISION 7. – WALLS AND FENCES

Sec. 106-374. – All zones.

The following standards shall apply to all walls and fences city-side.

A. The height of a wall or fence located along an interior property line shall be measured from the higher natural or established grade of the two abutting properties.
B. Jacuzzi, spa, swimming pools and other similar outdoor water features shall be fenced in compliance with the Uniform Building Code.
C. Screening of outdoor uses and equipment shall be provided in compliance with Division 6 of this article or as specified in Article IV for specific land uses and activities.
D. Temporary fencing may be approved as deemed necessary and appropriate by the Director.
E. If a fence or wall obstructs the view of a property address from the street right-of-way, the address numbers shall be located on the fence so that they are clearly visible from the street right-of-way.
F. Decorative lighting fixtures may exceed the maximum allowed height for walls and fences along a street-facing property line shall reflect light down and away from adjoining properties so that the light emitted does not create a public nuisance or offense, in compliance with other applicable SFMC provisions.
G. Lighting fixtures may be attached to the side of a fence along an interior property line, provided that they do not project above the top of the fence.
H. Fences or walls shall not incorporate electrical currents, razor ribbon or wire, barbed wire, concertina ribbon, protruding fragments of broken glass or similar materials shall be permitted.
I. Chain link is prohibited within any front or side yard area except as part of a temporary construction fence.
J. The Director may administratively approve fences and walls that exceed the maximum heights identified in this section, in compliance with Division 9 of Article V (modifications, 20% or less).

Sec. 106-375. – Residential zones.

The following standards shall apply to all walls and fences within the R-1, R-2 and R-3 zones. Height limits for all walls, fences and hedges in residential zones are as follows:

A. In a required front yard setback or street-facing side yard setback on corner lots, a fence, a combination of a wall and a fence, or a vegetative hedge shall not exceed a maximum height of four feet as measured from existing finish grade.
    1. For a combination of a wall and a fence, the wall portion shall not exceed a maximum height of two feet. The portion above the two feet high wall shall be non-view obscuring with 50 percent visibility.
    2. Decorative elements, such as pillars, spikes, lights or similar ornamentation may exceed the maximum allowed height for walls and fences.
    3. Pedestrian gateways shall have a maximum of seven feet height clearance as measured from grade.
    4. Any fence in the front yard setback or street-side yard setback areas shall be non-view obscuring with 50 percent visibility, except side yard fences within the front yard setback area for an interior lot can be view obscuring.
B. In a side or rear yard, no fence or wall shall exceed a height of six feet as measured from the existing finish grade. Coyote rollers can be installed above the permitted six-foot high wall or fence in a side or rear yard.
C. In a multiple-family zone, a non-view obscuring fence shall not exceed a height of six feet along the street-facing side yard, outside of the front yard setback, for a corner lot.

D. For private schools in residential zones, a non-view obscuring tubular steel fence shall not exceed a maximum height of eight feet.

E. The combined height of the wall retaining a fill and a freestanding fence or wall built above the retained earth level shall not exceed the maximum height allowed for a freestanding fence or wall within the setback area.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002; Ord. No. 1717, § 3(Exh. A), 8-7-2023)

Sec. 106-376. – Commercial, industrial, and mixed-use zones/properties.

The height limit for non-view obscuring fences in commercial, industrial, and mixed-use zones/properties shall be eight feet. The height limit for view-obscuring fences, walls, or vegetative hedges shall be six feet, except that the Director may approve a sound wall to a maximum height of eight feet, if the property is adjacent to a residential use and the Director determines that an eight feet high wall is needed. The Director may require a noise study to demonstrate a need for a sound wall of eight feet.

A. All block walls adjacent to a right-of-way (sidewalk, alley, paseo, etc.) shall incorporate architectural details to create an aesthetically pleasing and attractive design including:
    1. Pilasters shall be provided at no more than eight feet apart to add depth and visual appeal.
    2. Decorative cornices or moldings shall be provided along the top of the wall to create a sense of elegance and architectural character.
    3. One or all of the following decorative elements shall be included:
        a. *Niches and recesses:* Incorporate niches or recessed areas into the wall design to create opportunities for displaying artwork, sculptures, or decorative objects. Ensure that the niches are proportionate to the overall scale of the wall and complement the desired aesthetic.
        b. *Friezes and relief patterns:* Install decorative friezes or relief patterns on sections of the wall to add texture and visual interest. These can be crafted from materials like stone, metal, or composite materials, depending on the desired effect.
        c. *Medallions and ornaments:* Attach medallions or decorative ornaments to the wall surface, strategically placing them to create focal points or break up large expanses. Consider motifs that resonate with the architectural style and theme.
        d. *Decorative tiles or mosaics:* Incorporate decorative tiles or mosaic patterns into the wall design. These elements can introduce color, intricate patterns, and artistic expression to enhance the overall aesthetic appeal.

B. The wall shall be textured, split-faced, stucco, or plastered. Plain concrete masonry unit (CMU) wall is not allowed.

C. The wall shall be coated with two layers of permanent anti-graffiti coating.

D. If the wall is higher than six feet, the wall shall comply with the following standards:
    1. All design standards in subsection c(1), regardless of its adjacency to a right-of-way.
    2. A minimum of five-foot wide landscape area with trees, shrubs, and groundcovers shall be provided along the outside of the wall, if adjacent to a right-of-way or open space (sidewalk, alley, paseo, etc.).

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002; Ord. No. 1717, § 3(Exh. A), 8-7-2023)

Sec. 106-377. – Construction materials.

Construction materials shall conform to the following:

A. In residential zones, all proposed fence or wall material shall be compatible with the architectural style and treatment of the primary residential structure. All fences and walls shall be made of materials generally used for fencing such as masonry, vegetative hedges, wood, vinyl, brick, ornamental concrete

blocks, ornamental tubular steel, or wrought iron, and must have a finished appearance. Acceptable finish treatments include colored stucco, wood stain, natural or polished stone, slump stone, split-faced concrete block, prefabricated finish texture, color-coated tubular steel or wrought iron, or a combination thereof. Plain concrete block masonry shall be permitted only if coated with colored stucco or other coating finish approved by the Director or designated staff.

B. In industrial zones, curved top tubular steel spikes must be at least six feet from grade at the public right-of-way with the spike curving inward away from the property line.

C. All fences and walls shall be properly maintained in order to preserve their structural integrity and to provide a neat appearance. All solid walls and fences facing the public right-of-way shall be coated with two layers of permanent anti-graffiti coating.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002; Ord. No. 1717, § 3(Exh. A), 8-7-2023)

Sec. 106-378. – Sight clearance.

Sight clearance for visibility of pedestrians and vehicles shall be maintained as follows:

A. On corner lots in all zones, a sight clearance triangle permitting pedestrian and vehicular visibility at intersecting streets shall be maintained for a minimum distance of 20 feet measured along the street right-of-way from the point of intersection of the two streets. Sight distances at alleys intersecting with streets shall be ten feet.

B. In all zones, sight clearance for automobiles emerging from adjacent driveways shall be maintained for a minimum distance of 20 feet for commercial and multifamily driveways and ten feet for single-family driveways, measured from the property line. A non-view obscuring fence that does not impede visibility or a vegetative hedge not to exceed 30 inches shall be permitted in this area.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002; Ord. No. 1717, § 3(Exh. A), 8-7-2023)

Sec. 106-379. – Permits.

All persons erecting or substantially altering or repairing a fence, wall or security gate shall first obtain submit an application to the Planning Division. In addition, any fence, wall or security gate over six feet in height shall or containing masonry components (i.e. walls or pillars) first obtain a building permit. As part of the application process, the applicant shall submit a scaled site plan indicating property lines and the height, location, building materials and finish treatment of the proposed fence, wall, or security gate. Temporary fencing may be approved as deemed necessary and appropriate by the Director.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002; Ord. No. 1717, § 3(Exh. A), 8-7-2023)

Sec. 106-380. – Inspection.

The building inspector must approve all construction or substantial alteration or repair of fences, walls and security gates requiring a building permit. An initial inspection of the footings or pole holes shall be conducted before the wall, fence, or security gate is erected, and a final inspection shall be conducted upon completion of the construction.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002; Ord. No. 1717, § 3(Exh. A), 8-7-2023)

Sec. 106-381. – Hedges and shrubs.

If hedges, shrubs, and similar vegetation are maintained at the property line and are of sufficient density to block vision, they shall comply with the height limit for fences and walls within the required front, rear, and side yard setbacks, as well as with sight clearance triangle requirements.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002; Ord. No. 1717, § 3(Exh. A), 8-7-2023)

Sec. 106-382. – Security fencing (Reserved).

Sec. 106-383. – Applicability.

Nothing in this section shall be deemed to set aside or reduce the requirement for fences and walls as required by applicable federal, state, and local statutes designed to protect the health, safety and welfare of the community.

(Ord. No. 1270, § 30.565, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, § 2, 9-3-2002; Ord. No. 1542, § 1, 12-2-2002; Ord. No. 1717, § 3(Exh. A), 8-7-2023)

DIVISION 8. – TRASH AREAS

Sec. 106-384. – Multiple dwellings or group quarters.

For each lot developed with multiple dwellings or group quarters, trash and garbage collection and storage areas shall be provided to serve the residential uses as follows:

A. *Location.* All trash areas shall be located and arranged both for convenience to residents and for convenient vehicular access and pickup. No trash area shall be located within five feet of any window opening into a dwelling unit.

B. *Screening.* All trash and garbage collection facilities shall be either enclosed within a building or by a screening fence or wall and gate five to six feet in height, unless, in the opinion of the Director, such facilities are not within public view. The screening fence or wall shall be approved by the planning Director.

C. *Number and size.* The number and size of trash areas shall be as follows:

1. For residential facilities of one to three units: no specific number or size requirement.
2. For residential facilities of four or more units: A common trash area shall be provided of at least 4½ feet by 15 feet with an additional five square feet of trash area for each unit over 13.

(Ord. No. 1270, § 30.680, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-385. – Nonresidential uses.

For each lot developed with a nonresidential use, adequate trash and garbage collection and storage areas shall be provided to accommodate all accumulation of refuse on the premises, subject to the following minimum requirements:

A. *Location.* All trash areas shall be located and arranged both for convenient vehicular access and pickup and shall not interfere with other pedestrian and vehicular traffic patterns.

B. *Screening.* All trash storage areas shall be enclosed within a building or by a screening fence or wall six feet in height, unless, in the opinion of the Director, such facilities are not within public view. The screening fence or wall shall be architecturally compatible with the main building or buildings.

C. *Number and size.* There shall be at least one outdoor trash storage area. Each trash storage area shall be at least 4½ feet by six feet.

(Ord. No. 1270, § 30.681, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-386—106-412. – Reserved.

DIVISION 9. – SIGNS

Sec. 106-413. – Purpose and intent.

A. It is the intent of the citizens of the city that this division emphasize the importance of business activity to the economic vitality of the city, help improve the ability of business owners and operators to identify their businesses to the community in order to enhance the furtherance of commerce, foster varied and interesting places of trade, and promote public safety by making business signing visible to the passing public.

B. The city recognizes that different situations present different signing problems. Accordingly, the purpose of this division is to control signs in a manner which will maintain a high quality of development throughout the city.

(Ord. No. 1270, § 30.691, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-414. – General regulations.

A. A sign permit shall be required prior to the placing, erecting, moving, reconstructing, altering or displaying of any sign within the city. Building and electrical permits shall also be obtained as required by the building and electrical code. Nothing in this subsection shall be interpreted to mean that any permit shall be required for maintaining and repairing existing signs which comply with this division.

B. In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, walkway or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

C. It shall be the responsibility of the property owner to remove all signs from any business that has been vacant for 60 days. However, any sign may be continued past 60 days if the sign face area is removed and replaced with a blank sign face or covered completely with a material approved by the planning Director. If after eight months the business remains vacant or a new business is occupying the building and not utilizing the sign, the sign shall be removed.

D. All signs shall be maintained in good repair, including display surfaces which shall be kept neatly painted or pasted.

E. Any sign which does not conform to this division shall be made to conform or shall be removed as provided in section 106-1035.

F. Any sign which is not in compliance with this division shall be brought into compliance within 30 days of notice of the nature of the noncompliance to the owner or person in possession of the sign by the Director. If the sign is not made to comply with this division within 30 days, it shall be removed. This 30-day period may be extended by the Director for good cause shown by the owner thereof.

(Ord. No. 1270, § 30.692, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-415. – Criteria for all signs requiring a permit.

A permit application for a sign otherwise in compliance with this division shall be approved by the planning Director if the sign complies with the following criteria:

A. A sign would serve primarily to identify the business, the establishment, or the type of activity conducted on the same premises, or the project, service or interest being offered for sale, lease or rent thereon, except as otherwise specifically provided.

B. The design of signs should be consistent with professional graphic standards.

C. Illumination of signs, where not specifically prohibited by this division, should be at the lowest possible level consistent with adequate identification and readability.

D. Signs should be harmonious with the materials, color, texture, size, shape, height, placement and design of the building, property, shopping center and area.

(Ord. No. 1270, § 30.692.01, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-416. – Exemptions.

A. The sections of this division regulating signs shall not apply to the following signs except as otherwise indicated:

1. Official notices issued by any court, public body, or public officer.
2. Notices posted by any public officer in performance of a public duty, or for any person in giving legal notice.
3. Traffic, directional, warning or informational signs required or authorized by the public authority having jurisdiction.
4. Official signs used for emergency purposes only.
5. Permanent memorial or historical signs, plaques or markers.
6. Public utility signs, provided such signs do not exceed three square feet in sign face area.
7. Signs, including painted signs, on private property prohibiting parking, blocking of driveways and trespassing and similar directional signs, subject to the approval of the Director.
8. Residential name and number plates identifying the residence address or its occupants, or both, not to exceed two square feet in area.
9. Seasonal or special event signs and decorations displayed between 20 days prior to and 15 days after the event, provided that they are not located in the public right-of-way without city council approval and that seasonal or special event signs shall be limited to one wall sign or one window sign not exceeding 30 square feet in area.
10. Non-commercial signs, not subject to any other subsection of this subsection (a), provided that temporary signs relating to a specific event are not displayed more than ten days after the event, and the total sign area for any one parcel does not exceed 64 square feet, and such signs shall not be located in the public right-of-way.
11. One unlighted construction sign per job site, not exceeding six square feet in any residential zone, or in all other zones, one unlighted project sign not exceeding 32 square feet and one unlighted sign for each participating contractor not exceeding six square feet each. Project and contractor signs shall be removed prior to final inspection.
12. In the C and M zones, temporary advertising signs on windows not exceeding 40 percent of the total window area (with 60-percent visibility). Seasonal or special event decorations shall be calculated as part of the 40-percent window area coverage.
13. Automobile service station price signs, not exceeding 12 square feet in sign area.
14. Menu boards on the interior driveways of drive-through facilities, subject to the approval of the Director.

B. All restrictions expressed in section 106-417 are applicable to this section.

(Ord. No. 1270, § 30.692.02, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1557, § 1, 11-15-2004)

Sec. 106-417. – Prohibited signs.

The following advertising signs shall be prohibited in all zones:

A. frame or sandwich-board signs.

B. Flashing or scintillating signs.

C. Painted signs (see Article VI - Definitions).

D. Devices dispensing bubbles and free-floating particles of matter.

E. Any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, takes, or otherwise affixes or causes the same to be done to or upon any public street, walkway, crosswalk, other rights-of-way, curb, lamp post, hydrant, tree, telephone booth or pole, lighting system, or other public place except as may be required by ordinance or law. The provisions of this section shall not impact the city's ability to permit commercial sponsor signs to be posted on the city owned little league fields pursuant to regulations adopted by the city council.

F. Devices projecting, or otherwise reproducing, the image of an advertising sign or message or any surface or object.

G. Signs on vehicles. No person shall erect or maintain a sign which is attached to, suspended from, or supported in whole or in part by any vehicle, whether self-propelled or towed. A sign will be allowed if painted directly upon, or permanently affixed to, the body or integral part of the vehicle or permanent decoration, identification or display, if such vehicle is used regularly in the business to which the sign pertains, for purposes other than as an advertising device, and such sign shall conform to the limitations set forth in the state Vehicle Code, excluding only public carrier buses and trains.

H. Outdoor advertising signs, except as provided for in subsection 106-102(4).

I. Subdivision directional signs.

J. Roof signs.

K. Home occupation signs.

(Ord. No. 1270, § 30.693, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1513, § 2, 1-18-2000)

Editor's note(s)—Ord. No. 1513, adopted Jan. 18, 2000, which amends subsection E. of this section, further provides that pursuant to the California Environmental Quality Act, the amendment is categorically exempt under article 19, section 15311(a), accessory structures, on-premise signs.

Sec. 106-418. – Real estate advertising signs.

Real estate advertising signs are permitted in residential, commercial and industrial zones, subject to the following:

A. *Residential zones.*

1. In the R-1 zone, one unlighted real estate advertising sign is permitted, not to exceed six square feet in area and six feet in height from ground level to top of sign, on a straight stake, containing information restricted to the sale, lease or rental of the premises on which the sign is located. A double-faced rider, not larger than six inches by 24 inches, containing advertising matter pertinent to the premises, is permitted to be placed under and over the real estate advertising sign.
2. In the R-2 and R-3 zones, one nonilluminated or indirectly illuminated sale or lease sign for each street frontage of the total parcel involved is permitted, not exceeding a height of 12 feet if freestanding and not above the roofline if attached to a building; having an area not exceeding six square feet for each lot or for each 5,000 square feet in such total parcel, whichever ratio permits the larger area; and provided that no such sign shall exceed 64 square feet in area and any such sign exceeding 18 square feet in area shall be set back at least four feet from all street property lines.
3. Real estate advertising signs shall be removed from the premises within seven days after the close of escrow or cancellation of the sales or lease agreement.

4. Flags, streamers, pennants, lean-in and directional signs and similar displays are permitted between 9:00 a.m. and sunset. One additional sign denoting open house, not to exceed six square feet in area, is permitted between 9:00 a.m. and sunset, provided a representative of the real estate firm or the property owner is present at all times while such sign is displayed. Such sign is subject to all restrictions provided in this section.
5. All restrictions expressed in Division 2 of Article II of this chapter are applicable to this section.

B. *Commercial and industrial zones.*

1. One unlighted sign structure is permitted per lot, except on parcels larger than five acres one such sign structure is permitted for each street frontage of the parcel.
2. A sign structure may have any number of sign faces, but the total sign area shall not exceed 50 square feet per sign structure in commercial zones and not more than 100 square feet per sign structure in industrial zones.
3. All portions of a sign structure shall be not less than five feet from the inside line of the sidewalk, or if there is no sidewalk, from the lot line, except, if the building setback is less than ten feet, the sign structure shall not be less than one-half of the setback from the inside line of the sidewalk or lot line.
4. A sign may be affixed to a building provided that the sign shall not extend above the roofline or parapet wall of the building.
5. Advertising copy shall pertain only to the premises upon which the sign is located.
6. Any such signs shall be removed within 15 days after the close of escrow or cancellation of the sales or lease agreement.
7. All restrictions expressed in Divisions 3 of Article II of this chapter are applicable to this section.

(Ord. No. 1270, § 30.694.1, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-419. – Identification signs.

A. In residential zones, for each multiple dwelling or rooming house, one unlighted sign not exceeding six square feet in area and four feet in any dimension may be placed on the wall of the building, provided it does not extend above or out from the front wall and indicates only the name and address of the premises.

B. Identification signs for nonresidential uses, in residential zones including a bulletin board of a public, charitable or religious institution used to display announcements relative to meetings to be held on the premises, may be erected subject to the following:

1. Not more than two sign structures shall be permitted on a lot, except the commission may approve additional signs if it finds there are more than two separate nonresidential uses on the same lot, the location of not more than two sign structures would constitute an unnecessary hardship on the property owner, and the additional signs would not be materially detrimental to the public health, safety and general welfare.
2. The total sign area per lot shall not exceed an area in square feet equal to one-half of the linear feet of lot frontage on a public street not to exceed a maximum of 25 square feet.
3. A freestanding sign in excess of four feet in height shall not be permitted.
4. A sign may be affixed to a building provided that the sign shall not extend more than three feet above the roofline or parapet wall of the building.
5. All restrictions and regulations expressed in sections 106-417 and 106-423 are applicable to this section.

(Ord. No. 1270, § 30.694.2, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-420. – Business signs.

Business signs are permitted in commercial and industrial zones, subject to the following:

A. Total sign area per building frontage shall not exceed 20 percent of the area of the building elevation fronting on a public street, public alley, or parking lot (not to exceed 150 square feet of total sign area). This sign area standard applies to single tenant as well as multitenant buildings. Furthermore, advertising, other than the business name, is restricted to 25 percent of the total sign area. These limitations shall not apply to on-site business directory signs, provided that such on-site directory signs comply with the following:

1. The area devoted to advertising each individual business shall not exceed two square feet.
2. The area devoted to advertising the name of the complex or center shall not exceed 25 percent of the total directory sign area or 20 square feet, whichever is greater.

B. Freestanding monument signs are permitted, subject to the following:

1. Height shall be a maximum of four feet.
2. The area shall be a maximum of 30 square feet (total area).

C. Canopy signs are permitted, subject to the following:

1. The distance between ground elevation and the bottom of such sign shall not be less than ten feet.
2. Such sign shall be located at a 90-degree angle to the face of the building.
3. Such sign shall be centered between the face of the building and the outer edge of the awning or canopy.
4. Such sign shall not exceed two feet in height or two-thirds the length of the projection of the awning or canopy.

D. A wall sign may not extend more than three feet above the roofline or parapet wall of the building.

E. Electronic message center signs are permitted, subject to the following:

1. Such sign shall be at least 100 feet from a residential zone.
2. Such sign shall be at least 500 feet from any other electronic message center sign.
3. Such sign shall be affixed to a pole or building and subject to the freestanding sign limitations of this division.
4. No such sign shall be erected until written approval is obtained from the city traffic commission. Approval shall not be granted if the proposed sign would interfere with traffic signals, disrupt normal traffic flow or otherwise create a safety hazard.

F. Signs which are affixed to a building and which project into an existing or future right-of-way may so project to a maximum distance as designated in the following table:

Height of Bottom of Sign from Finished Grade (feet)	Maximum Projection Permitted
Less than 8	0
8 to 10	6 inches
10 to 12	2 feet
12 to 16	4 feet
Over 16	5 feet

G. The following signs are permitted subject to the granting of a conditional use permit:

1. Revolving signs;
2. Super graphic signs; and

3. A sign program meeting the intent of this chapter and the approval of the planning commission.

H. All restrictions expressed in section 106-417 are applicable to this section.

I. Window signs shall be governed as follows:

1. Permanent window sign copy may not occupy more than ten percent of the total area of the window or door where it is displayed. If the lettering or symbol in such a display is higher than three inches, it is counted against the total allowable signage on a building.
2. Permanent window sign and temporary advertising postal sign copy and/or painted window sign shall not exceed 40 percent of the total area of the window where they are displayed.

(Ord. No. 1270, § 30.694.3, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-421. – Streamers, banners and pennants.

A. *Prohibition.* Streamers, banners, pennants, and similar displays are not permitted in residential zones except as provided in section 106-418.

B. *Commercial and industrial zones.* No streamers, banners, pennants, whirling devices, flags and similar objects which wave, float, fly, rotate or move in the breeze shall be permitted except for a 21-day period not to exceed five times each year for promotional event and in connection with opening of a store or other permitted establishment. An opening includes a new facility, establishment under new management and opening following a closure due to accidental damage. A permit shall be issued by the city for each 21-day period per year but not to exceed 105 days. Display of banners and pennants for special events authorized by the city is exempt from the 21-day permit requirement provided the display is removed at the end of the special event. In lieu of the use of streamers, whirling devices, banners, pennants, flags, and similar displays, businesses engaged in the sale of automobiles may utilize a temporary canopy or tent type structure for the 21-day period. Height limits for all displays shall not exceed the height limit established for the zoning district.

C. *Restrictions.* All restrictions expressed in section 106-417 are applicable to this section.

(Ord. No. 1270, § 30.694.4, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-422. – Signs in yards in commercial zones.

In commercial zones, signs are permitted in required yards other than in existing or future street rights-of-way if in accordance with sections 106-417, 106-418, 106-420 and 106-421.

(Ord. No. 1270, § 30.694.41, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-423. – Specific business signs.

A. *Automobile service station signs.* Automobile service station signs shall be permitted a total sign area of 2½ square feet per linear foot of lot frontage or 20 percent of the area of the building elevation fronting on a public street, public alley, or public parking lot, whichever is greater.

B. *Sale of automobiles, recreation vehicles, travel trailers, trucks and trailers.* In addition to permanent signs permitted for such facilities, such as pole signs approved by the planning commission through a special sign permit, devices such as kite-shaped, round, oval and other temporary fabric or vinyl signs, called diamond or fan top pole displays or signs of similar materials, typical of car dealerships, may be utilized. Each property shall be limited to one such device for each functional on-site light pole. The signs shall be similar in design to sketches found in Exhibit "A", a copy of which is on file in the office of the city clerk.

The maximum size of such signs shall not exceed 48 square feet in area, with a minimum clearance from the public right-of-way of eight feet. No part of the signage shall extend above the connecting base of the light standard to the pole. Such signs shall not obstruct the sight distance of motorists entering or leaving an intersection or block out the permanent sign copy of any other business establishment situated

along the same street frontage. The temporary signage shall be maintained in a clean, neat and untattered condition.

To display promotional banner-, streamer- and pennant-type signs, a conditional use application and an interior landscape plan for two percent of the lot area devoted to automotive sales shall be submitted within 90 days from the passage of this ordinance to the planning department. The two percent interior landscaping plan shall be arranged to emphasize visual attractiveness as viewed by the public from surrounding streets and walkways. Included as part of the required two percent landscaping shall be a landscape strip not less than five feet in width running parallel to and along the street excluding space devoted to driveways and other access points. Such landscaped strip shall be maintained with an automatic irrigation system permanently and completely installed, which delivers water directly to all landscaped areas. Work on the proposed interior landscaping plan shall commence in 30 days and be completed in 60 days from the date of approval of the conditional use permit. Failure to comply with the aforementioned time frame shall result in the immediate removal of promotional banners, streamers and pennants.

C. *Hospital signs.* Hospital signs shall be permitted provided that the signs are submitted to and approved by the planning commission. Off-site directional signs may be permitted by the commission.

D. *Exceptions and restrictions.* All exceptions and restrictions expressed in sections 106-416 and 106-417 are applicable to this section.

(Ord. No. 1270, § 30.694.42, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1496, § 2, 11-16-1998)

Sec. 106-424. – Freestanding signs.

A. In all commercial and industrial zones, freestanding signs, other than monument signs, shall be reviewed by the planning commission and shall require a special sign permit. In order for the commission to approve such a sign, or approve with conditions, it shall require a finding that the sign is compatible with existing conditions in the neighborhood and is necessary for the conduct of the business the sign advertises.

B. Sign size, height and location shall be subject to planning commission approval.

C. Procedures for approval of an application for a freestanding sign are as follows:

1. An applicant for a freestanding sign shall provide such information and plans as shall be required by the community development department. The department shall notify adjacent property owners within 300 feet on either side along the street frontage of the property that is the subject of the hearing not less than ten days prior to the planning commission public hearing on the application. The notice shall include the sign size, height and location.

2. For this purpose, the last name and address of such owners as shown upon the latest assessment roll of the county assessor shall be used. Such notice shall state the nature of the request, the location of the property and the time and place of the scheduled hearing.

3. The planning commission shall conduct the public hearing in accordance with section 106-834 of this chapter.

4. After conducting the hearing, the commission shall approve, approve with conditions, or deny the application. Such decision shall be sent by certified mail to the applicant and adjacent property owners. The decision will be effective ten days after the decision.

D. The planning commission's decision may be appealed to the city council by any affected party, in accordance with sections 106-817 through 106-822 of this chapter.

E. The application fee and appeal fee for a special sign permit shall be set by resolution of the city council.

(Ord. No. 1270, § 30.694.43, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-425. – Materials.

Signs and sign support structures shall conform to the requirements specified in chapter 62 of the 1991 edition of the City of Los Angeles Uniform Building Code adopted by the city by reference.

(Ord. No. 1270, § 30.694.44, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-426. – Required signs in all zones.

All structures in the city which face a public right-of-way shall display in a conspicuous and easily visible place a sign or plate not to exceed one square foot in area containing the numerals of the street address of the structure. In the residential zones, the numerals shall be no less than three inches in height; in the commercial and manufacturing zones, the numerals shall be no less than four inches in height.

(Ord. No. 1270, § 30.694.50, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-427. – Alcohol advertising.

A. *Purpose and intent.* The purpose of this section is to promote the welfare of minors by discouraging the commercial exploitation of potential underage alcohol consumers and by discouraging actions that promote the unlawful sale of alcoholic beverages to minors as well as the unlawful purchase or possession of alcoholic beverages by minors.

B. *Restrictions on alcohol advertising.*

1. Except as otherwise provided in this chapter, no person shall place or maintain, or cause or allow to be placed or maintained, any advertising or promotion of alcoholic beverages on any advertising display in a publicly visible location.

2. No part of this section shall be construed to permit any advertising display that is otherwise restricted or prohibited by law. Nor shall it be construed to permit an otherwise restricted or prohibited advertising display because it is combined with a permitted public service message.

3. No part of this section shall be construed to permit any advertising display otherwise restricted or prohibited by sections 106-413 et seq. of this Code.

4. No part of this section shall be construed to regulate messages that do not propose a commercial transaction.

5. No part of this section shall be construed to prohibit the display of public service messages designed to communicate the hazards of alcoholic beverages or to encourage minors to refrain from consuming or purchasing alcoholic beverages. However, this section shall not be construed to permit such a message when it is made in conjunction with the positive display of a recognized image, artwork, photograph, logo or graphic used for marketing or promotion of alcoholic beverages.

C. *Exceptions.* This section does not apply to any advertising display:

1. that is located in a nonresidential zone, provided it is more than 1,000 feet in any direction (measured in a straight line from parcel boundary to parcel boundary) from any area which minors frequent; or

2. that is located adjacent to and the copy on which is visible from, an interstate highway; or

3. that exists at the time of the introduction of this ordinance, contains the name or slogan of a business that sells alcoholic beverages, and is on the premises of the business; or

4. that is located on the premises of a commercial establishment if the advertising display provides notice that the establishment sells alcoholic beverages, as long as the display does not promote any brand of alcoholic beverage or otherwise constitute a promotion as defined by this section; or

5. that is located inside the premises of an establishment that lawfully sells alcoholic beverages unless the advertising display is attached to, affixed to, leaning against, or otherwise placed within three feet of any window or door in such a manner that it is visible from outside the building; or
6. that is located on a commercial vehicle used exclusively for transporting alcoholic beverages; or
7. that is located on alcoholic beverage packaging; or
8. that is worn as clothing by an individual; or
9. that is erected in conjunction with a one-day alcoholic beverage sales license or temporary license issued by the California Department of Alcoholic Beverage Control provided the advertising display is located at the location licensed for alcoholic beverage sales.

D. *Nonconforming uses.*

1. On the effective date of the ordinance adopting this section, advertising displays that were in place at the time of the introduction of this ordinance may remain in place for no more than 60 additional days, unless an extension of time is granted pursuant to this section.
2. Owners of advertising displays in place on April 19, 1999 may, no later than the 60th day after the effective date of the ordinance, apply for an extension of time for compliance and provide written documentation to the Director of community development or his designee that demonstrates that the owner had a right or an obligation under a written lease or contract executed prior to April 19, 1999 to maintain an advertising display in violation of this section for a period extending beyond November 30, 1999. On timely receipt of sufficient documentation, the Director of community development or his designee shall grant an extension of time to remove the advertising display for the period required or authorized by the lease or contract or for a period of one year, whichever is shorter. Renewal rights present in the lease or contract shall not affect the determination of the period required or authorized by the lease or contract.
3. Owners of advertising displays in place on April 19, 1999 may, no later than November 30, 1999, apply for an extension of time for compliance and provide written documentation to the Director of community development or his designee that demonstrates that timely compliance would cause unreasonable financial hardship and that granting the extension of time would not confer a special privilege on the owner. On timely receipt of sufficient documentation, the Director of community development or his designee shall conduct a hearing pursuant to sections 106-832 et seq. of this Code and determine whether, and on what conditions, the extension of time ought to be granted.
4. Whether or not an extension of time to remove a pre-existing advertising display is granted pursuant to subsection 106-427(e)(2), or (3) herein, advertising displays that are prohibited by this ordinance shall not be legal nonconforming uses.

E. *Violation/penalties.*

1. Causing, permitting, aiding, abetting or concealing a violation of any provision of this ordinance shall constitute a violation. After notification, it shall be a separate offense for each day such violation shall continue.
2. In addition to the other remedies provided in this Code, any violation of this section may be enforced by a civil action brought by the city attorney, including, but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity.

3. An action for injunction may be brought in a court of competent jurisdiction by any aggrieved person, or any person or entity that will fairly and adequately represent the interests of the protected class.

(Ord. No. 1503, § 1, 5-3-1999)

Sec. 106-428. – Tobacco advertising and promotion.

A. *Purpose and intent.* The purpose of this section is to promote the welfare of minors by discouraging the commercial exploitation of potential underage tobacco consumers and by discouraging actions that promote the unlawful sale of tobacco products to minors as well as the unlawful purchase or possession of tobacco products by minors.

B. *Restrictions on tobacco advertising.*

1. Except as otherwise provided in this chapter, no person shall place or maintain, or cause or allow to be placed or maintained, any advertising or promotion of tobacco products on any advertising display in a publicly visible location.
2. No part of this section shall be construed to permit any advertising display that is otherwise restricted or prohibited by law. Nor shall it be construed to permit an otherwise restricted or prohibited advertising display because it is combined with a permitted public service message.
3. No part of this section shall be construed to permit any advertising display otherwise restricted or prohibited by sections 106-413 et seq. of this Code.
4. No part of this section shall be construed to regulate messages that do not propose a commercial transaction.
5. No part of this section shall be construed to prohibit the display of public service messages designed to communicate the hazards of tobacco products or to encourage minors to refrain from using or purchasing tobacco products. However, this section shall not be construed to permit such a message when it is made in conjunction with the positive display of a recognized image, artwork, photograph, logo or graphic used for marketing or promotion of tobacco products.

C. *Exceptions.* This section does not apply to any advertising display:

1. that is located in a nonresidential zone, provided it is more than 1,000 feet in any direction (measured in a straight line from parcel boundary to parcel boundary) from any area which minors frequent; or
2. that it is located adjacent to and the copy on which is visible from, an interstate highway; or
3. that exists at the time of the introduction of this ordinance, contains the name or slogan of a business that sells tobacco products, and is on the premises of the business; or
4. that is located on the premises of a commercial establishment if the advertising display provides notice that the establishment sells tobacco products, as long as the display does not promote any brand of tobacco product or otherwise constitute a promotion as defined by this section; or
5. that is located inside the premises of an establishment that lawfully sells tobacco products unless the advertising display is attached to, affixed to, leaning against, or otherwise placed within three feet of any window or door in such a manner that it is visible from outside the building; or
6. that is located on a commercial vehicle used exclusively for transporting tobacco products; or
7. that is located on tobacco product packaging; or
8. that is worn as clothing by an individual.

D. *Requirement of vendor-assisted sales.* It shall be unlawful for any person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of a self-service display, cigarette vending machine, or by any means other than vendor-assisted sales. This prohibition shall not apply to tobacco shops and cigar lounges. A self-service display is the open display of tobacco products which the public has access to without the intervention of a store employee, including but not limited to a rack, shelf, or counter-top display.

E. *Purchaser identification.* The seller of any tobacco products shall require photographic identification if a purchaser reasonably appears to be under 27 years of age. In compliance with federal and state law, tobacco products shall not be sold to anyone under 18 years of age.

F. *Nonconforming uses.*

1. On the effective date of the ordinance adopting this section, advertising displays that were in place at the time of the introduction of this ordinance may remain in place for no more than 60 additional days, unless an extension of time is granted pursuant to this section.
2. Owners of advertising displays in place on April 19, 1999 may, no later than the sixtieth day after the effective date of the ordinance, apply for an extension of time for compliance and provide written documentation to the Director of community development or his designee that demonstrates that the owner had a right or an obligation under a written lease or contract executed prior to April 19, 1999 to maintain an advertising display in violation of this section for a period extending beyond November 30, 1999. On timely receipt of sufficient documentation, the Director of community development or his designee shall grant an extension of time to remove the advertising display for the period required or authorized by the lease or contract or for a period of one year, whichever is shorter. Renewal rights present in the lease or contract shall not affect the determination of the period required or authorized by the lease or contract.
3. Owners of advertising displays in place on April 19, 1999 may, no later than November 30, 1999, apply for an extension of time for compliance and provide written documentation to the Director of community development or his designee that demonstrates that timely compliance would cause unreasonable financial hardship and that granting the extension of time would not confer a special privilege on the owner. On timely receipt of sufficient documentation, the Director of community development or his designee shall conduct a hearing pursuant to sections 106-832 et seq. of this Code and determine whether, and on what conditions, the extension of time ought to be granted.
4. Whether or not an extension of time to remove a pre-existing advertising display is granted pursuant to subsection 106-428(g)(2), or (3) herein, advertising displays that are prohibited by this section shall not be legal nonconforming uses.

G. *Violation/penalties.*

1. Causing, permitting, aiding, abetting or concealing a violation of any provision of this section shall constitute a violation. After notification, it shall be a separate offense for each day such violation shall continue.
2. In addition to the other remedies provided in this Code, any violation of this section may be enforced by a civil action brought by the city attorney, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity.
3. An action for injunction may be brought in a court of competent jurisdiction by any aggrieved person, or any person or entity that will fairly and adequately represent the interests of the protected class.

(Ord. No. 1504, § 1, 5-3-1999)

Sec. 106-429 –106-452. – Reserved.

DIVISION 10. – PROPERTY MAINTENANCE

Sec. 106-453. – Property and Intent.

The purpose and intent of this chapter are as follows:

A. To define as public nuisances and violations those conditions and uses of land that are detrimental to the public health, safety and welfare, or which reduce property values in the city.

B. To develop regulations that will promote the sound maintenance of property and enhance conditions of appearance, habitability, occupancy, use and safety of all structures and premises in the city.

C. To establish administrative procedures for the city's use, upon its election, to correct or abate violations of this chapter on real property throughout the city.

This chapter is not intended to be applied, construed or given effect in a manner that imposes upon the city, or upon any officer or employee thereof, any duty towards persons or property within the city or outside of the city that creates a basis for civil liability for damages, except as otherwise imposed by law.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-454. – Public nuisance conditions.

The city council finds and declares that it is a public nuisance and unlawful for any person to allow, cause, create, maintain, suffer or permit others to maintain, real property or premises in the city in such a manner that:

A. Any one or more of the following conditions are found to exist thereon:

1. Land, the topography, geology or configuration of which whether in natural state or as a result of the grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare, or to adjacent properties.
2. Buildings or other structures, or portions thereof, that are partially constructed or destroyed or allowed to remain in a state of partial construction or destruction for an unreasonable period of time. As used herein, an "unreasonable" period shall mean any portion of time exceeding the period given to a responsible person by the city for the complete abatement of this nuisance condition with all required city approvals, permit and inspections. Factors that may be used by the city to establish a reasonable period for the complete abatement of this nuisance include, but are not limited to, the following:
    a. The degree of partial construction or destruction and the cause of the current physical state or condition.
    b. Whether or not this condition constitutes an attractive nuisance or if it otherwise poses or promotes a health or safety hazard to occupants of the premises, or to others.
    c. The degree of visibility, if any, of this condition as viewed from public property or adjoining private real property.
    d. The scope and type of work that is needed to abate this nuisance.
    e. The promptness with which a responsible person has applied for and obtained all required city approvals and permits in order to lawfully commence the nuisance abatement actions.
    f. Whether or not a responsible person has complied with other required building or other technical code requirements, including requesting and passing required inspections in a timely manner, while completing nuisance abatement actions.
    g. Whether or not a responsible person has applied for extensions to a building or other technical code permit or renewed an expired permit, as well as the number of extensions and renewals that a responsible person has previously sought or obtained from the city.
    h. Whether or not a responsible person has made substantial progress, as determined by the city, in performing nuisance abatement actions under a building or other technical code permit that has expired, or is about to expire.
    i. Whether delays in completing nuisance abatement actions under a building or other technical code permit have occurred, and the reason(s) for such delays.

3. Real property, or any building or structure thereon, that is abandoned, uninhabited, or vacant for a period of more than six months.
4. Abandoned personal property that is visible from public or private property.
5. Interior portions of buildings or structures (including, but not limited to attics, ceilings, walls floors, basements, mezzanines, and common areas) that are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a decrease in property values, or where such condition otherwise violates, or is contrary to, or other provisions of the city code, or state law.
6. Exterior portions of buildings or structures (including, but not limited to, roofs, balconies, decks, fences, stairs, stairways, walls, signs and fixtures), as well as sidewalks, driveways and parking areas, that are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a decrease in property values, or where such condition otherwise violates, or is contrary to, provisions of the city code, or state law.
7. Clothes lines in front or side yard areas.
8. Obstructions of any kind, cause or form that interfere with light or ventilation for a building, or that interfere with, impede, delay or get in the way of building or structure ingress and egress.
9. Broken, defective, damaged, dilapidated, or missing windows, doors or vents in a building or structure, and/or broken, defective, damaged, dilapidated, or missing screens for windows, doors, or crawl spaces in a building or structure.
10. Windows or doors that remain boarded up or sealed after ten calendar days of written city notice to a responsible person requesting the removal of these coverings and the installation of fully functional and operable windows or doors. City actions to board up or seal windows or doors in order to deter unauthorized entry into structures shall not relieve responsible persons from installing fully functional and operable windows or doors.
11. Overgrown vegetation including, but not limited to, any one of the following:
    a. Vegetation likely to harbor, or promote the presence of, rats, vermin and insects.
    b. Vegetation causing detriment to neighboring properties, or that is out of conformity with neighboring community standards to such an extent as to result in, or contribute to, a decrease in property values, including but not limited to:
        i. Lawns with grass in excess of five inches in height, provided that this shall not be applicable to ornamental grasses which are part of a city-approved drought-tolerant landscape plan
        ii. Hedges, trees, lawns, plants, or other vegetation that are not maintained in a neat, orderly, and healthy manner as a result of lack of adequate mowing, grooming, trimming, pruning, fertilizing, watering, and/or replacement;
    c. Vegetation that creates, or promotes, the existence of a fire hazard.
    d. Tree branches within five feet of a rooftop that facilitate rodent or animal access to a building or structure.
    e. Vegetation that overhangs or grows onto or into any public property, including, but not limited to, any public alley, highway, land, sidewalk, street or other right-of-way, so as to cause an obstruction to any person or vehicle using such public property.
12. Dead, decayed, diseased or hazardous trees, weeds, ground cover, and other vegetation, or the absence of live and healthy vegetation, that causes, contributes to, or promotes, any one of the following conditions or consequences:
    a. An attractive nuisance.
    b. A fire hazard.

c. The creation or promotion of dust or soil erosion.

d. A decrease in property values.

e. A detriment to public health, safety or welfare.

13. Any form of an attractive nuisance.

14. Items of junk, trash, debris or other personal property that are kept, placed, or stored inside of a structure or on exterior portions of real property that constitute a fire or safety hazard or a violation of any provision of this Code, or items of junk, trash, debris, or other personal property that are visible from public property or adjoining private real property, or that are otherwise out of conformity with neighboring community standards to such an extent as to result in, or tend to result in, a decrease in property values. The existence of a junkyard is not a public nuisance when such use and the premises on which such use occurs are in full compliance with all provisions of this Code (including all approvals and permits required thereby), and all other applicable provisions of the city code, as well as all future code amendments and additions, and applicable county, state, and/or federal laws and regulations.

15. Garbage cans, yard waste containers, and recycling containers that are kept, placed or stored in front or side yards and visible from public property, except at times and places that solid or yard waste, or recyclables, are scheduled for collection by the city or its permitted collector(s). A nuisance also exists under this provision when garbage cans, yard waste containers and recycling containers are stored with open lids, and/or any associated trash enclosure contains garbage, yard waste, or recyclables which is not properly placed in said containers.

16. Combustible or other materials including, but not limited to, composting, firewood, junk, lumber, packing boxes, pallets, plant cuttings, tree trimmings or wood chips, in interior or exterior areas of building or structures, when such items or accumulations:

    a. Render premises unsanitary or substandard as defined by the city housing code, the state housing law, the city building code, or other applicable local, state or federal law, rule or regulation.

    b. Violate the city health code.

    c. Cause, create, or tend to contribute to a fire or safety hazard.

    d. Harbor, promote, or tend to contribute to the presence of rats, vermin and/or insects.

    e. Cause, create, or tend to contribute to, an offensive odor.

    f. Cause the premises to be out of conformity with neighboring community standards to such an extent as to result in, or tend to result in, a decrease of property values. This use of land or condition shall not constitute a nuisance when expressly permitted under the applicable zone classification and the premises are in full compliance with all provisions of this chapter and all other applicable provisions of the city code, as well as all future code amendments and additions, and all applicable county, state and/or federal laws, rules and regulations.

17. Vehicles, construction equipment, or other machinery exceeding the permissible gross vehicle weight for the streets or public property upon which they are located. A nuisance also exists under this provision when a vehicle, construction equipment, or other machinery is stopped, kept, placed, parked, or stored on private real property and when such vehicle, equipment, or machinery exceeds the permissible gross vehicle weight for the streets or public property that were utilized in its placement on said private real property unless pursuant to a valid permit issued by the city.

18. Any equipment, machinery, or vehicle of any type or description that is designed, used, or maintained for construction-type activities that is kept, parked, placed, or stored on public or private real property except when such item is being used during excavation, construction, or

demolition operations at the site where said equipment, machinery, or vehicle is located pursuant to an active permit issued by the city.

19. Abandoned, dismantled, inoperable or wrecked boats, campers, motorcycles, trailers, vehicles, or parts thereof, unless kept, placed, parked, or stored inside of a completely enclosed, lawfully constructed building or structure.
20. Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment parked or stored in violation of any provision of this Code.
21. Maintenance of signs, banners, streamers, pennants, or sign structures, on real property relating to uses no longer lawfully conducted or products no longer lawfully sold thereon, or signs and their structures that are in disrepair or which are otherwise in violation of, or contrary to this chapter and any other sections of the city code.
22. Specialty structures that have been constructed for a specific use, and which are unfeasible to convert to other uses, and which are abandoned, partially destroyed or are allowed to remain in a state of partial destruction or disrepair. Such specialty structures include, but are not limited to, the following: tanks for gas or liquid(s), lateral support structures and bulk-heads, utility high-voltage towers and poles, utility high-rise support structures, electronic transmitting antennas and towers, structures which support or house mechanical and utility equipment and are located above the roof lines of existing buildings, high rise freestanding chimneys and smoke stacks, recreational structures such as tennis courts and cabanas, and buildings and structures used for specialty equipment or vehicle storage.
23. Any personal property, building, or structure that obstructs or encroaches on any public property, including, but not limited to, any public alley, highway, land, sidewalk, street or other right-of-way unless a valid encroachment permit has been issued authorizing said encroachment or obstruction.
24. Causing, maintaining, suffering or permitting graffiti or other defacement of real or personal property, as defined in Chapter 50, Article VII of this Code, to be present or remain on a building, structure or vehicle, or portion thereof that is visible from a public right-of-way or from adjoining public or private real property.
25. Storage of hazardous or toxic materials or substances on real property, as so classified by any local, state or federal laws or regulations, in such a manner as to be injurious, or potentially injurious or hazardous, to the public health, safety or welfare, or to adjacent properties, or that otherwise violates local, state or federal laws or regulations.
26. Failure to provide and maintain adequate weather protection to structures or buildings, so as to cause, or tend to cause or promote, the existence of cracked, peeling, warped, rotted, or severely damaged paint, stucco or other exterior covering.
27. Any condition recognized in local or state law or in equity as constituting a public nuisance, or any condition existing on real property that constitutes, or tends to constitute, blight, or that is a health or safety hazard to the community or neighboring properties.
28. Any discharge of any substance or material, other than storm water, which enters, or could possibly enter, the city's storm sewer system in violation of the city code.
29. Maintenance of any tarp or similar covering on, or over, any graded surface or hillside, except in the following circumstances:
    a. A state of emergency has been declared by local, state or federal officials directly impacting the area to be tarped.
    b. Tarping performed pursuant to an active building or grading permit.
    c. Tarps installed during the period from December 1 through March 30 of each year, when required by local, state, or federal regulations due to forecasted rain or other weather likely to damage or erode a hillside or graded surface.

30. Maintenance of any tarp or similar covering on, or over, any roof of any structure, except during periods of active rainfall, or when specifically permitted under an active building permit.
31. Maintenance of any tarp or similar covering on, over or across any fence, wall or other structure and used as screening material or for any other purpose, except when specifically permitted under an active building permit.
32. Unsanitary, polluted or unhealthful pools, ponds, standing water or excavations containing water, whether or not they are attractive nuisances but which are nevertheless likely to harbor mosquitoes, insects or other vectors. The likelihood of insect harborage is evidenced by any of the following conditions: water which is unclear, murky, clouded or green; water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or, bodies of water that are abandoned, neglected, unfiltered or otherwise improperly maintained.
33. Maintenance of premises so out of harmony or conformity with the maintenance standards of properties in the vicinity as to cause, or that tends to cause, substantial diminution of the enjoyment, use, or property values of such properties in the vicinity.

B. Any condition recognized in local or state law or in equity as constituting a public nuisance, or any condition existing on real property that constitutes, or tends to constitute, blight, or that is a health or safety hazard to the community or neighboring properties.

C. A condition, use or activity is present that constitutes a public nuisance as defined by California Civil Code §§ 3479 or 3480, and any future amendments thereto.

D. Any building or structure, or portion thereof, or the premises on which the same is located, in which there exists any of the conditions listed in California Health and Safety Code, § 17920.3 and any future amendments thereto.

E. Any "unsafe building" or "unsafe structure" as defined by the city building code.

1. Any building or structure used by any person to engage in acts which are prohibited pursuant to the laws of the United States or the State of California, the provisions of this Code, or any other ordinance of this city, including, but not limited to the following acts:
2. Unlawful possession, use, and/or sale of controlled substances; and/or
3. Prostitution; and/or
4. Unlawful gambling.

F. Any building, structure, or use of real property that violates or fails to comply with any of the following:

1. Any applicable approval, permit, license, or entitlement or condition relating thereto;
2. Any ordinance of the city, including, but not limited to any provision of this Code; or
3. Any applicable county, state, or federal law or regulation.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-455. – Penalty.

A. Notwithstanding any other provision of this Code, any person who causes, permits, suffers, or maintains a public nuisance, or any person who violates any provision of this chapter, or who fails to comply with any obligation or requirement of this chapter, is guilty of a misdemeanor punishable in accordance with Chapter 1, Article II of this Code.

B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this chapter, or of any law or regulation referenced on this chapter, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-456. – Abatement of public nuisances.

All conditions or uses that constitute a public nuisance as defined in this chapter, or that are contrary to, or in violation of, any other provision or requirement of the city code, or of any applicable county or state law, or regulation thereof, which shall also constitute a public nuisance, shall be abated by rehabilitation, repair, demolition, removal or termination. The procedures for abatement in this part shall not be exclusive and shall not limit or restrict the city from pursuing any other remedies available at law, whether civil, equitable or criminal, or from enforcing city codes and adopted ordinances, or from abating or causing abatement of public nuisances, in any other manner provided by law.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-457. – Continuing obligation of responsible persons to abatement a public nuisance.

A. Responsible persons shall not allow, cause, create, maintain, suffer or permit a public nuisance to exist on their premises. If public nuisances do arise or occur, responsible persons shall promptly abate them by rehabilitation or repair, demolition, removal or termination with all required and applicable city approvals, permits and inspections.

B. The city may exercise its administrative, civil/injunctive and criminal remedies, or any one or combination of these remedies, to compel responsible persons to abate a public nuisance when, in its judgment, such persons have not completed nuisance abatement actions in a timely or proper manner, or when responsible persons have failed to prevent an occurrence or recurrence of a public nuisance.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-458. – Procedures for the city to establish the right to enter private real property to abate a public nuisance.

A. Whenever a code enforcement officer or other public official determines that city employees, representatives or contract agents (hereafter "city personnel") may need to abate a public nuisance, he or she shall give a written "notice of public nuisance and intention to abate with city personnel" (hereafter in this section and in subsequent sections of this chapter, the "notice of abatement") to the responsible person(s) that contains the following provisions:

1. The address of the real property on which the nuisance condition(s) exist(s).
2. A description of the nuisance condition(s).
3. A reference to the law prohibiting or pertaining to the nuisance condition(s).
4. A brief description of the required corrective action(s), and,
5. A time period and/or schedule in which to complete the nuisance abatement actions (with all required city approvals, permits and inspections, when applicable).
6. The period and manner in which a responsible person may contest the notice of abatement pursuant to section 106-461 of this chapter. No such right shall exist when the city is not seeking to establish the right to abate a public nuisance with city personnel.
7. A statement that the city may record a notice of substandard property with the county recorder's office against the premises if the public nuisance is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the city, within a 30-day period after service of the notice of abatement and provided that a timely appeal therefrom has not been made.

B. The procedure in subsection (a) shall not apply to public nuisances constituting an imminent hazard. In such instances, the provisions in section 106-465 shall be followed.

C. The city's election to issue a notice of abatement pursuant to this section shall not excuse responsible persons from their continuing obligation to abate a public nuisance in accordance with all applicable laws,

regulations and legal requirements. Furthermore, the issuance of this notice of abatement shall not obligate the city to abate a public nuisance.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-459. – Additional requirements for demolitions of buildings or structures.

A. The city shall, excepting in cases involving an imminent hazard, provide responsible persons with a reasonable period to elect between options of repair, rehabilitation, or demolition, as well as a reasonable period of time to complete any of these options, before city personnel abate a public nuisance by demolishing a building or structure pursuant to this chapter.

B. The city shall, except in cases involving an imminent hazard, serve a notice of abatement on all secured lien holders of record with the county recorder's office in the event abatement actions include demolition of a building or structure.

C. Notwithstanding other provisions of this chapter, entry onto any real property to abate a public nuisance by demolition of a building or structure, excepting in cases involving an imminent hazard, shall be pursuant to a warrant issued by a court of competent jurisdiction.

D. The provisions of this section shall not apply if demolition is required to address an imminent hazard. In such situation, the provisions of section 106-468 shall apply.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-460. – Service of notice of abatement.

A. Except as otherwise expressly required by a provision of this chapter, any notice required by this chapter may be served by personal delivery to any responsible person or by both certified mail, return receipt requested and first class mail. The date of service shall be the date it is personally delivered or placed in a U.S. Postal Service receptacle. Failure of any responsible person to receive a properly addressed notice of abatement by mail shall not invalidate any action or proceeding pursuant to this chapter.

B. Except as otherwise expressly required by a provision of this chapter, any notice issued to an owner of real property shall be sent to the mailing address on the last equalized assessment roll of the county assessor's office. Failure of any owner to receive a properly addressed notice by mail shall not invalidate any action or proceeding pursuant to this chapter.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-461. – Right of appeal from a notice of abatement.

A. A responsible person may contest a notice of abatement by filing a written request for an appeal with the city clerk within ten calendar days of service of the notice of abatement. No fee shall be due for the filing of an appeal.

B. A written request for an appeal shall contain the following information:

1. Name, address, and telephone number of each responsible party who is appealing the notice of abatement (hereinafter, "appellant");
2. Address and description of real property upon which the city intends to enter and abate a public nuisance;
3. Date of notice of abatement being appealed;
4. Specific action or decision being appealed;
5. Grounds for appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy;
6. The signature of at least one appellant.

C. Failure of the city clerk to receive a timely appeal constitutes a waiver of the right to contest a notice of abatement. In this event, the notice of abatement is final and binding.

D. The provisions of this section only apply to instances where the city has elected to establish the right, but not the obligation, to abate public nuisances with city personnel. In no event does this chapter limit the right of city officials to issue alternative written or oral notices of code violations to responsible persons or to cause the abatement of public nuisances in a different manner, including without limitation, by court orders arising from the city's exercise of its criminal or civil remedies. In such instances, a responsible person shall receive a right to hearing and other due process rights through the court process.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-462. – Sample notice of abatement.

A. The notice of abatement shall be written in a form that is substantially consistent with the following:

Notice of Public Nuisance(s) and Intention to Abate with City Personnel

[Date]

_____ [Responsible Person(s)]

_____ [Mailing Address]

_____ [City, State and Zip Code]

Re: **Real Property at** _____ , _____
L.A. County A.P.N.: _____
Legal description [Optional]: _____

Notice is hereby given that the following public nuisance conditions or activities exist on the premises described above:

(1) [Describe condition or activities] _____ in violation of San Fernando City Code **[as well as county and state laws, if applicable]**, Section(s) _____.

(a) Required Corrective Action(s): _____ (with all required permits, approvals and inspections).

(b) Required Completion Date: _____.

[Repeat (1 a-b) for each additional public nuisance to be included in this notice]

Please Take Notice that the foregoing public nuisance conditions are subject to abatement by rehabilitation, demolition, repair, removal or termination.

Please Take Further Notice that city personnel may abate these public nuisance conditions or activities in the manner contained in this document if you do not perform the required corrective or preventative actions in a timely or proper manner with all required approvals, permits and inspections of the city and other appropriate public agencies. In such instances, the city shall seek recovery of all abatement costs, fees and expenses as allowed by the San Fernando City Code, or by applicable state laws, in any manner allowed by law.

Please Take Further Notice that, in the event of abatement by city personnel, all personal property constituting a public nuisance may be removed from the subject premises or from public property and destroyed or disposed of, without regard to its actual or salvage value.

Please Take Further Notice that, pursuant to §106-474 of the San Fernando City Code, the city hereby elects to seek recovery of its attorneys' fees incurred in this action, and in any proceedings arising therefrom, to abate, or cause the abatement of, the public nuisance condition described herein.

Please Take Further Notice that the city's election to issue this Notice of Intent to Abate does not excuse you from your continuing obligation to abate a public nuisance in accordance with all applicable laws, regulations and legal requirements. Furthermore, the issuance of this Notice shall not obligate the City to abate a public nuisance.

Please Take Further Notice that you may appeal this Notice of Public Nuisance and Intention to Abate with City Personnel by submitting an appeal on a completed city-approved form with the city clerk's office (located at

117 Macneil Street, San Fernando, California 91340) within ten (10) calendar days of service of this notice. No fee shall be due for the filing of an appeal. Failure of the city clerk to receive a timely appeal constitutes a waiver of your right to any further administrative appeal and renders the Notice of Public Nuisance and Intention to Abate with City Personnel final and binding.

Please Take Further Notice that, if the violations are not abated within the time specified and a timely appeal is not made, such public nuisance may be abated by city employees, representatives or contract agents (hereafter "city personnel"), in the manner stated in this notice. On such occasions, all costs of the abatement, including, but not limited to, those stated in the city code, shall be assessed against you and/or the subject property, as a lien, or as a special assessment.

Please Take Further Notice that the city may record a Notice of Substandard Property with the Los Angeles County Recorder's Office against the premises if the public nuisance is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the city, within a 30-day period after service of the Notice of Abatement and provided that a timely appeal therefrom has not been made.

Dated: This _____ day of _____, 20___.

City Personnel **[Name and Title]**

[End of Form]

B. A notice of abatement shall be deemed in substantial compliance with this subsection regardless of form if all substantive information is contained in such notice of abatement.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-463. – Consequence for an untimely appeal.

A. If a timely appeal is not received by the city clerk, the right to appeal is waived and the notice of abatement is final and binding. In such instances, the city may, without any administrative hearing, cause the abatement with city forces of any or all of the public nuisance conditions or activities stated in the notice of abatement. Entry on improved private real property shall, excepting instances of an imminent hazard, be with an abatement warrant from the county superior court. The city shall follow the procedures stated in this chapter for recovery of all abatement costs, fees and expenses.

B. Nothing contained in this chapter shall obligate the city to undertake abatement actions pursuant to a notice of abatement, whether or not there is a timely appeal.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-464. Abatement by responsible person prior to hearing.

A. Any responsible person shall have the right to abate a nuisance in accordance with the notice of abatement at his or her own expense, provided all corrective actions are completed with all required and applicable city permits, approvals and inspections, prior to the date the matter is set for a hearing.

B. A hearing shall be cancelled if all public nuisance conditions or activities are, as determined by the city, fully and lawfully abated prior thereto.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-465. Review by hearing officer.

A. Any responsible person who contests a notice of abatement shall, subject to filing a timely appeal, obtain review thereof before a hearing officer. The administrative appeal shall be scheduled no later than 60 calendar days, and no sooner than ten calendar days, after receipt of a timely filed request for appeal. The appellants listed on the written request for an appeal shall be notified in writing of the date, time, and location of the hearing at least ten calendar days prior to the date of the hearing.

B. Any request by an appellant to continue a hearing must be submitted to the city clerk in writing no later than two business days before the date scheduled for the hearing. The hearing officer may continue a hearing for good cause or on his/her own motion; however, in no event may the hearing be continued for more than 30 calendar days without stipulation by all parties.

C. At the place and time set forth in the notification of appeal hearing, the hearing officer shall hear and consider the testimony of the appealing person(s), the issuing officer or city personnel, and/or their witnesses, as well as any documentary evidence presented by these persons concerning the alleged public nuisance(s).

D. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The city bears the burden of proof to establish a public nuisance exists by a preponderance of evidence. The issuance of a notice of abatement shall constitute prima facie evidence of the violation and the code enforcement officer who issued the notice of abatement is not required to participate in the appeal hearing. The appellant, and the code enforcement officer issuing the notice of abatement, as well as all other responsible persons, shall have the opportunity to present evidence and to cross-examine witnesses. The appellant and the enforcement officer issuing the notice of abatement, or other responsible persons, may represent himself/herself/themselves or be represented by anyone of his/her/their choice. The appellant, or other interested persons, may bring an interpreter to the hearing at his/ her/their sole expense. The city may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording.

E. If the appellant fails, or other responsible persons fail, to appear, or to otherwise submit any admissible evidence demonstrating the non-existence of the alleged nuisance(s), the hearing officer shall cancel the hearing and send a notice thereof to the responsible person(s) by first class mail to the address(es) stated on the appeal form. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the notice of abatement is final and binding.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-466. – Decision and notice by hearing officer.

A. Within a reasonable time, not to exceed 15 calendar days following conclusion of the hearing, the hearing officer shall determine if any nuisance condition exists at the subject property. If the hearing officer determines that each nuisance condition described in the notice of abatement is non-existent, the notice of abatement shall be deemed cancelled. If the hearing officer determines that one or more of the nuisance conditions described in the notice of abatement exists, he/she shall issue a written order of abatement which shall contain the following:

1. A finding and description of each public nuisance condition at the subject property, or the non-existence thereof. In the latter instance, the hearing officer shall cancel the notice of abatement.
2. The name of each person responsible for a public nuisance condition, or conditions, at the subject property, as well as the name of any appellant who is not responsible for said public nuisance condition(s).
3. The required corrective action and completion date for each unabated nuisance condition. Such provisions in the decision shall be referred to as an "order of abatement."
4. Any other finding, determination or requirement that is relevant or related to the subject matter of the appeal.

B. The decision of the hearing officer is final and conclusive. The decision shall also contain the following statement:

"This decision is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure, Section 1094.6."

C. A copy of the decision shall be served by first class mail on each responsible person to whom the notice of abatement was issued. If the owner is not an appellant, a copy of the order of abatement shall also be

served on the owner by first class mail to the address shown on the last equalized assessment roll. Failure of a person to receive a properly addressed decision shall not invalidate any action or proceeding by the city pursuant to this chapter.

D. The failure of any responsible person to comply with an order of abatement by completing each of the requisite corrective actions in the manner and time set forth in the order of abatement constitutes a misdemeanor offense.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-467. – Abatement of nuisance by responsible persons prior to city abatement actions.

A. Any responsible person shall have the right to fully abate a public nuisance in accordance with the hearing officer's decision prior to the date of entry of city personnel upon the subject real property, provided that all corrective actions are completed with all city permits, approvals and inspections, prior to said entry date. In such instances, all administrative proceedings shall be cancelled with the exception of the city's right to seek recovery of its incurred incidental expenses, code enforcement fees, and attorney's fees as provided by and pursuant to the provisions of this chapter.

B. Once the city enters a subject real property to abate a public nuisance, it shall have the right to complete this action.

C. It is unlawful and a misdemeanor for any person to obstruct, impede, or interfere with city personnel in the performance of any act that is carried out to abate a public nuisance.

D. All buildings, structures, and/or personal property that are removed by city personnel from premises in the abatement of a public nuisance shall be lawfully disposed of or destroyed without regard to its actual or salvage value.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-468. – Emergency action to abatement an imminent hazard.

A. Notwithstanding any provision of the city code to the contrary, the police chief, the fire chief, or the building official, or any of their designees, may cause a public nuisance to be summarily abated if it is determined that the nuisance creates an imminent hazard to a person or persons, or to other real or personal property.

B. Prior to abating the public nuisance, the city administrator or their designee may attempt to notify a responsible person by telephone or in writing of the imminent hazard and request its abatement by said person. The city administrator or their designee may, at his/her discretion, dispense with an attempt of prior notification of a responsible person if the nature or severity of the hazard justifies such inaction. If, in the sole discretion of the city personnel declaring an imminent hazard, the responsible person(s) fail(s) to take immediate and meaningful steps to abate the imminent hazard, the city may abate the public nuisance with city personnel, and charge the costs and fees associated with said abatement to the responsible person(s).

C. Within ten business days following emergency actions of city personnel to abate an imminent hazard, the city shall serve any responsible person with a notice of emergency abatement by city personnel of an imminent hazard by both certified mail, return receipt requested and first class mail. The city may, if a responsible person is a property owner, rely on that person's mailing address according to the last equalized assessment roll of the county assessor's office in determining a service address for this notice. Failure of any responsible person to receive a notice of emergency abatement by city personnel of an imminent hazard by mail shall not invalidate any action or proceeding pursuant to this chapter.

D. A notice of emergency abatement by city personnel of an imminent hazard shall contain the following provisions:

1. The name of all known responsible persons who are being served with the notice of emergency abatement by city personnel of an imminent hazard and the address of the real property on which the imminent hazard was present.
2. A brief description of the condition(s) and reasons why it constitutes an imminent hazard.
3. A brief description of the law prohibiting or pertaining to the imminent hazard.
4. A brief description of the actions city personnel took to abate the imminent hazard.

E. Omission of any of the foregoing provisions in a notice of emergency abatement by city personnel of an imminent hazard, whether in whole or in part, or the failure of a responsible person to receive this document, shall not render it defective or render any proceeding or action pursuant to this chapter invalid.

F. Emergency abatement of an imminent hazard by city personnel shall not preclude the city from recording a notice of substandard property in accordance with the provisions of section 106-472, if conditions thereafter remain at the premises that constitute a violation of law or a public nuisance.

G. The city shall be entitled to recover its fees and costs (incidental or otherwise) for the abatement of an imminent hazard. In such instances, the city shall follow the procedures set forth in this chapter.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-469. – Combination of notices.

The notices that are authorized by this chapter may be combined in the discretion of the city.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-470. – Establishment of costs of abatement.

A. The city shall keep an accounting of the costs, fees and expenses (collectively hereafter, "the costs") of abating a public nuisance.

B. The city shall serve a statement of abatement costs on the responsible persons within 90 calendar days of the city's completion of nuisance abatement actions. Service of this statement may be made in the manner provided for in section 106-460 of this Division.

C. Unless a timely contest of statement of abatement costs is filed, a responsible person shall tender the costs in U.S. currency to the city within 30 calendar days of the date of service of the statement of abatement costs. Alternatively, a responsible person may contest the statement in the manner provided for in subsection (d).

D. A responsible person has the right to contest a statement of abatement costs by filing a written request for contest on a completed city form with the city clerk within ten calendar days of service of the notice of abatement.

1. A written request for contest shall contain the following information:
    a. Name, address, telephone number, and signature of each responsible person who is contesting the statement of abatement costs;
    b. Address and description of the real property upon which the city abated a public nuisance;
    c. Date of the statement of abatement costs being contested;
    d. Description of the specific abatement cost being contested, and a statement of the grounds for contest in sufficient detail to enable the city council to understand the nature of the controversy.
2. No fee shall be due for the filing of a request for contest.

E. Failure of the city clerk to receive a timely contest constitutes a waiver of the right to contest a statement of abatement costs. In this event, the statement of abatement costs is final and binding, and the city may proceed to collect the costs as contained in a final statement of abatement costs in any manner allowed by law.

F. If a timely appeal is received by the city clerk, a hearing shall be set before the city council no later than 60 calendar days, and no sooner than ten calendar days, of receipt of the request for contest. A notice of the date, time and location of the hearing shall be served on all responsible persons who contested the statement of abatement costs by first class mail to the address(es) stated on the appeal form at least ten calendar days prior to the hearing. Failure of a person to receive a properly addressed notice shall not invalidate any action or proceeding by the city pursuant to this chapter.

G. Any request by an appellant to continue a hearing must be submitted to the city clerk in writing no later than five business days before the date scheduled for the hearing. The city council may continue a hearing for good cause or on its own motion; however, in no event may the hearing be continued for more 60 calendar days without stipulation by all parties.

H. At the time and place fixed for receiving and considering the request to contest the statement of abatement costs, the city council shall hear and pass upon the evidence submitted by city personnel, together with any objections or protests raised by responsible persons liable for said costs. Testimony and evidence shall be limited to issues related to the abatement costs, and no person shall be permitted to present evidence or testimony challenging the existence of a public nuisance or manner of abatement as described in the notice of abatement. Thereupon, the city council may make such revision, correction or modification to the statement as it may deem just, after which the statement, as it is submitted, or as revised, corrected or modified, shall be confirmed. The hearing may be continued from time to time.

I. The decision of the city council is final.

J. The city clerk shall cause a confirmed statement of abatement costs to be served upon all responsible persons who contested the original statement by first class mail to the address(es) stated on the appeal form. The city clerk shall also cause a confirmed statement of abatement costs to be served on the owner of the property on which city personnel abated a public nuisance by first class mail to the address shown on the last equalized assessment roll (irrespective of whether the owner contested the statement of abatement costs). This document shall also contain the following statement:

"This decision is final and binding. Judicial review of the city's council's decision is subject to the provisions and time limits set forth in California Code of Civil Procedure, Section 1094.6."

Failure of a person to receive a properly addressed confirmed statement shall not invalidate any action or proceeding by the city pursuant to this chapter.

K. A responsible person shall tender the costs in U.S. currency to the city within 30 calendar days of the date of service of the confirmed statement of abatement costs. The city may thereafter proceed to collect the costs as contained in the confirmed statement of abatement costs in any manner allowed by law.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-471. – Collection of costs of abatement by special assessment.

A. The city may cause a special assessment to be made upon real property upon which a public nuisance was abated pursuant to California Government Code, § 38775.5, and future amendments thereto, in the event a statement of abatement costs or a confirmed statement of abatement costs is not paid in a timely manner.

B. A notice of special assessment shall be sent to the owner(s) of the subject real property by certified mail at the time the assessment is the imposed that shall contain the following recitals:

The property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of

delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

C. The city attorney or city prosecutor shall establish the notice of special assessment form for use, or consideration by, the county tax collector in collecting a special assessment.

D. The notice of special assessment shall be entitled to recordation with the county recorder's office.

E. The amount of a special assessment shall also constitute a personal obligation of the property owners of land upon which the nuisance was abated.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-472. – Collection of costs of abatement by nuisance abatement lien.

A. As an alternative to the procedure contained in section 106-469, the city may cause a public nuisance abatement lien to be recorded upon real property upon which a public nuisance was abated pursuant to California Government Code, § 38773.1, and future amendments thereto, in the event a statement of abatement costs or a confirmed statement of abatement costs is not paid in a timely manner.

B. A lien shall not be recorded prior to serving the owner of record of the parcel of land on which the public nuisance is maintained, with a notice. This document shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with § 415.10) of Chapter 4 of Title 5 of Part 2 of the California Code of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten calendar days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to California Government Code § 6062.

C. The nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

D. A nuisance abatement lien authorized by this section shall specify the amount of the lien for the City of San Fernando, the name of the city department(s) on whose behalf the lien is imposed, the date of the abatement actions, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

E. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (d) shall be recorded by the city. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

F. A nuisance abatement lien may be foreclosed by an action brought by the city for a money judgment.

G. The city may recover from the property owner any of the costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

H. The amount of a nuisance abatement lien shall also constitute a personal obligation of the property owners of land upon which the public nuisance was abated.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-473. – Triple the costs of abatement.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a public nuisance pursuant to this chapter, the court may order that person to pay triple the costs of the abatement.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-474.- Recordation of substandard notice.

A. Notwithstanding any provision of the city code to the contrary, if the city determines that any property, building or structure, or any part thereof, is in violation of any provision of the city code and said violation has not been fully abated or corrected, as determined by the city, within a 30-calendar day period after written notice to a responsible person, then the city, in its sole discretion, may record a notice of substandard property with the county recorder's office against said premises. As used herein, "fully abated or corrected" includes the procurement of all required city approvals, permits, licenses and the passage of all city required inspections.

B. The city may record a notice of substandard property without the issuance of a notice of abatement pursuant to section 106-460 of this chapter, provided that a notice of correction or a notice of violation to a responsible person previously disclosed that a substandard notice may be recorded against a property if a violation is not fully abated or corrected in a period of 30 calendar days.

C. A notice of substandard property may be recorded 30 days after service of a notice of abatement provided that:

D. The notice contained this disclosure;

   1. The public nuisance was not fully abated or corrected within that period; and
   2. A timely and proper appeal to the notice of abatement was not made.
   3. The form that constitutes a notice of substandard property shall be approved by the city attorney or the city prosecutor.

E. The city shall record a notice of rescission of substandard property with the county recorder's office within ten business days of its determination that a violation or a public nuisance has been fully abated or corrected.

F. The city shall cause copies of recorded notices of substandard property and notices of rescission of substandard property to be served on all persons having an ownership interest in the subject real property as shown in the last equalized assessment roll of the county assessor's office. Service thereof shall be by first class mail. Failure of any person to receive such notices shall not invalidate any action or proceeding pursuant to this chapter.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-475. – Code enforcement fees.

A. Pursuant to California Health and Safety Code § 17951, and any successor statute thereto, responsible persons, who cause, allow, permit, suffer or maintain a violation in, or upon, residential properties, shall be charged code enforcement fees, by the city to defray its costs of code enforcement actions, as defined in Article VI of this chapter. Such fees shall not exceed the amount reasonably required to achieve this objective and are chargeable whether the city's code enforcement actions occur in the absence of formal administrative or judicial proceedings, as well as prior to, during, or subsequent to, the initiation of such proceedings.

B. The amount(s) or rate(s) of code enforcement fees for city personnel time and other resources that are used for code enforcement actions shall be established, and may thereafter be amended, by resolution by the city council.

C. The city administrator, or a designee thereof, is authorized to adopt regulations for the uniform imposition of code enforcement fees, and for related administrative actions pertaining to such fees.

D. The fees imposed pursuant to this section shall be in addition to any other fees or charges that responsible persons may owe in accordance with any other provision of the city code, or which are imposed pursuant to county, state or federal laws or regulations.

E. Code enforcement fees shall be recoverable in conjunction with any civil, administrative or criminal action to abate, cause the abatement, or cessation of, or otherwise remove, a violation or a public nuisance.

F. Failure to pay code enforcement fees shall constitute a debt that is collectible in any manner allowed by law.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-476. – Recovery of attorney's fees.

A. A prevailing party in any administrative, civil or equitable judicial action to abate, or cause the abatement of a public nuisance as defined in this chapter, or in any appeal or other judicial action arising therefrom, may recover reasonable attorney's fees in accordance with the following subsections:

1. Attorney's fees are not recoverable by any person as a prevailing party unless the city administrator, or a designee thereof, or an attorney for, and on behalf of, the city, elects in writing to seek recovery of the city's attorney fees at the initiation of that individual action or proceeding. Failure to make such an election precludes any entitlement to, or award of, attorney's fees in favor of any person or the city.
2. The city is the prevailing party when an administrative or judicial determination is made or affirmed by which a person is found to be responsible for one or more conditions or activities that constitute a public nuisance. A person is the prevailing party only when a final administrative or judicial determination completely absolves that person of responsibility for all conditions or activities that were alleged, in that action or proceeding, to constitute a public nuisance. An administrative or judicial determination that results in findings of responsibility and non-responsibility on the part of a person for conditions or activities that were alleged in that action or proceeding to constitute a public nuisance, shall nevertheless result in the city being the prevailing party.

B. Provided that the city has made an election to seek attorney's fees, an award of attorney's fees to a person shall not exceed the amount of reasonable attorney's fees incurred by the city in that action or proceeding.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-477. – Applicability of other laws.

A. This chapter does not exclusively regulate the conditions and use of property within the city. This chapter shall supplement other provisions of this Code and other statutes, ordinances or regulations now existing or subsequently enacted by the city, the state or any other entity or agency having jurisdiction.

B. The procedures for abatement set forth in this chapter are not exclusive and are in addition to any other provisions set forth in this Code or by state law for the abatement of public nuisances.

(Ord. No. 1596, §§ 4, 5, 1-19-2010)

Sec. 106-478—106-489. – Reserved.

DIVISION 11. – HISTORIC PRESERVATION

Sec. 106-490. – Purpose.

The purpose of this division is to provide for recognition, preservation, protection and use of historic resources in the city in a manner consistent with the goals and objectives of the Historic Preservation Element of the General Plan, and with the public health, safety and welfare, by establishing such procedures and regulations that are necessary to:

A. Implement the city's historic preservation goals, policies and programs;

B. Protect, enhance and perpetuate historic resources that represent or reflect distinctive and important elements of the city's cultural, social, economic, political, archeological and architectural history;

C. Encourage public understanding and involvement in the unique architectural and environmental heritage of the city;

D. Foster civic pride in the beauty and notable accomplishments of the past by promoting private stewardship of historic resources that represent these accomplishments;

E. Encourage and promote preservation, restoration, rehabilitation and maintenance of historic resources and potential historic resources for the culture, education, enjoyment and economic welfare of the city's inhabitants;

F. Ensure that historic preservation planning is inclusive and reflective of the unique background and diversity of the city;

G. Encourage the repair rather than the replacement of historic materials in accordance with the Secretary of the Interior's Standards;

H. Protect historic and cultural resources from demolition and inappropriate alterations;

I. Integrate historic preservation into community economic development strategies for sustainable development and to promote adaptive reuse of historic structures;

J. Fulfill the city's responsibilities under the California Environmental Quality Act;

K. Fulfill the city's responsibilities pursuant to federal historic preservation statutes; and

L. Stabilize, improve, and protect property values within the city by establishing policies and procedures that protect historic resources.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-491. – Criteria for designation of historic resources.

A. *Historic resourc*e. An improvement may be considered for designation as an historic resource if it meets at least one of the following criteria:

1. It is associated with events or lives of persons that have made a significant contribution to the broad patterns of the history of the city, region, state or nation;
2. It embodies the distinctive characteristics of a historic type, period, architectural style or method of construction, or represents the work of an architect, designer, engineer, or builder whose work is significant to the city, region, state or nation; or
3. It has yielded, or is likely to yield, information important in the history of the city, region, state or nation.

B. *Historic resource (Interior).* Public or semi-public spaces and features for an interior to a building may be designated as an historic resource if it meets all of the following criteria.

1. Historically, the space has been open to the public;
2. The materials, finishes or detailing are intact or later alterations are reversible;
3. The plan, layout and features of the space are illustrative of its historic function;
4. Its form and features articulate a particular concept of design; and,
5. There is evidence of distinctive craftsmanship.

C. *Historic district.* An area of the city including more than one property may be considered for designation as an historic district if it meets at least one of the following criteria:

1. Any of the criteria identified in section 106-491(a) of this Code;
2. It is a noncontiguous grouping of thematically related properties or a definable area possessing a concentration of historic, scenic or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development or architectural quality;

3. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning; or,
4. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the city.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-492. – Procedure for designating historic resources.

The commission, upon its own initiative or upon the written request of any person or organization, may propose the designation of an historical resource in the city. Upon submittal of such a proposal to the Director, the procedure to consider it shall include the following actions:

A. The applicant shall complete the application for the proposed designation on a form provided by the Director, include all information required, and pay any required fee.

B. The Director shall notify the property owner of record in an effort to obtain such owner's written consent prior to initiation of the proposed designation.

C. The commission shall review the proposed designation at a meeting pursuant to section 2-472 of this Code. Written notice of such meeting shall be sent to the property owner, at least ten days prior to the meeting date. The commission shall determine if the proposed resource meets the specified criteria for designation as an historic resource, as supported by substantial evidence in the record documenting the historic, architectural or other significance.

D. If the commission determines that the proposed designation does not merit approval, the applicant and property owner shall be notified of such determination and the process shall terminate, except that any person may appeal it to the city council within ten days of the commission's determination per the procedure provided in section 106-819 of this Code.

E. If the commission determines that the proposed designation warrants approval, the Director shall schedule the matter for consideration by the city council. However, if the proposed historic resource is privately owned, the Director shall obtain prior to scheduling the matter for consideration by the city council a written statement by the property owner, or by those owners having an interest greater than 50 percent of the assessed value of the property, consenting to such designation, unless the Director determines that there is good cause to schedule the matter for consideration by the council without such written consent. An owner or owner's successor in interest may thereafter provide such concurrence at any time by filing such a written statement with the Director.

F. Subsequent to scheduling a proposed designation for consideration by the city council, the Director shall provide a written report to the council incorporating the commission's recommendation and its reasons in support of the proposed designation. If the proposed historic resource is privately owned, such report shall include written documentation of the property owner's consent to the proposed designation if such consent has been obtained. Notice of the scheduled consideration of the matter by the city council shall be provided to the applicant and the property owner(s) at least ten days prior to such consideration.

G. A declaration shall be recorded by the city clerk in the office of the county recorder when the city council designates a historic resource, except that no such declaration shall be recorded on a private property without the written consent of the property owner(s) to designation of the property as a historic resource.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-493. – Procedure for designating historic districts.

The commission, upon its own initiative or upon the request of any person or organization, may propose the designation of an historic district in the city. Such proposal shall specify proposed contiguous or non-contiguous areas to be included in the district and the guidelines and requirements that would apply to all properties within the district. Such proposal shall also include a survey of all properties within the district that assesses their

historical significance. Upon submittal of such a proposal to the Director, the procedure to consider it shall include the following actions:

A. The applicant shall complete the application for the proposed designation on a form provided by the Director, include all information required, and pay any required fee.

B. The Director shall notify the property owners within the proposed district in an effort to obtain such owners' written consent prior to initiation of the proposed designation.

C. The commission shall review the proposed designation at a meeting pursuant to section 2-472 of this Code. Written notice of such meeting shall be sent to the owners of property within the proposed district at least ten days prior to the meeting date. The commission shall determine if the proposed district meets the specified criteria for designation as an historic district, as supported by substantial evidence in the record, including testimony and documentation of historic, architectural or other significance.

D. If the commission determines that the proposed district does not merit approval, the owners of property within the proposed district shall be notified of such determination, and the process shall terminate; except that any person may appeal the commission's decision to the city council within ten days of the commission's determination per the procedure provided in section 106-819 of this Code.

E. If the commission determines that the proposed district warrants approval, the Director shall schedule the matter for consideration by the city council and submit a written report to the city council incorporating the commission's recommendation and its reasons in support of the proposed designation. Such report shall include written documentation of the property owners consenting to the proposed designation if such consent has been obtained. Notice of the scheduled consideration of the matter by the city council shall be provided to the applicant and to the owners of all property located within the proposed district at least ten days prior to such consideration.

F. Upon a determination by the commission that the proposed district merits approval, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of a building or structure within the proposed historic district is prohibited, and no permit issued by any city department, board or commission, including, but not limited to, any entitlements authorizing any such alteration, restoration, construction, removal, relocation or demolition, shall be granted while consideration of the proposed designation of the proposed district by the city council, or any appeal related thereto, is pending.

G. Any person subject to subsection 106-493(6) of this Code may apply to the Director, on appeal, for an exception. Exceptions may be granted for repairs or alterations which do not involve any detrimental change or modification to the exterior of the structure in question or for actions which are necessary to remedy emergency conditions determined by the Director to be dangerous to life, health or property.

H. The owner of any property that is included in a proposed district may elect to exclude their property from inclusion into the proposed district by written request to the Director prior to designation of the district.

I. If the city council determines that the proposed district is eligible for designation, but objection to such designation is made by 51 percent of the owners of property within the proposed district, the district shall not be designated and no declaration of designation shall be recorded. Otherwise, the city council may approve the historic district, which approval shall be evidenced by a resolution declaring designation and attached map identifying the district's boundary.

J. A declaration shall be recorded by the city clerk in the office of the county recorder when the city council designates a historic district.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-494. – Criteria for designating a structure of merit.

For the purpose of this division, an improvement may be designated a structure of merit if the commission determines that it has one or more of the following characteristics:

A. The structure is included in the historic resources survey.

B. The structure was built at least 50 years prior to its consideration for such designation, and meets at least one of the following criteria:

1. The structure is a unique or rare example of an architectural design, detail, historical type, or the work of a notable architect, builder, or designer whose style influenced architectural development of the city, region, state, or nation;
2. The structure is representative of an architectural style in the city, region, state, or nation that is no longer prevalent;
3. The structure contributes to a potential historic district; or
4. The structure is identified with a person or persons or groups who significantly contributed to the culture and development of the city, region, state, or nation.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-495. – Procedure for designating a structure of merit.

Structures of merit may be designated by the commission in accordance with the following procedure:

A. Any person may request the designation of an improvement as a structure of merit by properly filing with the Director an application for such designation. Additionally, the commission may file an application for the designation of a structure of merit on its own motion. Within 30 days of filing an application, the property owner and tenants of the subject property shall be notified of the application filing.

B. Upon the proper filing of an application, the removal or demolition, in whole or in part, of a proposed structure of merit is prohibited. No permit shall be issued by any city department, board or commission including, but not limited to, any entitlements authorizing any such removal or demolition, while any action on the application or any appeal related thereto, is pending.

C. The Director shall conduct an evaluation of the proposed designation and shall make a recommendation to the commission as to whether the structure merits such designation. The commission shall meet pursuant to section 2-72 of this Code within 60 days of filing of an application to determine whether the structure merits such designation.

D. The decision of the commission shall be in writing and shall state the findings of fact and such decision shall be filed with the Director. Any person may appeal a decision or action of the commission to the city council within ten days of the commission's decision, per the procedure provided in section 106-810 of this Code.

E. Upon designation of a structure of merit, as evidenced by a resolution of the commission or of the city council on appeal, the owner of the designated structure shall be given written notification of such designation by the Director.

F. A declaration shall be recorded by the Director in the office of the county recorder when the commission designates a structure of merit.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-496. – Criteria for rescinding or amending a historic resource, historic district, or structure of merit designation.

The city council may consider rescinding or amending the designation of a historic resource, historic district, or structure of merit upon request by a majority of affected property owners, by a recommendation of the commission, or by motion of a majority of the city council. In rescinding the designation of a historic resource, historic district or structure of merit the city council shall determine that the historic resource, historic district, or structure of merit no longer meets the designation criteria due to any of the following findings of fact that:

A. Destruction of the historic resource or structure of merit through a catastrophic event has rendered the historic resource or structure of merit a hazard to the public health, safety or welfare;

B. The historic resource, historic district or structure of merit no longer conforms to any of the criteria identified in section 106-491 of this Code;

C. There is a clear and convincing evidence that the historic significance of the historic resource, historic district or structure of merit has diminished and is no longer significant; or

D. The historic resource or structure of merit cannot be restored, rehabilitated, stabilized or renovated for any use permitted in the zone in which it is located without causing an economic hardship disproportionate to the historic value of the historic resource or structure of merit as substantiated by clear and convincing evidence. Proof of economic hardship shall require a showing that the cost of stabilization of the historic fabric of the property or properties exceeds the appraised value as determined by a qualified appraiser of the historic improvements on the site or in the district through a hardship waiver application. If the appraised value of the historic improvements on a historic site is less than 75 percent of the average value of similarly sized buildings within a 500-foot radius, the average appraised value of property improvements in the radius area shall be used. For properties where neighborhood standards are not comparable, standard real estate practice comparable worth studies shall be produced to justify the burden of stabilization as compared to property value. The city council shall consider the value of property tax incentives allowed by this division and other benefits as may be available for historic preservation or stabilization in determining if economic hardship exists to the extent that removal of the designation status of an historic resource is warranted.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-497. – Procedure for rescinding or amending a historic resource, historic district, or structure of merit designation.

Upon the request of a majority of the affected property owners, or upon a recommendation of the commission, or by a motion of the majority of the city council, the procedure for city council consideration of a rescission or amendment of a historic resource or district designation shall include the following steps:

A. The applicant shall complete the application on a form provided by the Director, include all information required, and pay any required fee.

B. The Director shall notify the owner(s) of all affected property in an effort to obtain such owners' written consent prior to consideration of the proposed rescission or amendment of an historic resource, historic district or structure of merit designation.

C. The commission shall review the proposed rescission or amendment at a meeting pursuant to section 2-472 of this Code. Written notice of such meeting shall be sent to the owners of all affected property or district, and to all owners of property within 500 feet of the affected property, at least ten days prior to the meeting date. The commission shall determine if the proposed rescission or amendment meets the criteria for rescission of an historic resource, historic district or structure of merit designation as specified per section 106-494 of this Code, and as supported by substantial evidence in the record.

D. If the commission determines that the proposed rescission or amendment does not merit approval, the owners of all affected property shall be notified of such determination, and the process shall terminate; except that any person may appeal the commission's decision to the city council within ten days of the commission's determination per the procedure provided in section 106-810 of this Code.

E. If the commission determines that the proposed rescission warrants approval, the Director shall schedule the matter for consideration by the city council and submit a written report to city council incorporating the commission's recommendation and its reasons in support of the proposed rescission. Such report shall include written documentation of the property owners consenting to the proposed rescission if such consent has been obtained. Notice of the scheduled consideration of the matter by the city council shall be provided to the applicant, to the owners of all affected property, and to the owners of all property within 500 feet of any affected property or district at least ten (10) days prior to such consideration.

F. If the city council approves the proposed rescission or amendment, it shall make findings of fact and determinations in writing subject to the requirements of California Environmental Quality Act. The city clerk shall record the declaration in the office of the county recorder.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-498. – Criteria and procedure for issuance of a certificate of appropriateness.

A. The review and decision on the issuance of a certificate of appropriateness will be undertaken by the commission. The Director shall review the application, deem it complete, and then schedule the item for consideration by the commission.

B. The Director shall review the application using the Secretary's Standards and make a recommendation to the commission. In analyzing the project's conformance with the building code provisions, the state historical building code may be applied to the project.

C. The property which is the subject of review for a certificate of appropriateness shall be posted with a notice of such pending application at least ten days prior to the commission review. The posting shall consist of a sign that states "Notice of Pending Application" and include the nature of the request, the location of the property, and the time and place of the scheduled meeting. The location of the posting on the site, the number of postings, and the size of the posting shall be determined by the Director.

D. At a scheduled meeting, the commission shall approve, deny, approve with conditions, or continue the application with specific direction for additional information needed to render a decision to approve or deny the application. Any person may appeal a decision or action of the commission to the city council within ten days of the commission's decision, per the procedure provided in section 106-810 of this Code.

E. A certificate of appropriateness shall expire one year from the date of issuance unless work is started within that time. No changes shall be made to the approved plans after the issuance of a certificate of appropriateness without resubmittal to the Director and determination of the necessary approval process for the proposed changes.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-499. – Process for revocation of certificate of appropriateness.

Revocation proceedings may be initiated upon a motion by the commission or city council. Once revocation proceedings have been initiated, all work being done in reliance upon such certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a certificate of appropriateness shall be made by the commission at a meeting pursuant to section 2-72 of this Code. A certificate of appropriateness may be revoked or modified for any of the following reasons:

A. Noncompliance with any terms or conditions of the certificate of appropriateness;

B. Noncompliance with any provisions of this division; or

C. A finding of fraud or misrepresentation used in the process of obtaining the certificate.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-500. – Criteria and procedure for issuance of a certificate of no effect.

A. The Director shall issue a certificate of no effect only after all of the following findings of fact are made in a positive manner:

1. It is determined that the work is minor and clearly meets the applicable city design guidelines;
2. Modifications to the proposed work requested by the city are agreed to by the applicant;
3. The proposed work will not diminish, eliminate or adversely affect the character of the historic resource.

B. No changes shall be made to the approved plans for which a certificate of no effect was issued without resubmitting to the Director for approval of the changes.

C. If the Director determines that the proposed work is not eligible for a certificate of no effect, then the applicant must apply for and obtain a certificate of appropriateness.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-501. – Hardship of waiver.

A. *Purpose.* The purpose of this section is to address circumstances in which the applicant for a proposed project to alter or demolish, in whole or in part, a historic resource, contributing structure, or structure of merit, asserts that full compliance with all of the requirements of this division would create an undue economic hardship, or is infeasible for other specific reasons. Under such circumstances, a project feasibility assessment shall be required to determine the nature and extent of the economic or other hardship, and to assess the impact of the proposed project on the community's historic resources. A hardship waiver of specified requirements of this division for the proposed project may be approved subject to the standards and procedures in this section.

B. Criteria for approval of a hardship waiver.

1. For an income producing property that is an historic resource, contributing structure, or structure of merit, the basis for approval of a hardship waiver exempting a project to alter or demolish the property, in whole or in part, from full compliance with the requirements of this division shall be that a reasonable rate of return cannot be obtained from the property if altered in a manner consistent with the requirements of this division, or in its present condition, and that the proposed project will not have a significant adverse impact on the community's historic resources.
2. For a non-income producing property that is an historic resource, contributing structure, or structure of merit, the basis for approval of a hardship waiver exempting a project to alter or demolish the property, in whole or in part, from full compliance with the requirements of this division shall be that the property no longer provides beneficial public, private or institutional benefit to the community, and that that the proposed project will not have a significant adverse impact on the community's historic resources. Non-income producing properties shall consist of owner-occupied dwellings or properties owned by institutional, non-profit organizations, or public entities.
3. The following circumstances shall not be considered as contributing to the basis for approval of a hardship waiver:
    a. Willful or negligent acts by the property owners or managers;
    b. Purchase of the property for substantially more than market value;
    c. Failure to perform ordinary maintenance and repairs;
    d. Failure to diligently solicit and retain tenants;
    e. Failure to provide normal tenant improvements; or
    f. Failure to accept an offer of purchase of the property at fair market value from a party willing to dedicate a conservation easement for the preservation of the property.

C. Procedures for approval of a hardship waiver.

1. Application: The applicant shall complete the application provided by the Director, include all information required, and pay any required fee. The property owner seeking a project approval under a hardship waiver must provide information as necessary to support the application for a hardship determination. The Director shall maintain a written policy statement identifying the types of submittal materials required for the consideration of a hardship waiver. Different submittal materials may be required depending upon the property's use and circumstances. Necessary studies, evaluations and the compilation of information as required by the director shall be provided at the waiver applicant's expense.

2. Review process: Upon receiving an application for a hardship waiver, the Director shall provide a written response describing the submittal materials required to consider the request pursuant to the following procedure:
    a. Upon receipt of an application and required submittal materials, the Director shall determine its completeness. If the Director determines that the application is not complete, the applicant will be notified in writing as to the deficiencies. The Director will take no further steps to process the application until the deficiencies have been remedied.
    b. Upon receipt of a completed application, the Director shall conduct an evaluation of the proposed designation and shall make a recommendation to the commission as to whether a hardship waiver is justified for the proposed project. The commission shall meet pursuant to section 2-72 of this Code to consider whether a hardship waiver is justified for the proposed project. If the proposed project is to demolish, in whole or in part, a historic resource, contributing structure, or structure of merit, all property owners within 500 feet of the project location shall be notified at least ten days prior to the meeting.
    c. If the commission determines that a hardship waiver is not justified for the proposed project, the project applicant and all owners of the subject property shall be notified of such determination, and the process shall terminate; except that any person may appeal the commission's decision to the city council within ten days of the commission's determination, per the procedure provided in section 106-810 of this Code.
    d. If the commission determines that a hardship waiver for the proposed project is justified, or justified with conditions, the Director shall schedule the matter for consideration by the city council and submit a written report to the city council incorporating the commission's recommendation and its reasons in support of the proposed hardship waiver. If the proposed project is to demolish, in whole or in part, a historic resource, contributing structure or structure of merit, all property owners within 500 feet of the project location shall be notified at least ten days prior to the meeting.
    e. If the city council approves, or approves with conditions, a hardship waiver for a proposed project, it shall make findings of fact and determinations in writing subject to the requirements of the California Environmental Quality Act.
    f. If a hardship waiver is approved for a project to demolish, in whole or in part, a historic resource, contributing structure, or structure of merit, the project applicant may be required to take measures including, but not limited to, the following prior to any demolition:
        i. Document the site, structures, buildings or objects that are to be demolished, using the Historic American Buildings Survey and/or the Historic American Engineering Record standards when determined to be applicable by the Director; and
        ii. Salvage building materials, architectural elements or other features deemed valuable for other preservation or restoration activities within the city.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-502. – Ordinary maintenance and repair of a historic resource, contributing structure, or structure of merit.

Nothing in this chapter shall be construed to prevent:

A. The ordinary maintenance and repair of any exterior architectural feature of a historic resource, contributing structure, or structure of merit that does not involve a change in design, alteration or appearance thereof; or

B. The repair of an unsafe or dangerous condition pursuant to section 106-502 of this Code. Every historic resource and contributing structure shall be maintained in good repair by the owner in order to preserve it against decay and deterioration to the extent practicable.

C. An environmental assessment pursuant to the California Environmental Quality Act.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-503. – Unsafe or dangerous conditions.

Notwithstanding any other provision of this chapter, the Director may authorize permits to alter, restore, construct, demolish, relocate, remove or significantly alter an historic resource, a contributing structure, or a structure of merit for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no certificate of appropriateness from the commission shall be required.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-504. – Construction-based incentives.

In addition to any other incentive of federal or state law, owners of properties designated as historic resources may apply to the Director for the following:

A. *Building permit fee waiver.* Building permit fees (excluding fees covering structural plan check, school fees and associated costs) shall be waived for construction work that is determined by the Director to preserve or enhance the historical features of a building that is designated as a historic resource.

B. *State Historical Building Code.* Whenever applicable, the property owner may elect to use the State Historical Building Code for alteration, restoration, new construction, removal, relocation, or demolition of a historic resource, in any case which the building official determines that such use of the code does not endanger the public health or safety, and such action is necessary for the continued preservation of an historic resource. Such use of the code is subject to construction work undertaken for historical resources pursuant to the secretary's standards, and that has already been reviewed and approved by the commission and/or city council in conjunction with a certificate of appropriateness.

C. *Parking reduction for historic resources.* Addition of floor area to a residential building designated as an historic resource of up to 25 percent shall be exempt from the requirements of subsection 106-278(a) of this Code if such addition is determined by the Director to preserve or enhance the historical features of the structure.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-505. – Financial incentive.

In addition to any other incentive of federal or state law, owners of properties designated as historic resources or contributing structures may apply to the Director for a Mills Act contract.

A. *Mills Act Contract Application.* All applications shall be filed with the Director. The applicant is encouraged to confer with the Director prior to application submittal. All applications shall include all of the following:

1. A copy of an updated title report for the property;
2. A rehabilitation plan which lists the work to be completed within the ten year contract period, including cost estimates and the year in which the work will be completed;
3. A financial analysis form showing current property taxes and estimated taxes for the property under a Mills Act contract; and
4. Required fees, as set by city council resolution.

B. *Mills Act Contract Requirements.* Mills Act contracts shall comply with the provisions listed in Section 50281 of the California Government Code, which includes, but is not limited to, the following contract terms:

1. The term of the contract shall be for a minimum of ten years.
2. The owner shall comply with the Secretary's Standards and the State Historic Building Code for preserving, rehabilitating, restoring and reconstructing historic structures.
3. The owner shall agree to periodic inspections to determine the owner's compliance with the contract.
4. The contract shall be binding upon, and inure to the benefit of, all successors in interest of the owner.
5. The Director shall provide written notice of the contract to the office of historic preservation within 180 days of entering into the contract.

C. Mills Act Contract Procedure.

1. The Director shall determine the completeness of an application within 30 days of receipt. Once an application is deemed complete, the Director shall seek a recommendation by the commission.
2. The commission shall make a recommendation in writing and transmit such to the city council, the property owner(s), and the applicant.
3. The city council, within 60 days of receipt of the recommendation from the commission, shall approve or deny the application and shall notify the applicant of the city council's decision within ten days.

D. *Mills Act Contract Non-Renewal.* A Mills Act contract shall be a minimum ten (10) year contract that automatically renews annually. Either party may file a request for non-renewal by written notice.

E. *Mills Act Contract Cancellation.* A Mills Act contract may be cancelled or modified if due to:

1. Owner's written request to the Director at any time;
2. Noncompliance with any terms or conditions of the contract;
3. Noncompliance with any provision of division; or
4. A finding of misrepresentation or fraud used in the process of obtaining the contract.

F. *Mills Act Contract Cancellation Procedure.* Cancellation proceedings may be initiated by any member of the commission.

1. Once cancellation proceedings have been initiated, the commission shall make a recommendation to the city council and the property owner.
2. The city council, within 90 days of initiation of the proceedings, shall cancel or continue the contract.
3. The property owner shall be notified of the city council's decision within ten days of a determination on the contract.

G. *Mills Act Contract Cancellation Fee.* If a Mills Act contract is cancelled, a cancellation fee equal to 12.5 percent of the current assessed fair market value of the property, as determined by the county assessor as though the property were free of the contractual restriction, shall be paid to the county auditor, pursuant to California Government Code Section 50286 et seq.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-506. – Conservation easements.

Conservation easements for historic resources may be acquired by the city or by a third party through purchase, donation or condemnation. A conservation easement would include any recorded easement, restriction, covenant or condition designed to preserve or maintain the significant features of such historic resource.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-507. – Redevelopment project areas.

The provisions of a disposition and development agreement or owner participation agreement, approved and entered into by the redevelopment agency, may supersede the provisions of this division, exclusive of any environmental review pursuant to the requirements of the California Environmental Quality Act.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-508. – CEQA time extensions.

Any time periods set forth in this division may be extended by the Director as necessary to comply with the requirements of the California Environmental Quality Act.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-509. – Structure demolitions and relocations.

A. *Designated structures.* A structure designated as an historic resource, contributing structure, or structure of merit shall not be demolished or relocated unless the city council, pursuant to the procedure for approval of a hardship waiver, and subsequent to a recommendation by the commission, makes one or more of the following findings of fact at a public hearing:

1. Based upon sufficient evidence, including evidence provided by the applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, and the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law.
2. That the demolition or relocation of the structure is necessary to proceed with a project consistent with and supportive of identified goals and objectives of the general plan, and the demolition of the structure will not have a significant effect on the achievement of the purposes of this division or the potential effect is outweighed by the benefits of the new project.
3. In the case of an application for a permit to relocate, that the structure may be moved without destroying its historic or architectural integrity and importance.
4. That the demolition or relocation of the historic resource is necessary to protect or to promote the health, safety or welfare of the citizens of the city, including the need to eliminate or avoid blight or nuisance.

B. *Undesignated structures.* Prior to the issuance of a permit pursuant to section 18-31 in Article II of chapter 18 of this Code for the demolition or relocation of any structure that is not designated as a historic resource, contributing structure, or structure of merit, the Director within 30 days of receipt of a permit request to demolish or relocate such a structure shall determine whether the structure has potential for designation as an historic resource based on the criteria for such designation in this division. If the Director determines that such potential exists, the structure shall not be demolished or relocated unless and until an environmental assessment is completed pursuant to the provisions of the California Environmental Quality Act. This will entail the preparation of an Initial Study to determine whether an environmental impact report or a negative declaration must be prepared by the city in conjunction with any such demolition. The cost of conducting this environmental assessment shall be borne entirely by the applicant for the demolition permit. If an environmental impact report is completed and it documents that demolition of the structure would have a significant effect on the environment, the structure shall not be demolished or relocated unless the city council, pursuant to the procedure for approval of a hardship waiver, and subsequent to a recommendation by the commission, makes one or more of the following findings of fact at a public hearing:

1. Based upon sufficient evidence, including evidence provided by the applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, and the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law;

2. That the demolition or relocation of the structure is necessary to proceed with a project consistent with and supportive of identified goals and objectives of the general plan, and the demolition of the structure will not have a significant effect on the achievement of the purposes of this division or the potential effect is outweighed by the benefits of the new project;
3. In the case of an application for a permit to relocate, that the structure may be moved without destroying its historic or architectural integrity and importance; or,
4. That the demolition or relocation of the structure is necessary to protect or to promote the health, safety or welfare of the citizens of the city, including the need to eliminate or avoid blight or nuisance.

C. Demolition by neglect of an historic resource, contributing structure, or structure of merit is prohibited.

D. Demolition or relocation of any structure in violation of this section may be subject to criminal prosecution by the city.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-510. – Decisions and general findings.

The commission shall not approve applications or proposed designations submitted pursuant to the provisions of this division unless the commission makes one or more of the following findings concerning the proposed application, as it may have been conditioned or modified:

A. The project is consistent with the secretary's standards and the purposes of this division.

B. The project is not consistent with the secretary's standards due to economic hardship or economic infeasibility that has been proven by the project applicant, but the project is generally consistent with, and supportive of, the goals and policies of the general plan and the purposes of this division.

C. The project is not consistent with the secretary's standards, but it is consistent with and supportive of identified goals and objectives of the general plan; and the project is either generally consistent with, and supportive of, the purposes of this division, or if not, the benefits of the project and furthering the identified goals and policies of the general plan justify the project's inconsistency with any purpose of this division.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-511. – Appeals.

Any person aggrieved by any determination, interpretation, decision, judgment or similar action taken by the Director under this division may appeal such action to the commission. Any person aggrieved in a similar manner by any action taken by the commission may appeal such action to the city council. The city council by a majority vote may initiate an appeal to the city council of any action taken by the commission. Otherwise, any appeals made pursuant to this section shall be filed per the procedure provided in section 106-810 of this Code.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-512. – Fees.

The city council shall by resolution prescribe fees for all applications, reviews and appeals authorized by this division.

(Ord. No. 1583, § 4, 11-17-2008)

Sec. 106-513. – Enforcement.

A violation of any provision of this division is expressly prohibited and is punishable pursuant to section 1-53 of this Code.

(Ord. No. 1583, § 4, 11-17-2008)

Secs. 106-514—106-523. – Reserved.

ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

DIVISION 1. – ACCESSORY DWELLING UNITS

Subsections A. through K. establish the standards for the development of an Accessory Dwelling Unit and Subsection L. establishes the standards for the development of a Junior Accessory Dwelling Unit through a ministerial process, in compliance with section 106-42 (Use regulations) and California Government Code Sections 66310 to 66342. If any provision of this Chapter or the underlying zoning district standards conflict with state law, the latter shall govern per Government Code Section 66316.

A. *Minimum Lot Size.* No minimum lot size shall be required for an accessory dwelling unit.

B. *Statewide Exemption Accessory Dwelling Unit.* As established by Government Code Section 66313, development standards in this section shall apply to the extent they do not prohibit the construction of an accessory dwelling unit of up to 800 square feet that is up to 18 feet in height if detached or 25 feet in height if attached, with four-foot side and rear yard setbacks.

C. *Maximum Unit Size.*

1. The maximum permitted unit size of an attached accessory dwelling unit, or an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit, shall not exceed 850 square feet for a one-bedroom unit or 1,200 for a two or more-bedroom unit, or 50% of the gross square footage of the primary dwelling unit on the lot, whichever is less, except as noted in section b. above.
2. The maximum permitted size of a detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,200 square feet for a two or more-bedroom unit.
3. Maximum permitted unit size shall include any living area as defined in the California building code confined from exterior wall to exterior wall.

D. *Minimum Unit Size.* The minimum unit size of an attached or detached accessory dwelling unit shall be at least 150 square feet, including a kitchen and at least one 3/4 bathroom.

E. *Zones in which Accessory Dwelling Units may be Constructed.* The construction, use, and maintenance of accessory dwelling units shall be permitted in areas zoned to allow single-family or multiple-family dwelling residential use, or mixed-use. For purposes of this division, a multiple-family dwelling unit is two or more attached dwelling units on a single property.

F. *Accessory Dwelling Unit Density and Development Standards.*

1. *Single-family Dwellings.* Accessory dwelling units are allowed on a property containing existing or proposed single family dwellings under the following circumstances:
    a. No more than one accessory dwelling unit per lot within the proposed or existing square footage of a single-family dwelling or existing square footage of an accessory structure that meets specific requirements such as exterior access and setbacks for fire and safety.
    b. No more than one detached new construction accessory dwelling unit. A new construction-attached accessory dwelling unit may be constructed in lieu of the new construction detached accessory dwelling units.
    c. No more than one junior accessory dwelling unit per lot within the proposed or existing space of a single-family dwelling that meets specific requirements such as exterior access and setbacks for fire and safety as described in Subsection l.
    d. The maximum height for accessory dwelling units shall be 18 feet in height and an additional two (2) feet for roof pitch to align with the roof pitch of the primary dwelling unit if detached or 25 feet in height if attached. For accessory dwelling units proposed

above a garage, the maximum height of the accessory dwelling unit shall not exceed one (1) story from floor to ceiling height.

2. *Multiple-family Dwellings.* Accessory dwelling units are allowed on a property containing multiple-family dwellings or mixed-use structures on a lot containing multiple-family dwelling units under the following conditions:

    a. The number of accessory dwelling units shall not exceed 25% of the number of existing units, minimum one unit.

    b. The accessory dwelling units shall only be located within areas that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages which are attached or detached. Non-livable space used to create accessory dwelling units must be limited to residential areas within a mixed-use development and not the areas used for commercial or other activities.

    c. The maximum height shall be 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multiple-family, multistory dwelling.

    d. Each accessory dwelling unit must comply with state building standards for dwellings.

    e. A maximum of eight detached, accessory dwelling units shall be allowed on a property with existing multiple-family dwelling units, not to exceed the number of existing units on the lot.

    f. A maximum of two detached accessory dwelling units shall be allowed on a property with a proposed multiple-family dwelling.

G. *Minimum Room Dimensions.* Minimum room dimensions, including ceiling heights, floor area and width, shall meet the Uniform Building Code regulations in effect at the time of construction.

H. *Location.*

1. Accessory dwelling units may be within, attached to, or detached from and on the same lot as, a proposed or existing single-family dwelling, or within or detached from a multiple-family dwelling, and subject to compliance with front, side, and rear yard setback standards of the underlying zone except as allowed in subsection b above.

2. Accessory dwelling units may be located entirely within a proposed or existing primary dwelling unit or existing accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing primary dwelling or accessory structure.

3. An ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress.

I. *Parking.* Parking for an accessory dwelling unit and replacement parking is not required.

J. *Habitability.* Accessory dwelling units are fully habitable and shall include independent kitchen and bathroom facilities. Accessory dwelling units shall be independent from the main dwelling without internal access.

K. *Occupancy, Sale, and Rental Restrictions.* Owner occupancy is not required for accessory dwelling units. Accessory dwelling units shall not be sold or conveyed separately from the primary residence, except when sold by a qualified nonprofit corporation to a qualified buyer in accordance with Government Code Sections 66340 and 66341. Accessory dwelling units shall not be used for rentals of terms of 30 days or less unless

L. *Setbacks.*

1. An accessory dwelling unit shall have side and rear yard setbacks of at least four feet from lot lines. An accessory dwelling unit shall abide by the front yard setback requirements of the zone in which it is located.

2. An accessory dwelling unit constructed entirely within a proposed or existing primary dwelling unit or accessory structure, which has side and rear setbacks that are sufficient for fire safety, as determined by the City of Los Angeles Fire Department, shall not be subject to setback standards for new development.
3. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall be setback a minimum of four feet from side and rear lot lines. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall abide by the front yard setback requirements of the zone in which it is located.

M. *Junior Accessory Dwelling Units.* In addition to an accessory dwelling unit as provided in this section, Junior accessory dwelling units are permitted within an existing or proposed single family residence, including attached garages, consistent with state law. The following establishes standards for junior accessory dwelling units.

1. *Maximum Unit Size.* A junior accessory dwelling unit may be up to 500 square feet.
    a. Maximum permitted unit size shall include any livable space from exterior wall to exterior wall.
2. *Density.* No more than one junior accessory dwelling unit is allowed on a property.
3. *Location.* A junior accessory dwelling unit shall be located entirely within a proposed or existing primary dwelling unit, subject to the following:
    a. A junior accessory dwelling may be in an attached garage but may not be in a detached accessory structure.
    b. A junior accessory dwelling unit shall have separate exterior access independent from the proposed or existing primary dwelling unit.
    c. A junior accessory dwelling unit may share significant interior connection to the primary dwelling if they are sharing a bathroom facility.
4. *Parking.* Parking for a junior accessory dwelling unit and replacement parking is not required.
5. *Habitability.* Junior accessory dwelling units shall include an efficiency kitchen which shall include a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
6. *Occupancy, Sale, and Rental Restrictions.* Owner occupancy is required in either the remaining portion of the primary residence, another dwelling unit on the same lot, or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization. These occupancy restrictions shall be enforced through recordation of deed restrictions or covenant agreement recorded against the property per Government Code Section 66333. The form of the deed restriction will be provided by the City and shall provide that: The junior accessory dwelling units shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law; the JADU is restricted to the approved size and other attributes allowed by this section.
7. *Conveyance.* Junior accessory dwelling units shall not be sold separately from the primary dwelling unit and shall not be used for rentals of terms of 30 days or less.

N. *Other Development Standards and Requirements.*

1. Unless stated in this section, all other development standards for accessory dwelling units and junior accessory dwelling units shall apply according to the zone in which the subject property is located; including but not limited to, setbacks, building height, and distance between structures.
2. *Conversion of Existing Structures.* For the purpose of converting an existing structure into an accessory dwelling unit or junior accessory dwelling unit, an existing structure is defined as one of the following:

a. A structure that has been erected prior to the date of adoption of the appropriate building code that does not present a threat to public health and safety or one for which a legal building permit has been issued

3. When a garage is converted into an ADU or JADU, the garage door must be removed and replaced with windows or entry doors.

4. *Architectural requirements.* Accessory dwelling units shall be subject to the following architectural requirements.

a. The materials and colors of the exterior walks, roof, windows, and doors shall be the same as the materials and colors of the primary dwelling.

b. The roof slope shall match the dominant roof slope of the primary dwelling, whereby the dominant roof slope means the slope shared by the largest portion of the roof.

c. Exterior lighting shall be limited to down-lights or as otherwise required by the building or fire code.

5. *Entrances.* Entrances for accessory dwelling units constructed above garages shall not face adjacent properties.

a. An exterior entrance to the second story of an accessory dwelling unit shall not project into any required minimum setback and shall be located to either face the primary dwelling unit and/or the side and/or rear property line that it is furthest away from.

6. *Pedestrian walkways.* ADUs shall provide pedestrian access to the sidewalk that is at least 4 feet wide.

7. *Landscape requirements.* Landscape screening must be planted and maintained between the accessory dwelling unit and the side and rear lot lines of the property in accordance with Division 4 of Article III.

8. *Fire Sprinklers.* Fire sprinklers are required in an accessory dwelling unit if sprinklers are required in the primary residence. The construction of an accessory dwelling unit does not trigger the requirement for fire sprinklers to be installed in the existing primary dwelling.

9. *Solar panels.* New construction accessory dwelling units are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, non-manufactured, detached accessory dwelling unit (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the accessory dwelling unit or on the primary dwelling unit. Accessory dwelling units that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar systems.

O. *Application Process.* The following is the ministerial application process for accessory dwelling units and junior accessory dwelling units.

1. A building permit is required for accessory dwelling units and junior accessory dwelling units. The completed building permit application shall be submitted to the Building Safety Division on an application form prepared by the Building Official and shall include the submittal requirements. In order to be deemed complete, plans shall comply with all current applicable development standards, any applicable Department handouts, and any additional information required by the Building Official in order to conduct a thorough review.

2. The Building Division shall approve or deny the application within 60 days of acceptance of a complete application if there is an existing single-family or multifamily dwelling on the lot, as established for accessory dwelling units in Government Code Sections 66314-66332 and for junior accessory dwelling units in Government Code Sections 66333-66339. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted concurrently with a permit application to create a new single-family or multifamily

dwelling on the lot, no permit for the accessory dwelling unit or the junior accessory dwelling unit shall be issued until the permit application to create the new single-family or multifamily dwelling has been adjudicated, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the project is denied, the applicant will receive a full list of comments with remedies to correct any Code deficiencies.

3. Prior to Building Permit issuance, applicant for an accessory dwelling unit shall submit an Address Assignment Request Fee and Application to the Public Works Department.
4. Prior to Building Permit issuance, projects resulting in the addition of 750 square feet or more for an accessory dwelling unit located at the subject property shall pay all impact fees of this Code, except that any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g. the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling). For the purposes of this Paragraph, impact fees do not include any connection fee or capacity charge for water or sewer service.
5. Prior to the Building Permit issuance, projects resulting in 500 square feet or more for an accessory dwelling unit located at the subject property shall pay all school impact fees.

DIVISION 2. – ADULT BUSINESSES

Sec. 106-524. – Purpose.

The purpose of this division is to establish a comprehensive set of regulations applicable to adult businesses and similar and related uses.

Sec. 106-525. – Special regulations

All uses subject to this division shall comply with all of the regulations contained in this chapter and the following:

A. Prior to the establishing or conducting of any adult business, a conditional use permit therefor shall be obtained pursuant to Division 4 of Article II of this chapter; and
B. No adult business shall be granted a conditional use permit unless that lot upon which such business is proposed to be located is:
    1. Classified in a C-2 or SC zone;
    2. Not within 500 feet of any lot classified in any of the R zones;
    3. Not within 1,000 feet of any lot upon which there is located a church or educational institution, park or other public facility which is utilized by minors;
    4. Not within 1,000 feet of any lot on which there is located another adult business; and
    5. Not within 500 feet of any lot upon which is located a business with an on-sale alcoholic beverage license.

Secs. 106-526—106-536. – Reserved.

DIVISION 3. – AMUSEMENT DEVICES

Sec. 106-537. – Restrictions.

A. A maximum of four amusement devices may be allowed at any one site; provided, however, that amusement devices shall be further limited in number based upon the square footage of the buildings in which they are to be located, as follows:

Square Footage of Building	Maximum Amusement Devices Allowed
800 or less	1
801—1,200	2
1,201—1,500	3
1,501 or more	4

In no event shall square footage alone entitle an applicant to the maximum number of amusement devices allowed under this section.

B. Amusement devices shall be allowed only as an accessory use to the primary business at the location, and the monthly gross revenues of the amusement devices shall not exceed the monthly gross revenues of the primary business. The revenue records of the business conducted at the site shall be available for inspection by the business license inspector.

C. If the primary business conducted at the site is a fraternal or veteran organization or is restricted to persons 21 years of age or older, the revenue restriction in subsection (b) of this section shall not apply.

D. Unless located in a structure into which entrance is normally restricted to persons 21 years of age or older, amusement devices shall not be located at a business that derives 50 percent or more of its primary business revenues from the sale of distilled spirits.

E. Amusement devices shall not be located within 100 feet of any display for the sale of adult magazines.

F. School-age children 16 years of age or younger shall not be permitted to operate the video game machines during the daily hours in which public schools are open and conducting classroom activities.

G. The applicant shall comply with all of the mandatory requirements of section 22-102 of this Code.

H. All applicable fees shall be paid.

I. The site shall be limited to a maximum number of machines allowed per this Code.

Secs. 106-538—106-566. – Reserved.

DIVISION 4. – ANIMAL BOARDING, PET DAY CARE, VETERINARY CLINICS AND ANIMAL HOSPITALS

Sec. 106-567. – Purpose.

This section provides operational standards for kennels, pet day care facilities, veterinary clinics and animal hospitals in compliance with the development standards within the underlying zone district.

Sec. 106-568. – Operational standards.

A. All operations must be conducted within a completely enclosed building.

B. Outdoor dog runs and training activities are permitted only within the M-1 and M-2 Zone, and when the facility is located at least 200 feet from a residential zone.

C. The areas within the building where animals are boarded shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to surrounding properties, as determined by the Director.

D. The areas of the building where animals are boarded shall have a minimum of 10 air changes per hour.

E. Animal isolation areas shall have 100% fresh air, with all air exhausted and none returned to the ventilation system.

F. Public access areas shall be provided with a separate ventilation system from the animal boarding and treatment areas.

G. The areas used for animal boarding, isolation, and treatment shall be constructed of easily-cleaned materials.

H. All areas where animals are present shall be cleaned a minimum of twice daily in order to provide appropriate odor control and sanitation.

DIVISION 5. – AUTOMATIC TELLER MACHINES (ATMS)

Sec. 106-569. – Purpose.

This section provides location, development, and operating standards for automatic teller machines (ATMs) in compliance with the development standards within the underlying zone district.

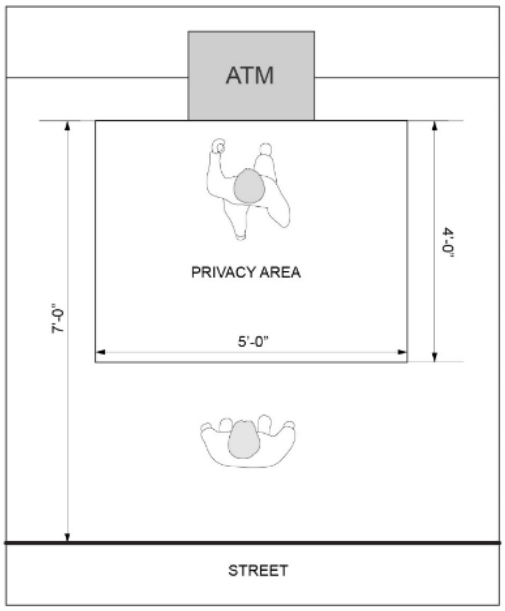
Sec. 106-570. – Development standards.

A. *Location requirements.*
   1. Setback from an adjacent street curb or alley by a minimum of seven feet.
   2. A privacy area immediately in front of each ATM, measuring at least five feet wide by four feet deep, shall be provided. Methods for defining the privacy area shall be approved by the Director.
   3. Located to not eliminate or substantially reduce any landscaped areas.
   4. Located to ensure the safety and security of patrons.

B. *Design*. All construction and modifications to the exterior of the structure pertaining to the installation of the ATMs shall be completed in a manner consistent with the architectural design of the structure, and in conformance with all applicable City architectural standards and guidelines.

C. *Lighting*. Each exterior ATM shall be provided with security lighting in compliance with Division 5 of Article III or State law, whichever is more restrictive.

D. *Maintenance*. Each ATM shall be provided with receptacles sufficient in size and number to accommodate trash and smoking materials generated by users of the ATM.



DIVISION 6. – AUTOMOTIVE REPAIR SUPPLEMENTAL REGULATIONS AND STANDARDS

Sec. 106-571. – Intent and purpose.

The purpose of this division is to establish regulations and standards that enhance compatibility of automotive repair use with other commercial activity in the same zone and afford protection to abutting residential property where the two zones converge.

(Ord. No. 1270, § 30.744.01, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-572. – Regulations and standards.

A. The regulations and standards for automotive repair in this section shall supplement development standards enumerated in this chapter for commercial and industrial zoned property. The standards imposing the more stringent requirement shall prevail. These supplemental development standards shall apply not only to new development or conversions subsequent to the effective date of the ordinance from which this chapter derives, but to an existing development that may wish to expand or modify its operations.

B. Repair work shall be conducted entirely within an enclosed building, and dismantled vehicles and tow trucks shall be stored inside a building or, if permitted, inside a screened area where the vehicles shall not be visible from off the site when the business is closed on weekends and overnight.

C. Surfaced transitional parking areas shall be provided on site where vehicles awaiting service shall be stored. Except for cursory examination, no actual repair work shall be conducted on vehicles parked in the transition area.

D. Major repair and refinishing shops will be permitted as accessory to automobile sales dealerships when located not less than 200 feet from residentially zoned property.

E. Accessory automobile repair facilities shall not exceed one-third the total square foot area devoted to the entire principal use.

F. Automobile repair facilities falling under the category of an accessory use for a permitted retail or service use in the commercial zone shall be subject to the applicable requirements of this section.

G. Major or minor automobile repair facility structures shall not be closer than 40 feet to any street right-of-way or closer than 60 feet to any lot in a residential district. Buildings used for repair shall position garage doors away from residential property.

H. Parking standards for automobile repair facilities shall be two spaces for each service stall, pit, or rack plus parking and loading spaces required per Division 3 of Article III of this chapter. Transitional parking areas shall be exclusively designated for vehicles requiring repair service.

I. The minimum lot area for an automobile repair facility shall be predicated on the amount of land area required to satisfy property development standards for the zone where the automobile repair use is permitted and applicable standards specified in this section.

(Ord. No. 1270, § 30.744.10, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-573—106-600. – Reserved.

DIVISION 7. – DRIVE-THROUGH ESTABLISHMENTS.

Sec. 106-601. – Purpose.

This section provides standards for the location, development, and operation of drive-in and drive-through facilities in compliance with the development standards within the underlying zone district, which shall be designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, traffic, and unsightliness.

Sec. 106-602. – Development standards.

A. *Drive aisle length*. The drive-through aisle shall provide a minimum of 140 feet of queuing length, of which at least 60 feet shall be provided before an on-site menu board. The drive aisle shall be measured along the centerline, from the entry or beginning of a drive-aisle to the center of the farthest service window area.

B. *Drive aisle width*. Drive aisles shall have a minimum 10-foot interior radius at curves, and a minimum 12-foot width.
C. *Drive aisle separation*. Each drive aisle shall be separated by curbing and landscaping from the circulation routes necessary for ingress or egress from the property, or access to any off-street parking spaces.
D. *Drive aisle entrance*. Each entrance to a drive aisle and the direction of traffic flow shall be clearly designated by signs and/or pavement markings, as deemed necessary by the Director.
E. *Walkways*. To the extent possible, pedestrian walkways should not intersect the drive aisles. Where they do, they shall have clear visibility and be emphasized by enhanced paving or markings, as deemed necessary by the Director.
F. *Circulation Plan*. A parking and vehicle circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval. Such plan shall provide for safe pedestrian access from parking lots to the main door and shall comply with applicable requirements of the American with Disabilities Act.
G. *Trash receptacle provision*. A minimum of one outdoor trash receptacle shall be provided onsite.
H. *Noise generating equipment*. No noise-generating compressors or other such equipment shall be placed on or near any property line adjoining any residential zoned property.
I. *Speaker system noise*. Drive-through speaker systems shall emit no more than 50 decibels four feet from the vehicle and the speaker, and shall not be audible above the daytime ambient noise levels beyond the property boundaries. The system shall be designed to compensate for ambient noise levels in the immediate area and shall not be located within 30 feet of any residentially zoned property.
J. *Screening*. Each drive aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare from impacting adjoining land uses, public rights-of-way, and parking lots, as deemed necessary by the Director.
K. *Decorative wall*. A six-foot-high, solid decorative masonry wall shall be constructed on each property line that adjoins a residential developed parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.

Sec. 106-603. – Operational standards.

A. *Hours of operation.* When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-through establishment shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
B. *Litter.* Employees shall collect on-site and off-site litter generated by customers at least once per business day.

DIVISION 8. – ESTABLISHMENTS SELLING ALCOHOL

Sec. 106-604. – Purpose.

The language of this division shall apply to all establishments selling alcohol, including bars, breweries, distilleries, tap rooms, tasting rooms, clubs, restaurants, and wine bars. The purpose of the language codified within this article is to set forth regulations and enforcement procedures that:

A. Address community problems associated with the on-site consumption of alcoholic beverages, such as litter, loitering, graffiti, misconduct, and escalated noise levels;
B. Ensure that there is no degradation of the deemed approved activities;
C. Prevent such prohibited activities and activities contrary to deemed approved activities from becoming public nuisances; and
D. Ensure such adverse impacts are monitored, mitigated and/or controlled such that they do not negatively contribute to the change in character of the areas in which they are located.

Sec. 106-605. – Application procedure.

The applicant shall be required to submit to the Planning Division the following:

A. A floor plan shall be reviewed and approved to identify the areas in which all on-site sale and consumption of alcoholic beverages shall occur. This shall be limited to the confines of the building and approved outdoor patio or dining area.

B. A plan to encourage use of ride share programs, designated drivers, and other methods to discourage intoxicated driving shall be established, and documentation of such a program shall be provided.

C. A security plan shall be submitted for review and approval prior to the opening of the business.

1. Security personnel shall be required by the City for establishments with occupancy load of over 100 people.
2. The doors to the establishment shall remain closed except upon entering and exiting the business.
3. The security plan shall include a video surveillance system and exterior lighting plan, satisfactory to the Community Development Director or designee, shall be submitted and approved prior to issuing a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring of both the interior and exterior the property. A Digital Video Recorder (DVR) or similar video recording device, capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than 30 days. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors and the business address.

Sec. 106-606. – Operational requirements.

A. Prior to the service of alcohol within the establishment, the operator shall obtain a valid license from the ABC and provide a copy of the license to the Planning Division.

B. The City reserves the right to request of the ABC additional conditions, such as hours of operation restrictions, restriction of the type of alcohol sold, or other conditions that the City may deem necessary in order to reduce potential impacts.

C. Should the ABC issue a license suspension or citation, the operator shall provide a copy of said suspension or citation to the Planning Division.

D. The operating business shall comply with all applicable noise regulations.

E. The operator shall be responsible for requiring that there be no loitering on the site, on the public right-of-way and or/ in front of adjacent properties at any time and that all customers shall leave the site no later than 30 minutes after closing, after which, only employees shall be allowed on the premises.

F. Litter and trash receptacles shall be located at convenient locations, both inside and outside establishment, and trash and debris shall be removed on a daily basis.

G. The property shall be maintained in a clean and neat manner at all times and shall comply with property maintenance standards as set forth in the San Fernando Municipal Code.

H. Exterior public telephones shall not be located on the premises.

I. Graffiti shall be removed within 48 hours of its application.

J. No person shall appear in a state of nudity in any bar, club, or similar business establishment.

1. For the purposes of this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple or below the nipple.

K. Bona fide eating establishments (restaurants) shall only sell alcoholic beverages during hours that meals are being served and gross receipts from alcohol sales shall not exceed fifty percent (50%) of the total revenue of the business.

L. Special events are permitted with the approval of a Special Event Permit in compliance with San Fernando Municipal Code section 106-1112 (Temporary Uses and Structures: Religious and entertainment assembly).

M. No establishment may sell alcoholic beverages for on-premises or off-premises consumption unless a Conditional Use Permit for alcoholic beverages has been approved for such establishment or unless exempted by this Code section or another operative plan.

N. No new establishment selling alcohol shall be permitted within 200 feet of either a residence, family day care home, schools for minors, child day care facility, convalescent home, a residential care home-retirement home, or any residentially zoned lot or parcel.

O. Tasting rooms for breweries, wine blending facilities, wineries, or distilleries shall be allowed to be open to the public during from 11:00 A.M. to 12:00 A.M. daily.

P. Bars and bona fide eating establishments (restaurants) are prohibited from selling any spirits for consumption off of the premises. The consumption of spirits shall be limited to the restaurant or drinking area as defined per applicable licenses from the ABC. However, beer and wine may be purchased for off-site consumption, provided that the beer and wine may not be consumed within any public common area near the establishment, within any public right-of-way, or outside of any nearby property.

DIVISION 9. – HAZARDOUS WASTE MANAGEMENT FACILTIES

Sec. 106-607. – Purpose.

The purpose of this division is to provide comprehensive criteria, regulations, and standards for the siting and maintenance of hazardous waste management facilities within the city.

Sec. 106-608. – Criteria and standards.

Those hazardous waste management facilities permitted with a conditional use permit shall comply with the applicable criteria and standards listed in this section and/or criteria and standards listed in the CoHWMP. Whenever there is conflict between the criteria and standards listed in this section and the CoHWMP, the most restrictive shall apply. The criteria and standard for hazardous waste management facilities are as follows:

A. *Off-site hazardous waste management facilities.*

1. Off-site hazardous waste management facilities shall not be within 1,000 feet of any residentially zoned property.
2. Off-site hazardous waste management facilities shall not be located within 1,000 feet of any area designated by the state geologist as a special studies zone.
3. Off-site hazardous waste management facilities shall not be located within 1,000 feet of any existing hospital for humans, school, day care center, convalescent home or group care quarters, or any permanently occupied human habitation, other than those used for industrial/purposes.
4. Off-site hazardous waste management facilities shall be located so as to avoid transportation routes through residential areas and high density traffic areas.
5. An environmental impact report, traffic study, transportation plan, emergency contingency plan, area excavation plan, environmental site assessment and geotechnical report shall accompany all applications for new hazardous waste facilities. In addition, risk assessments, hazard footprints, acoustical studies or other technical reports may be required if deemed by the community development Director necessary for review of the application.

6. Setbacks, height, and landscaping requirements shall be those provided for in the zoning district in which the facility is located.
7. Space shall be provided for the anticipated peak load of delivery trucks, employees and customers, to circulate, park, queue and load or unload materials. Such facilities shall be adequate in size and configuration to ensure public safety and compatibility with surrounding operations and properties.
8. No dust, fumes, smoke, vibration or odor above ambient level as a result of the operations of the facility may be detected on neighboring properties. Measurements of ambient conditions shall be made part of the environmental impact report.
9. All facilities shall be fully paved and provided with secondary containment and storage facilities. Loading areas shall be equipped with fire suppression and vapor recovery system.
10. An environmental site assessment prepared and certified by a state-certified soils or environmental engineer shall accompany all applications for new off-site hazardous waste management facilities. If the environmental assessment reveals that hazardous substances, hazardous waste or hazardous materials have been released in, on, under, within or about the property, the material and any and all contamination resulting therefrom shall be fully assessed and remediated in accordance with all applicable federal, state, regional and local authorities.

B. *On-site hazardous waste management facility.* On-site hazardous waste management facilities shall be subject to the criteria and standards set forth in subsections (1)f through (1)j of this section.

C. *Transfer facility/station.*

1. A transfer facility/station shall not be located within 1,000 feet of any residentially zoned property.
2. A transfer facility/station shall not be located within 1,000 feet of any area designated by the state geologist as a special studies zone.
3. A transfer facility/station shall not be located within 1,000 feet of any existing hospital, public school, convalescent care or group quarters facility.
4. A transfer facility/station shall be subject to the criteria and standards set forth in subsections (1)f through (1)j of this section.

D. *Treatment facility.* Treatment facilities shall be subject to the criteria and standards set forth in subsection (a) of this section.

E. *Transportable treatment units.* Transportable treatment units shall be considered temporary uses subject to the provisions and time limitations given as part of the conditional use permit process pursuant to Division 4 of Article V of this chapter.

(Ord. No. 1270, § 30.746.30, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-609. Conditional use permit.

All applicants for facilities under this division shall be subject to the approval of a conditional use permit as provided for in Division 4 of Article V of this chapter. If the conditional use permit is approved, the applicant shall be required to sign a statement indicating that the facility is in compliance with the conditions of this chapter and the Los Angeles County Hazardous Waste Management Plan. This affidavit shall be submitted on a yearly basis for as long as the conditional use permit remains effective.

(Ord. No. 1270, § 30.746.40, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-610. – Existing facilities.

Legally existing hazardous waste management facilities shall be considered existing nonconforming land uses.

(Ord. No. 1270, § 30.746.50, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-611. – Fees.

All owners and/or operators of a hazardous waste management facility shall pay any and all reasonable costs and fees incurred or to be incurred by the city for the following:

A. Any and all environmental monitoring of the hazardous waste management facility;
B. Any and all costs incurred in providing emergency response services; and
C. Costs incurred as a result of an area evacuation if there is any release or threatened release of any hazardous material, hazardous substance or hazardous waste.

(Ord. No. 1270, § 30.746.60, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-612. – License taxes.

All owners and/or operators of a hazardous waste management facility shall pay a license tax to the city in an amount equal to ten percent of the annual gross receipts of each facility.

(Ord. No. 1270, § 30.746.70, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-613. – Monitoring and periodic review.

A. All owners and/or operators of a hazardous waste management facility shall adopt a monitoring plan which has been approved by the city community development Director for the purpose of monitoring any release or threatened release of any hazardous material, hazardous substance or hazardous waste in, on, under, beneath or from the property of the facility, and for the purpose of measuring the ambient air of property in and around the facility.
B. All owners and/or operators of hazardous waste management facilities shall submit annual reports by December 31 of each year, whereby such reports shall include the following:
    1. Results from the tests conducted pursuant to the monitoring plan.
    2. Information on the occurrence of any release or threatened release occurring at the facility within the preceding 12-month period, including information on any removal, remediation or mitigation measures implemented as a result of such.
    3. The total type, quantity and origin of any hazardous material, hazardous substance or hazardous waste disposed of, stored or treated at the facility within the preceding 12 months.
C. In order to carry out and ensure compliance with the obligations of this division, any authorized city representative may, at any reasonable hour of the day, enter and inspect a hazardous waste management facility, whereby such inspection may include but is not limited to the following:
    1. A physical on-site inspection of the premises including a survey to determine the topography and geology of the property.
    2. Conduct any and all sampling activities necessary to carry out this division, including sampling of the soil, vegetation, air, water and biota on or beneath the premises, or from any vehicle on the premises or storage area within the premises, provided such samples are made available to the person from whom or from whose property or vehicle the samples are obtained.
    3. Set up and maintain monitoring equipment for the purpose of assessing or measuring the actual or potential migration of any hazardous material, hazardous substance or hazardous waste or the release or any threatened release on, beneath toward or from the property of the facility.
    4. Stop and inspect any vehicle reasonably suspected of transporting any hazardous material, hazardous substance or hazardous waste, when accompanied by a uniformed peace officer in a clearly marked vehicle.
    5. Inspect and copy any and all records, reports, test results, or other information regarding the operations on the facility, which concern or in any way relate to a release or threatened release of any hazardous material, hazardous substance or hazardous waste.

6. Photograph any condition or operation on the property, including any hazardous material, hazardous substance or hazardous waste container, label, vehicle, or disposal area, and including any condition or operation constituting a violation of any law. Whenever photographs have been taken, the owner or operator of the facility shall be notified prior to public disclosure of the photograph and, upon request of that person, shall be provided a copy of any photograph for the purpose of determining whether trade secrets or information for facility securing will be revealed by the photograph. Public disclosure as used in this subsection does not include review of photographs by a court of competent jurisdiction or by any administrative law judge.

(Ord. No. 1270, § 30.746.80, 9-30-1985; Ord. No. 1305, 6-15-1987)

DIVISION 10. – HOME OCCUPATIONS

Sec. 106-614. – Statement of intent.

Recognizing that unrestricted use of residential properties for purposes of an occupational nature other than that normally associated with home living has a detrimental effect on both the residential area in which the occupations are conducted and the areas properly designated for such uses, and further recognizing that this detrimental effect results in the depreciations of value, welfare, happiness, and morale of the entire community, it is the purpose of this division to eliminate this detrimental effect by creating criteria for the establishment and conditions for the continuance of home occupations.

(Ord. No. 1270, § 30.742, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-615. – Classification.

A. Home occupations may include the following:
    1. Secondary business offices when a business has its principal office, staff, and equipment located elsewhere.
    2. The home office of a salesman when all sales are consummated by telephone and/or written orders with no commodities or displays on the premises.
    3. A self-employed person or an independent contractor, but not including a garment worker, a pieceworker or any other person engaged in the manufacturing, assembly, or fabrication of products.
B. The applicant shall be required to pay appropriate fees as determined by city council resolution for processing applications for home occupations.
C. It shall be the duty of the planning Director or his designee to ascertain all pertinent facts concerning such proposed use and to approve or disapprove. Written approval of a proposed use as a proper home occupation shall be considered a home occupation permit and shall remain in effect until revoked as provided in section 106-617.

(Ord. No. 1270, § 30.742.10, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-616. – Requirements.

The establishment and conduct of home occupations shall comply with the following criteria:

A. There shall be no exterior evidence of the conduct of a home occupation, including but not limited to noise or odor caused thereby.
B. A home occupation shall be conducted only within the enclosed living area of the dwelling unit.
C. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
D. Only the residents of the dwelling unit may be engaged in the home occupation.

E. To the extent that there is any sale of any item related to a home occupation by the permittee as seller, no delivery of that item to the buyer shall occur on or adjacent to the premises.
F. The establishment and conduct of a home occupation shall not change the principal character of use of the dwelling unit involved.
G. There shall be no signs other than those permitted by the zone regulations.
H. The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable the areas provided for required off-street parking.
I. No vehicular or pedestrian traffic related to this home occupation shall be allowed.
J. No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premises.
K. There shall be no advertising in connection with the home occupation which gives the address of the property from which the home occupation is conducted.

(Ord. No. 1270, § 30.742.20, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-617. – Revocation of permit.

A home occupation permit granted in accordance with this division may be terminated if it is determined by the Director that:

A. Any requirement set forth in section 106-660 of this division is being violated;
B. The use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
C. The permit was obtained by misrepresentation or fraud;
D. The use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
E. The conditions of the premises, or of the district of which it is a part, has changed so that the use may no longer be justified under the meaning and intent of this division.

(Ord. No. 1270, § 30.742.30, 9-30-1985; Ord. No. 1305, 6-15-1987)

DIVISION 11. – LARGE FAMILY DAY CARE HOME PERMIT

Sec. 106-618. – Intent and purpose.

The large family day care home permit is applicable to all large family day care homes in a one-family zone within the city. The large family day care home permit considers the compatibility of large family day care homes to coordinate land planning, aesthetics, and economic cohesiveness within residentially zoned properties in the city.

(Ord. No. 1270, § 30.743.10, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-619. – Required.

A large family day care home permit shall be obtained prior to the establishment of such a facility in an R-1 (one-family) zoned property.

(Ord. No. 1270, § 30.743.20, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-620. – Application.

A. All large family day care home permit applications shall contain the following information:
    1. A detailed plot plan (to scale) showing the following:
        a. Dimensions and location of all structures on the parcel.
        b. Location of play areas and relationship to adjacent residences.
    2. A detailed floor plan of the facility showing the following:
        a. Proposed location of use.

b. Restroom facilities.

c. Location of fire detection devices.

3. The number of children, including the applicant's own, and the hours of operation.
4. Method of drop off and pickup of children.
5. Delineation of traffic patterns.
6. Proximity to any other such use.
7. Radius map and names and addresses of all property owners within 100 feet of the subject property.

B. The applicant shall provide proof of having a minimum of one year's experience as a small family day care home.

C. The applicant shall sign a statement agreeing to comply with all state requirements for large family day care homes.

D. The applicant shall provide evidence of fire department clearance.

(Ord. No. 1270, § 30.743.30, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-621. – Commission findings.

The commission, in approving a large family day care home permit, shall find as follows:

A. The proposed use is properly designed and complies with the requirements of the zone in which it is proposed.
B. The proposed use, with any conditions to be imposed, is in harmony with the various elements or objectives of the general plan and is not economically or aesthetically detrimental to existing or previously approved uses or structures within the surrounding area.
C. The proposed use is compatible with other uses and structures in the surrounding area.
D. The proposed use shall be conducted only by the residents of the proposed location.
E. There are no other such operations within 500 feet of the proposed structure.

(Ord. No. 1270, § 30.743.40, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-622. – Commission hearing procedure.

A. Notice of the application for a large family day care home permit shall be mailed, not less than ten calendar days prior to the hearing, to all owners of property within a radius of 100 feet of the exterior boundaries of the property under consideration, using for this purpose the names and addresses of such owners as shown on the latest available assessment roll of the county assessor.
B. Application for a large family day care home permit shall be filed by the owner of the property for which the permit is being sought or his duly authorized agent. Application shall be made to the planning commission on forms furnished by the planning department. The application shall be accompanied by those materials required in section 106-620 at the time of application, and a filing fee shall be paid for the purpose of defraying costs incidental to the proceedings. Appropriate fees shall be determined by city council resolution.
C. If there is no response by those notified requesting a public hearing within ten days of the notification, there shall be no public hearing.

(Ord. No. 1270, § 30.743.60, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-623. – Commission action and appeal procedures.

A. The planning commission may approve or conditionally approve the application for a large family day care home permit and shall announce and record its decision within 21 days following the conclusion of the public hearing. The decision shall set forth the findings by formal resolution of the planning commission. A copy of the resolution shall be mailed to the applicant.

B. The decision of the planning commission shall be final and shall become effective ten days after the adoption of the resolution by the commission. However, if within such ten-day period an appeal of the decision is filed by an aggrieved person, the applicant or the city council, the filing of such appeal within such time limit shall suspend the decision of the planning commission until the determination of the appeal by the city council or its dismissal by the appellant. Such appeal shall be filed, in writing, with the city clerk on forms furnished by the clerk.

(Ord. No. 1270, § 30.743.70, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-624. – Appeal to city council.

A. The hearing date for the appeal of the planning commission's decision made under this division shall be set by the city clerk after the filing of the appeal on the forms provided.

B. Notice of the hearing shall be given as provided in Division 2 of Article V of this chapter.

C. The commission shall transmit to the council the original application, records, written reports, and commission resolution disclosing in what respect the application and facts offered in support thereof met or failed to meet the requirements set forth in this division.

D. The council may by resolution affirm, reverse, or modify in whole or in part any appealed decision, determination or requirement of the commission. However, before granting any appealed petition which was denied by the commission or before changing any of the conditions imposed by the commission, the council shall make a written finding of facts setting forth wherein the commission's findings were in error and wherein the property or particular use involved meets or does not meet the requirements set forth in this division.

(Ord. No. 1270, § 30.743.80, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-625. – Revocation.

(a) Any permit granted pursuant to this division shall be revoked upon a finding that one or more of the following conditions exist:
  (1) The large family day care home permit was obtained by misrepresentation or fraud.
  (2) The use for which the permit was granted has ceased, or has been suspended for one year or more.
  (3) The applicant has not complied with one or more of the conditions of approval of the permit.

(b) Any such finding shall be by the planning commission after public hearing of which the initial applicant shall be given ten days' advance written notice by first class mail directed to the applicant's address of record, as per the files of the planning commission. The finding of the commission and its determination pursuant thereto shall be subject to appeal by any interested person, including any councilmember, in the same manner and within the same time as provided in this division to the council, which shall, upon the same written notice, conduct a hearing, notice of which shall have, however, been given at such corrected address as the original certificate holder or his successor may have furnished in writing. The decision of the planning commission or of the council, as the case may be, shall be final and conclusive. Action of the planning commission or of the council shall be by resolution, shall contain specific findings, and shall contain specific action relative to revocation.

(c) Notwithstanding anything in this section contained, the commission or the council, as the case may be, with respect to any ground of revocation coming within subsection (a)(2) or (3) of this section, may grant a period of time within which the case may be reactivated or within which noncompliance with conditions may be remedied. In such event, the resolution shall be considered interlocutory to the first regular meeting of the body adopting the resolution following such extended date set for full compliance. Thereupon by further resolution, the body therefore otherwise finally acting shall take final action with respect thereto.

(Ord. No. 1270, § 30.743.90, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-626—106-651. – Reserved.

DIVISION 12. – LIVE/WORK DEVELOPMENT

Sec. 106-652. – Purpose.

This section provides location, development, and performance standards for live/work developments in compliance with the development standards within the underlying zone district.

Sec. 106-653. – Applicability.

A. The provisions in this section shall regulate the conversion and new construction of live/work uses, where allowed by the applicable zoning districts.
B. Except as specifically provided in this section, live/work projects shall be in compliance with the development standards within the underlying zone district.
C. Where an Owner-Participation Agreement, Disposition and Development Agreement, or Development Agreement with the City applies to a land parcel, and the provisions of such agreement differ from the Live/Work Development Standards, the provisions of the agreement shall prevail.

Sec. 106-654. – Use regulations.

A. *Permitted uses/occupations*. The following uses/occupations are permitted in live/work units:
    1. Accountant;
    2. Architect;
    3. Artist and artisan;
    4. Attorney;
    5. Computer software- and multimedia-related professional;
    6. Engineer;
    7. Fashion, graphic, interior and other designer;
    8. Insurance, real estate and travel agent;
    9. Photographer;
    10. Psychologist/psychiatrist;
    11. Other similar uses/occupations, as determined by the Director, may be permitted, provided that the allowed uses/occupations are permitted by the underlying zone.
B. *Occupancy and Employees*.
    1. At least one of the full-time employees of the live/work unit must be a full-time resident of the live/work unit and shall possess a valid Business License Certificate.
    2. Only one residential component per live/work unit shall be allowed.
    3. The residential component shall not be rented separately from the working space.
    4. No more than one employee, other than the resident(s) of the live/work unit, shall be permitted on site at any given time in units that are less than or equal to 1,499 square feet.
    5. No more than 2 employees, other than the resident(s) of the live/work unit, shall be permitted on site at any given time in units that are greater than or equal to 1,500 square feet.
C. *Business activity*. None of the uses permitted shall be operated in an objectionable manner, due to fumes, odor, dust, smoke, gas, noise, or vibrations that are or may be detrimental to properties and occupants in the neighborhood and/or to any other uses and occupants on the same property.
D. *Special and/or temporary events*. Special and/or temporary events in live/work units shall be required to follow the permit process for special and/or temporary events contained in Division 5 of Article V. – Temporary Use Permit and Special Event Permit.
E. *Covenant*. A City-approved covenant shall be executed by the owner of each live/work unit and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a live/work unit and must operate a business from said unit. The covenant shall also set forth the required use conditions as described in this section.

1. The residential component shall be contiguous with, and integral to, the working space, with direct access between the two areas, and not as a separate stand-alone dwelling unit.
2. Only one residential component per live/work unit shall be allowed. The residential component space and the business component space shall only be used as one contiguous habitable space and, if rented, shall only be rented together as one tenant space.
3. Any lease between the owner and a tenant, or between a tenant and a subtenant, shall refer to the fact that the live/work unit is subject to the above-referenced covenant.
4. A resident in any live/work unit shall operate a business from the unit and shall possess a San Fernando Business License Certificate in good standing for business activities conducted within the unit.

Sec. 106-655. – Development standards.

A. *Unit size and dimension*. The minimum square footage of a live/work unit shall be 700 square feet.
B. *Floor plans*. A live/work unit may include a single level floor plan or a multiple-level floor plan.

DIVISION 13. – OUTDOOR DINING

Sec. 106-656. – Intent and purpose.

The purpose of this division is to establish requirements for outdoor dining area that is accessory to a restaurant, café, specialty food establishment or other eating establishments, bars, taverns, cocktail lounge, craft breweries/distilleries, tap rooms, tasting rooms or wine bars on when located on private property.

Sec. 106-657. – Requirements.

A. The outdoor dining area shall require approval of a planning review. See also section 74-196 of the San Fernando Municipal Code, "Temporary use of sidewalk or roadway ."
B. Prior to the installation of any structural, mechanical, electrical or plumbing improvements associated with the outdoor dining or sitting area, a Building permit shall be obtained.
C. Prior to occupancy of an outdoor dining or seating area an inspection is required.

Sec. 106-658. - Development standards.

A. Base Zone regulations for setbacks, and maximum lot coverage, and emergency access in accordance with the California Fire Code, shall apply.
B. Dining areas shall maintain building egress as defined by the Uniform Building Code.
C. Tables and chairs shall be placed only in the locations shown on the approved site plan.
D. Barriers to delineate the outdoor dining area are recommended, but not required unless alcohol will be served in the outdoor dining area. The barrier may be either permanently installed or moveable.
E. When located immediately adjacent to a residential use, or other sensitive uses, provisions shall be made to minimize noise, light, and odor impacts on the residential use.
F. Outdoor dining may be covered or uncovered. Awnings or umbrellas may be used in conjunction with outdoor dining, but shall not be used as a permanent roof or shelter over the outdoor dining.
G. Outdoor dining shall be designed and operated so that it may be used by people of all abilities by complying with all of the following:
    1. The surface of the outdoor dining area shall be level and have a running slope and a cross slope that do not exceed 2 percent (1 unit vertical in 50 units' horizontal).
    2. The outdoor dining area shall not be located on a raised platform or in a sunken area, unless an accessible ramp is provided in accordance with the California Building Code, or the American Disabilities Act, whichever provides greater accessibility.

3. Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.
4. At least one wheelchair accessible seating space shall be provided for every 20 seats, or as required by the California Building Code, or the American Disabilities Act, whichever is greater.
5. When multiple wheelchair accessible seating spaces are provided, they shall be distributed and integrated within the outdoor dining area.
6. Wheelchair accessible seating spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth.
7. Access to designated wheelchair seating spaces shall be provided through an accessible path with not less than 48 inches unobstructed width.

H. Parking for the outdoor dining portion of an eating establishment shall only be required if and only for the area over the thresholds identified below:
1. The area of the outdoor dining area is greater than 200 square feet; or
2. The area of an outdoor dining area exceeds 25% of the combined total of the gross floor area of the associated eating establishment and the area of the outdoor dining area.

I. When outdoor dining is proposed on the parking area for the establishment, the required parking can be provided as described in the San Fernando Municipal Code section 106-284.

Sec. 106-659. – Design standards.

A. A colors and materials sheet shall be included in the site plan application to provide the colors, materials of all furniture, barriers, lighting and landscaping that is to be in the outdoor dining area. Exact dimensions and specifications shall be included.
B. Dining/seating area barriers (fences, gates, ropes, etc.) shall be visually appealing, and help to separate the dining/seating area from the sidewalk.
C. Fabric inserts (natural or synthetic) of any size are not permitted to be used as a part of a barrier.
D. The use of chain-link, cyclone fencing, chicken wire or similar material is prohibited.
E. Materials not specifically manufactured for fencing or pedestrian control are prohibited unless they are expressly allowed elsewhere in these guidelines.
F. Materials such as buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc. are not permitted and shall not be used as components of a barrier.
G. All furniture and fixtures must be of sufficiently sturdy construction so as not to blow over with normal winds.
H. Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants, or any other public street infrastructure by any means, whether during restaurant operating hours or when the restaurant is closed.
I. Outdoor dining furniture shall be made of high-quality, durable materials that provide an attractive design and are appropriate use for outdoor use. Folding chairs, lightweight, plastic, deteriorated, U.V. damages, splintered or similar furniture will not be approved or placed in the outdoor dining area. Sealed or painted metal or wood tables are recommended.
J. All materials shall be well maintained without stains, rust, tears, or discoloration. Materials that show signs of significant wear/age shall be replaced.
K. Umbrellas shall be constructed of a canvas-type, durable, and fade and fire-resistant material suitable for outdoor use. No plastic fabrics, plastic or vinyl-laminated fabrics, or any type of rigid materials are permitted.
L. Umbrellas shall be installed and maintained so as to provide pedestrian clearance by maintaining 7 feet of clearance from the ground to the lowest edge of the umbrella.
1. The 7-foot minimum height includes not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.

2. No part of an umbrella may exceed a height of 9 feet above the surface of the outdoor dining area to avoid an undue visual obstruction of other businesses.

M. Umbrellas shall be set back a minimum of 3 feet from the neighboring property measured from the outer most edge of the umbrella to the property line.

N. Umbrellas must be free of advertisements or product names.

1. Umbrellas must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other similar identifying characteristics.

O. All parts of any umbrella (Including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.

P. Umbrellas must blend appropriately with the surrounding built environment.

Q. Umbrella fabric must be one solid color, and is not permitted to be a fluorescent or other strikingly bright or vivid color.

R. Barriers made of walls, railings, fences, planter boxes, solid wood fences or concrete walls or a combination thereof are acceptable.

S. Barriers shall be no taller than 4 feet in height, unless the barrier is preexisting and exceeds 4 feet in height or a barrier greater than 4 feet in height is required pursuant to another section of the Municipal Code or other codes. Railing and fencing must be constructed of metal, (aluminum, steel, iron, or similar) or wood and must be of a dark color (either painted or stained).

T. To ensure their effectiveness as pedestrian control devices and their ability to be detected by persons with vision impairments, barriers must meet the following measurements:

1. Planters may not exceed a height of 36 inches above the level of the sidewalk. Plants may not exceed a height of 108 inches (8 feet) above the level of the sidewalk.
2. In the case of a rope or chain enclosure, the rope or chain must not exceed 27 inches above the sidewalk surface.
3. All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore, the bottom of the barriers must be no greater than 27 inches above the sidewalk surface.
4. Fences or other perimeter enclosures with a height of between 36 inches and 48 inches must be at least 50 percent open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over 48 inches must be at least 80 percent open (see-through).
5. Any access opening within the barrier must measure no less than 44 inches in width.

U. When abutting public property, a barrier may be in the form of open fencing, railing and /or landscape planters that must be a minimum of 3 feet, but not taller than 4 feet in height.

V. If a barrier is moveable, it shall be affixed while the establishment is open for business. Rope or chain barriers are permitted. The rope or chain must have a minimum diameter of one inch. Vertical support posts must be constructed of metal or wood. A stanchion base shall not be domed, and shall not be more than one-half (1/2) of an inch above the surface of the floor.

W. A stanchion or other vertical supporting member that has a base must not be a tripping hazard.

X. No banners or signage shall be displayed on the barrier of an outdoor dining area or within the outdoor dining area other than the name of the establishment that may be placed on umbrellas or on the valance of an awning with on overhang not lower than 84 inches from the finished grade of the ground of the outdoor dining area.

Y. Portable heaters, if provided, shall be located a minimum of 4 feet away from the exterior face of the building and from any combustible materials, including architectural projections, or in accordance with manufacturer recommendations, whichever is most restrictive.

Z. Planters may be made out of wood, ceramics, stone, or high quality thick plastic planter boxes.

AA. Planters shall contain live plant materials in healthy condition. Seasonal, thematic planter displays are encouraged. Stressed, dead, or dying landscape must be promptly replaced. Artificial plants; empty planters; or planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted.

BB. Planters shall have a self-contained watering reservoir system that prevents any leakage.

CC. Illuminated outdoor dining areas shall incorporate lighting which shall be installed to prevent glare onto, or direct illumination of any public space or property or use.

DD. Lighting shall be mounted so that all wiring is concealed. Rope or string lights are allowed provided they are installed to the requirements of the Building Code and manufacturer's specifications. Spotlights and illumination for adverting are prohibited.

Sec. 106-660. – Operating standards.

A. Outdoor dining shall be operated in a manner that meets all requirements of the Health Department of Los Angeles County and any other applicable regulations.

B. Exclusive of the Downtown District of the SP-5 zone, the hours of operation of outdoor dining areas city-wide shall be limited to the hours between 7:00 a.m. and 11:00 p.m., daily.

1. Within the Downtown District of the SP-5 zone, the hours of operation of outdoor dining areas shall be limited to the hours between 7:00 a.m. and 12:00 a.m., daily.
2. When the primary use requires a conditional use permit, the hours and days of operation of the outdoor dining area shall be identified in the approved conditional use permit.

C. An outdoor dining area may provide either waiter/waitress service or self-service.

D. The outdoor dining area shall be clean and free of litter at all times. Waste receptacles are encouraged.

E. Dining equipment (including, but not limited to, tables, chairs, space heaters, barriers) may remain in place when not in use if located on private property; dining equipment, if stored, may not be stored in an area visible from the public right-of-way or from any plaza area.

F. Live entertainment, television monitors, screens, dancing, pool tables, billiard tables, adult entertainment uses, and cover charges are prohibited in the outdoor dining area.

G. Food trucks are permitted with an approved conditional use permit pursuant to Division 7 of Article V.

H. Outdoor dining shall comply with the sound level limits of the associated eating establishment in accordance with San Fernando Municipal Code Chapter 34 Article II.

I. All forms of vaping, smoking and the use of tobacco products in the outdoor dining area shall comply with San Fernando Municipal Code Chapter 23.

J. Outdoor cooking is permitted in an outdoor dining area in compliance with the LA County Health Department, CA Building Code and City of LA Fire Code.

K. Establishments which propose to serve alcoholic beverages in the outdoor dining area shall comply with the standards established by the California Department of Alcoholic Beverage Control and shall update their approvals from said department to include the new outdoor dining area if necessary. The outdoor dining area shall be:

1. Physically defined and clearly part of the establishment it serves as an accessory use to; and
2. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

Sec. 106-661. – Denial, Revocation, or Suspension of Permit

A. Violations of the outdoor dining area standards may result in enforcement actions up to and including revocation of said permit and termination of use.

B. A violation of this chapter is subject to the administrative citation provisions of subject to SFMC Article III of this code.

DIVISION 14. – PERFORMANCE STANDARDS RELATING TO INSTALLATION OF SOLAR ENERGY SYSTEMS.

Sec. 106-662. – Single-family dwellings.

A. Any person seeking to install a solar energy system shall file an application for the appropriate permits with the planning Director, which shall include supplemental information as may be required by the planning department and this chapter so as to ensure the fullest practicable presentation of facts for evaluation of the application and for the permanent record.

B. In approving any solar energy system, the planning department may impose conditions which are necessary to carry out the purposes of this Code, and which do not significantly increase the cost or decrease the efficiency of the systems. The conditions shall include, but not be limited to, the following:

1. Any system visible from an existing or future public right-of-way shall present a finished appearance. Installation of a boxed and glazed array of collector panels or boxing of the system with a decorative wood or metal frame or other finishing element as approved by the planning Director may be required. For systems not visible from public rights-of-way, no boxing shall be required.
2. The system, if installed at an angle to the roof, or such that any part projects more than ten inches above the surface of the roof, shall be mounted on the rear roof elevation, and any visible structural members shall be treated with a decorative screen as approved by the planning Director, which is architecturally compatible with the existing structure and roofline.

   Exception: Should the orientation of a particular lot or structure necessitate the mounting of the solar energy system on an alternative elevation in order to achieve an efficient system, measures shall be taken to blend the system into the architecture and roofline of the existing structure. Any such screening or architectural treatment is subject to approval by the planning Director.
3. All supply, return, connecting and other associated pipes and hardware are to be comparable in color with the surface on which they are mounted. Additionally, all supply and return pipes shall be installed such that a minimum amount of linear feet of pipe is on the surface of the roof.

C. All solar energy systems shall be installed only after approval by the planning Director and only after issuance of the necessary building permits and any and all other permits required by the city relating to the plumbing, electrical, and mechanical characteristics of the system.

(Ord. No. 1270, § 30.741.1, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-663. – Multifamily dwellings, commercial buildings, and industrial buildings.

A. Conditions for the installation of solar energy systems on multifamily dwellings, commercial buildings and industrial buildings shall be as follows:
   1. Any person seeking to install a solar energy system on any multifamily, commercial or industrial building shall include plans and location of the system as part of an application for approval by the planning Director.
   2. In approving any solar energy system, the planning Director may impose conditions which are necessary to carry out the purposes of this Code, and which do not significantly increase the cost or decrease the efficiency of the systems. The conditions shall require that any system visible from any existing or future public right-of-way or any on-site open space area shall be architecturally integrated into the design of the existing structure.
   3. All solar energy systems shall be installed only after approval by the planning Director and only after issuance of the necessary building permit and any and all other permits required by the city relating to the plumbing, electrical and mechanical characteristics of the system.

B. For the installation of mechanical equipment, no heating or cooling equipment, excepting solar collectors and necessary supply and return lines, shall be mounted on the roof.

Exception: Should the installation of any mechanical equipment require that it be mounted on the roof, it shall be mounted on the rear roof elevation and it shall be decoratively screened. The screening shall be architecturally compatible with the existing structure and roofline and shall be approved by the planning Director as may be required by this chapter.

(Ord. No. 1270, § 30.741.2, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-664—106-691. – Reserved.

DIVISION 15. – PERFORMANCE STANDARDS RELATING TO PLACEMENT OF SATELLITE RECEIVING ANTENNAS

Sec. 106-692. – R zones.

In any R zone, satellite receiving antennas shall be permitted subject to the following:

A. No satellite receiving antenna shall be mounted on the top or side of any building. All satellite antennas shall be placed at ground level.
B. No satellite receiving antenna shall be placed in the front yard, or the street side, side yard.
C. All satellite receiving antennas shall be completely surrounded by a solid five-foot minimum fence or block wall.
D. The surface of the antenna shall not be painted white, silver or bright colors and shall be treated so as to not reflect glare from the sunlight.
E. No satellite antenna shall be constructed on a slope in such a manner that more than 50 percent of the antenna shall be visible to surrounding streets and residential properties.
F. The maximum diameter of a satellite antenna permitted in a residential zone shall be 13 feet.
G. All installations of satellite receiving antennas deviating from subsections (1) through (6) of this section shall require the prior approval of a conditional use permit.

(Ord. No. 1270, § 30.740.01, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-693. – C zones.

In any C zone satellite receiving antennas may be installed subject to the following:

A. All installations of satellite receiving antennas shall require the prior approval of a conditional use permit.
B. All satellite receiving antennas shall be screened from view from any collector or arterial street and from any residentially zoned property.
C. All satellite receiving antennas shall not be painted white, silver or bright colors and shall be treated so as to not reflect glare from the sunlight.
D. The maximum diameter of a satellite antenna permitted in a C zone shall be 13 feet.

(Ord. No. 1270, § 30.740.02, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-694. – M zones.

In all M zones satellite receiving antennas may be installed subject to the following:

A. All installations of satellite receiving antennas shall require the prior approval of a conditional use permit.
B. All satellite receiving antennas shall be screened from view from any collector or arterial street and from any residential property.
C. All satellite receiving antennas shall not be painted white, silver or bright colors and shall be treated so as to not reflect glare from the sunlight.
D. The maximum diameter of a satellite antenna permitted in an industrial zone shall be 13 feet.

(Ord. No. 1270, § 30.740.03, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-695—106-721. – Reserved.

DIVISION 16. – PROHIBITION ON COMMERCIAL CANNIBIS ACTIVITY

Sec. 106-722. – Prohibitions.

A. All adult-use and medicinal commercial cannabis activity is prohibited anywhere within the city. Such activities include, but are not limited to:

1. Cultivation;
2. Nursery;
3. Testing laboratory;
4. Manufacture;
5. Non-storefront retailer and storefront retailer;
6. Distribution;
7. Microbusiness;
8. Cannabis events.

B. Notwithstanding subdivision (a) of this section, the prohibitions set forth in this section shall apply to all activities for which a commercial cannabis activity license is required by the State of California under MAUCRSA so that no local approval shall be given to any proposed state license issuance of any license listed under California Business and Professions Code Section 26050, as may be amended from time to time.

C. If any provision of this division conflicts with state law, such state law shall supersede the conflicting provision of this division until such state law is either repealed or no conflict exists.

(Ord. No. 1690, § 4, 4-6-2020)

Sec. 106-723. – Limited medicinal-only cannabis deliveries permitted to qualified patients or primary caregivers.

A. Notwithstanding the prohibitions set forth in section 106-722, medicinal-only cannabis deliveries may be permitted only to a qualified patient or primary caregiver in possession of a valid physician's recommendation or county-issued identification card, issued pursuant to Health and Safety Code Section 11362.712, by a legally operating, retailer possessing a valid state-issued M-Type 10 license that is located outside of the City of San Fernando. Such retailers must possess a current and valid city permit issued in accordance with this section, as specified below.

B. Deliveries of adult-use cannabis is strictly prohibited.

C. *Application.* The form and content of the application for a permit shall be approved by the chief of police. The application shall be signed under penalty of perjury, and the following standards constitute the minimum application standards to qualify for a permit to deliver medicinal cannabis pursuant to this section:

1. Name, address, and contact information of the applicant; if the applicant is a corporation, the names and addresses of its Directors;
2. Name, address, and contact information of the applicant's business;
3. Current and valid proof of their license(s) or permit(s) to conduct medicinal commercial cannabis deliveries from the outside licensing city and/or county in which such dispensary is located;
4. Upon commencement of the State of California's issuance of licenses under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act, current and valid state-issued M-Type 10 license;

5. Acord insurance forms indicating applicant's ability to comply with the insurance requirements set forth in this section;
6. Listing of all vehicles, devices, and platforms used by the applicant for delivery of medicinal cannabis, pursuant to this section, including the vehicle's make, model, year, license plate number and vehicle identification number;
7. Proof of current and valid California Department of Vehicle registration for all vehicles applicant shall use for delivery of medicinal cannabis, pursuant to this section;
8. Copies of a valid physician's recommendation or county-issued identification card, issued pursuant to Health and Safety Code Section 11362.712, for all persons that the applicant will use to delivery medicinal cannabis pursuant to this section. All such persons much be at least 21 years of age at the time of submittal of the application for medicinal cannabis delivery.

D. *Review of the application.* The chief of police shall consider the application, as well as the criminal records, if any, and personal references, if demanded by the chief of police, of individuals identified in the application, and any other results from investigation into the application, as deemed necessary by the chief of police.

E. *Disapproval of the application.* If the chief of police disapproves of an application sought under this section, he or she shall notify the applicant in writing, stating the reasons for the disapproval. Notification of the disapproval shall be delivered by first class mail to the applicant.

F. *Appeal of disapproval.*

1. Within 15 calendar days of transmittal of the chief of police's notice of disapproval of an application, the applicant denied approval may appeal the disapproval by notifying the city clerk in writing of the appeal, the reasons for the appeal, and payment of any accompanying fees.
2. The city clerk shall set a hearing on the appeal and shall fix a date and time certain, within 30 calendar days after the receipt of the applicant's appeal, unless the city and the applicant agree to a longer period of time to consider the appeal. The city clerk shall provide notice of the date, time, and place of the hearing, at least seven calendar days prior to the date of the hearing.
3. The city manager shall appoint a hearing officer to hear the appeal and determine the order of procedure, and rule on objections to the admissibility of evidence. The applicant and the chief of police shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses, and argue their respective positions. The proceedings shall be informal, free of application of the strict rules of evidence. All evidence shall be admissible if it is of the type that a reasonably prudent person would rely upon in making a determination on the matter.
4. The hearing officer shall issue a written decision within 15 days after the close of the hearing. The decision of the hearing officer shall be final.

G. *Grounds for denial, revocation, or suspension of permit.* The granting of a permit or a renewal thereof may be denied and an existing permit revoked or suspended if the applicant, permittee, or any individual employed or acting as an agent for an applicant or permittee to deliver cannabis in the city does any of the following:

1. Knowingly makes a false statement in the application or in any other reports or other documentation furnished to the city;
2. Engages vehicles for delivery that are not maintained or operated in a manner and in a condition required by law and applicable regulations;
3. Has been convicted of any offense relating to the use, sale, possession, or transportation of a controlled substance;
4. Has been convicted of any felony, convicted of any offense involving moral turpitude, convicted of driving under the influence of alcohol or drugs, or does not possess a driver's license;

5. Has been involved in three or more motor vehicle collisions within the year preceding the application;
6. Utilizes vehicles or delivery personnel for deliveries, which are not identified to the city in its application;
7. Fails to pay required city fees and taxes; or
8. Violates any provision of this section.

H. *Suspension and revocation*.

1. If the chief of police determines that the activities of a holder of a permit issued under this section are constituting a significant threat to the public health, safety, and/or welfare, the chief of police may suspend such permit and the rights and privileges thereunder until a hearing officer renders a written decision on the revocation of such permit.
2. The chief of police shall give notice of his or her intent to revoke a permit in the same manner as a notice of disapproval and provide the city clerk with a copy of such notice.
3. The hearing for the revocation of the permit shall be set and conducted in the same manner as an appeal of disapproval. The decision of the hearing officer shall be final.

I. *Permittee obligations.* Individuals issued permits under this section shall have all of the following duties and obligations:

1. Comply with all applicable federal, state, and local laws;
2. Obtain and maintain a business license from the city;
3. Maintain, at all times, all licenses and permits required by state and local laws and provide immediate notification to the chief of police if any such state and/or local license and/or permit is revoked or suspended;
4. All deliveries must be packaged in compliance with state law;
5. Any person who delivers cannabis pursuant to a permit issued under this section shall keep a copy of such permit in his or her possession while effectuating any and all deliveries pursuant to such permit and shall make such permit copy available to law enforcement, upon request;
6. Deliveries shall not advertise cannabis, the name of the permittee, nor any other commercial cannabis activities;
7. Deliveries shall be made directly to the residence or business address of the qualified patient or the qualified patient's primary caregiver, upon proof of a valid physician's recommendation or county-issued identification card, issued pursuant to Health and Safety Code Section 11362.712. All other deliveries are prohibited;
8. Deliveries shall occur only between the hours of 6:00 a.m. and 6:00 p.m.;
9. No permittee shall transport or cause to be transported cannabis in excess of the limits established by the state. Until such limits are established, the limit shall be two pounds of dried marijuana or its cannabis product equivalent;
10. All orders to be delivered shall be packaged by the name of the qualified patient or qualified patient if the delivery is made directly to him or her or by the name of both the qualified patient and primary caregiver if the delivery is made to the primary caregiver. All orders shall include a copy of the request for delivery with each package;
11. Maintain at all times comprehensive automobile liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage, and personal injury, with limits of not less than $1,000,000.00. Failure to maintain such insurance shall be a ground for denial of an application, suspension of a permit, and or revocation of a permit; and

12. By accepting a permit issued under this section, each permittee agrees to indemnify, defend and hold harmless to the fullest extent permitted by law, the city, its officers, agents and employees from and against any all actual and alleged damages, claims, liabilities, costs (including attorney's fees), suits or other expenses resulting from and arising out of or in connection with permittee's operations, except such liability causes by the active negligence, sole negligence of willful misconduct of city, its officers, agents and employees.

J. *Fees.* Applicants and permittees shall pay all applicable fees as set forth by resolution of the city council. Applicants and permittees shall also pay the amount as prescribed by the Department of Justice of the State of California for the processing of fingerprinting. None of the above fees shall be prorated or refunded in the event of a denial, suspension, or revocation of the application or permit.

K. *Term.* All permits issued pursuant to this section shall only be valid from the date of issuance through December 31 of the calendar year in which they are issued. The renewal process for the permit shall be processed in the same manner as the initial application.

L. *Chief of police or designee.* Any action required by the chief of police under this section may be fulfilled by the chief of police's specified designee.

(Ord. No. 1690, § 4, 4-6-2020)

Sec. 106-724. – Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this division shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the city pursuant to California Code of Civil Procedure Section 731, Article V (Nuisances) of Chapter 1 (General Provisions and Penalties) of the San Fernando City Code, and/or any other remedy available at law.

(Ord. No. 1690, § 4, 4-6-2020)

Sec. 106-725. – Civil penalties.

In addition to any other enforcement remedies available under the San Fernando Municipal Code, the city attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this division. In any civil action that is brought pursuant to this division, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

(Ord. No. 1690, § 4, 4-6-2020)

DIVISION 17. – RESIDENTIAL TOWNHOUSE/CONDOMINIUMS AND RESIDENTIAL TOWNHOUSE/CONDOMINIUM CONVERSIONS

Sec. 106-726. – Intent and purpose.

The intent and purpose of this division is to establish criteria for the conversion of existing multiple-family rental housing to condominiums.

(Ord. No. 1270, § 30.730, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-727. – Conditional use permit required.

A. Residential condominiums and residential condominium conversions shall be permitted in appropriately zoned districts within the city subject to the issuance of a conditional use permit.

B. In addition to those notified of public hearing in accordance with Division 4 of Article V of this chapter, all tenants, if any, then occupying the proposed conversion site shall be notified in writing of the public hearing. A complete list of tenants shall be supplied by the applicant.

(Ord. No. 1270, § 30.730.10, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-728. – Development standards.

A. All units constructed prior to the effective date of the ordinance from which this chapter derives shall be in substantial accordance with development standards as set forth in this chapter, and all units constructed subsequent to effective date of the ordinance from which this chapter derives shall be in full compliance with the development standards.

B. Off-street parking requirements shall be as specified in the applicable zoning district and Division 3 of Article III of this chapter.

C. A single area having a minimum of 100 cubic feet of private and secure dead storage space shall be provided for each unit. The storage area may be located within the garage, provided it does not interfere with garage use for automobile parking. Customary closets and cupboards within the dwelling unit shall not count toward meeting this requirement.

D. No living units shall be permitted over garages unless one of the following conditions exist: the garage serves the unit above, or the garage is an underground type parking garage.

E. An adjoining private patio or deck shall be provided for each unit. No dimension shall be less than eight feet, or have a minimum area of less than 100 square feet.

F. One hundred fifty square feet of developed common recreation space shall be provided per unit, but in no event less than 1,000 square feet for the condominium project.

G. Separate laundry facilities of sufficient size to allow for the installation of a clothes washer and dryer shall be provided for each condominium unit. If provided for in the garage, the facility shall not encroach into the required parking space.

H. The consumption of gas, water and electricity within each dwelling unit shall have a separate shutoff device to disconnect each unit's utilities, unless utilities are provided by the homeowner's association.

I. All permanent mechanical equipment, including domestic appliances, which is determined by the building official to be a source or potential source of vibration or noise, shall be shock-mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the building official to lessen the transmission of vibration and noise.

J. The city shall require the developer to upgrade the project's water delivery system to comply with the city's current fire flow requirements.

K. All structures and buildings included as a part of a condominium project shall conform to the building and zoning requirements applicable to the zone wherein the project is proposed to be located. Designation of individual condominium units shall not be deemed to reduce or eliminate any of the building and zoning requirements applicable to any such buildings or structures.

L. Television and radio antennas. Individual television and radio antennas shall be prohibited outside of any owner's unit. The declaration shall provide either for a central antenna with connections to each unit via underground or internal wall wiring, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the city.

M. No conditional use permit shall be granted for a residential condominium development unless the obligation for care, upkeep and management of the common element is imposed on a nonprofit corporation (the association).

(Ord. No. 1270, § 30.730.20, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-729. – Application procedures.

Under this division, a conditional use permit application signed by the property owner or the authorized agent shall be submitted to the planning department. The application shall be accompanied by 20 copies of a precise development plan showing the following details:

A. The estimated square footage of each unit and number of rooms in each unit.

B. The layout of all common areas.

C. The layout and location of all storage space outside of each unit.

D. The layout and location of all facilities and amenities provided within the common area for the enjoyment and use of the unit owners.

E. The layout of all parking spaces to be used in conjunction with each condominium unit.

F. Proposed landscaping and irrigation.

G. Building elevations.

H. Location, height and type of all walls and fences.

I. Location and type of surfacing of all driveways, pedestrian walkways, vehicular parking areas and curb cuts.

J. Trash enclosure details.

K. Defining maintenance responsibility of all buildings and common areas.

L. Covenants, conditions and restrictions (CC&R's).

(Ord. No. 1270, § 30.730.30, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-730. – Fees; approval criteria.

A. Payment of all development fees currently assessed for new condominium projects shall be required for condominium conversions as well, except any such fees which were paid upon construction of the project. Required development fees shall include, where applicable, but not be limited to drainage assessment, parkway trees and park dedication in-lieu fees.

B. A proposed condominium or condominium conversion project may be approved, disapproved or conditionally approved by the planning commission in accordance with criteria as set forth in Division 3 of Article III of this chapter.

(Ord. No. 1270, § 30.730.40, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-731—106-755. – Reserved.

DIVISION 18. - SRO, EMERGENCY HOMELESS SHELTERS

Sec. 106-756. – Single room occupancy (SRO).

In the city's C-1 (limited commercial) and C-2 (commercial) zones, a single room occupancy unit (SRO) shall be subject to the applicable regulations of this division, including the following standards:

A. *Unit size.* The minimum size of a unit shall be 150 square feet and the maximum size shall be 400 square feet. A single room occupancy facility is not required to meet density standards of the general plan.

B. *Bathroom facilities.* An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.

C. *Kitchen.* An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of

these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

D. *Closet.* Each SRO shall have a separate closet.

E. *Common area.* Four square feet of interior common space per unit shall be provided, with at least 200 square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.

F. *Laundry facilities.* Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten units, with at least one washer and dryer per floor.

G. *Cleaning supply room.* A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

H. *Management plan.* A management plan shall be submitted with the development application for an SRO facility and shall be approved by the chief planning official. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.

I. *Facility management.* An SRO facility with ten or more units shall have an on-site manager. An SRO facility with less than ten units shall provide a management office on-site.

J. *Parking.* Parking shall be provided for an SRO facility at a rate of one standard-size parking space per unit as defined in subsection 106-286(1) of this chapter, plus an additional standard-size parking space for the on-site manager.

K. *Accessibility.* All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.

L. *Existing structures.* An existing structure may be converted to an SRO facility, consistent with the provisions of this section.

(Ord. No. 1625, § 9, 3-18-2013)

Sec. 106-757. – Emergency homeless shelters.

In the city's M-2 (light industrial) zone, an Emergency homeless shelter shall be subject to the applicable regulations of this division, including the following standards:

A. *Maximum number of persons/beds.* The shelter for the homeless shall contain a maximum of 30 beds and shall serve no more than 30 homeless persons.

B. *Lighting.* Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

C. *Laundry facilities.* The development shall provide laundry facilities adequate for the number of residents.

D. *Common facilities.* The development may provide supportive services for homeless residents, including but not limited to: central cooking and dining room(s), recreation room, counseling center, child care facilities, and other support services.

E. *Security.* Parking facilities shall be designed to provide security for residents, visitors, and employees.

F. *Landscaping.* On-site landscaping shall be installed and maintained pursuant to the standards outlined in section 106-345.

G. *On-site parking.* On-site parking for homeless shelters shall be subject to requirements for similarly zoned industrial uses as set forth in subsection 106-278(d)(1).

H. *Outdoor activity.* For the purposes of noise abatement in surrounding residential zoning districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.

I. *Concentration of uses.* No more than one shelter for the homeless shall be permitted within a radius of 300 feet from another such shelter.

J. *Refuse.* Homeless shelters shall provide a trash storage area as required pursuant to subsection 106-384(1) through subsection 106-384(3).

K. *Health and safety standards.* The shelter for the homeless must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).

L. *Shelter provider.* The agency or organization operating the shelter shall comply with the following requirements:

1. Temporary shelter shall be available to residents for no more than six months if no alternative housing is available.
2. Staff and services shall be provided to assist residents to obtain permanent shelter and income. Such services shall be available at no cost to all residents of a provider's shelter or shelters.
3. The provider shall not discriminate in any services provided.
4. The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility.
5. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

(Ord. No. 1625, § 10, 3-18-2013)

DIVISION 19. – TEMPORARY STORAGE CONTAINERS

Sec. 106-758. – Purpose.

This section provides location, development, and operating standards for temporary storage containers in compliance with the development standards within the underlying zone district.

Sec. 106-759. – Approval by the director.

Temporary storage containers shall be allowed, subject to approval of a Zoning Clearance application as required in section 106-1023.

Sec. 106-760. – Applicability.

Temporary storage containers may be allowed if unusual circumstances exist that require the use of a temporary storage container, as determined by the Director. Unusual circumstances include, but are not limited to, construction, business relocation, natural disasters, and residential rehabilitation activities.

Sec. 106-761. – Development standards.

A. A temporary storage container shall:
   1. Not be located in a parking area unless a zoning clearance is obtained;
   2. Not be located in a landscaped area; unless a zoning clearance is obtained;
   3. Be located on-site not more than 180 days during any consecutive 12-month period;
   4. Require the submittal of a zoning clearance with the Planning Division, in accordance with section 106-849 if proposed for more than 180 days during any consecutive 12-month period.

B. Fences, walls, and/or landscaping, or other methods approved by the Director shall be required to properly screen the temporary storage container from a public street, right-of-way, or adjacent residential zoning districts.

C. No signs, other than the operating company identification, shall be allowed on a temporary storage container.

D. The use of a temporary storage container for seasonal storage shall be prohibited.

DIVISION 20. – TWO-UNIT URBAN RESIDENTIAL DEVELOPMENT

Sec. 106-762. – Two-unit urban residential development.

A. *Purpose.* This section is adopted in accordance with California Government Code §§ 65852.21 and 66411.7, also known as Senate Bill 9 (SB 9). The purpose of this section is to establish development standards for two unit residential development pursuant to SB 9.

B. *Term of effect.* This section is applicable only while California Government Code § 65852.21 created by SB 9 remains in effect.

C. *Applicable zones and projects.* The provisions of this section apply to all lots in the R-1 (Single Family Residential) zoning district.

D. *Ministerial approval and findings.* The following apply to two-unit urban residential development as defined in this section:
   1. Two-unit urban residential development is subject to staff review and approval only, subject to the objective criteria and standards of this section.
   2. Two-unit urban residential development which meets all the criteria listed in section 106-762 (E) shall be approved unless the building official makes a written finding, based upon a preponderance off the evidence, that:
      a. The proposed two-unit urban residential development would have a specific adverse impact, as defined and determined in Government Code § 65589.5(d)(2), upon public health and safety or the physical environment and that there no feasible method to satisfactorily mitigate or avoid the impact; or
      b. The proposed development would not comply with all the criteria for approval per this section.

E. *Criteria for approval.* A proposed two-unit urban residential development shall be approved if it meets all the following criteria:
   1. The parcel proposed for two-unit urban residential development is located in the R-1 (Single Family Residential) zone.
   2. The two-unit urban residential development would not require the demolition or alteration of housing that:
      a. Is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or that is subject to any form of rent or price control; or
      b. Has been occupied by a tenant in the last three years.
   3. If any existing dwelling unit(s) is proposed to be demolished, the proposed two-unit urban residential development would comply with the replacement housing provisions of Government Code § 66300(d).
   4. The parcel proposed for the two-unit urban residential development is not a parcel on which an owner of residential real property exercised rights under California Government Code § 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date the application is submitted.
   5. The parcel proposed for the two-unit urban residential development is not located:
      a. Within a historic district, is not included on the State Historic Resources Inventory, and is not within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance;
      b. On prime farmland or farmland of statewide importance as further defined in Government Code § 65913.4(a)(6)(B);
      c. On wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993); or
      d. On a hazardous waste site that is listed pursuant to [Government Code] § 65962.5 or a hazardous waste site designated by the Department of Toxic pursuant to Health and Safety Code § 25356, unless the State Department of Public Health, State Water

Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses; or

e. In a special flood hazard area subject to induction by the one-percent annual chance flood (100-year flood) or regulatory floodway as determined by FEMA. This criteria shall not apply if either of the following are met:
    i. The site has been subject to a letter of map revision prepared by FEMA and issued to the city; or
    ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code § 65913.4(a)(6)(G)(ii).

6. The proposed two-unit urban residential development would not create a nonconforming condition related to the placement of buildings or to any other development standard of this Zoning Code, except as specified in this section.
7. A signed affidavit has been provided in accordance with section 106-762(F).
8. The application complies with all provisions of Government Code §§ 65852.21 and 66411.7, if the proposed development includes a concurrent application for an urban lot split.

F. *Covenant and affidavits required.* A property owner seeking to develop a two-unit urban residential development on a parcel located in the R-1 zone pursuant to the regulations set forth in Government Code § 65852.21 and the standards in this section, shall be subject to the following general requirements, which shall be accepted and acknowledged by the property owner by signing and recording a covenant against the property. The covenant shall be supplied by the city and provide as follows:
    1. The short term rental defined as rentals of any duration less than 31 consecutive calendar days of any dwelling unit(s) on the site created pursuant to Government Code § 65852.21 shall be prohibited.
    2. An affidavit shall be filed to verify information regarding the rental or ownership history of any pre-existing dwelling units, accessory dwelling units and junior ADUs.

G. *Development standards.*
    1. The following development standards shall apply to all two-unit urban residential developments, except to the extent that the development standards would preclude the construction of two dwelling units of at least 800 square feet each. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding the construction of two dwelling units of 800 square feet each on the parcel proposed for the two-unit urban residential development.
    2. Except as otherwise prescribed in this section, the standards for residential development set forth in Chapter 106, Article II, Division 2 of this Code shall apply.
    3. Except as otherwise prescribed in this section, the standards for accessory dwelling units set forth in Division 1 of Article IV of this Code shall apply to any accessory dwelling units.
    4. *Number of residential units allowed.*
        a. *Lot split.* A maximum of two residential units, including units which existed at the time of the lot split, may be built on each lot created using the urban lot split provisions set forth in Chapter 78, Article II, Division 6 of this Code. Dwelling units, accessory dwelling units and junior ADUs count toward the maximum number of residential units on lots subdivided using the urban lot split provisions set forth in Chapter 78, Article II, Division 6 of this Code.
        b. *No lot split.* A maximum of four dwelling units may be built on a single lot which is not subdivided using the urban lot split provisions set forth in Chapter 78, Article II, Division 6 of this Code. Any combination of dwelling units, accessory dwelling units and junior ADUs count toward the four residential unit maximum.
    5. *Number of accessory dwelling units allowed.*
        a. Accessory dwelling units and junior ADUs may be built pursuant to Division 1 of Article IV of this Code and applicable state law and in conformance with the maximum number of residential units specified in this section.
    6. *Maximum floor area.*

a. No maximum floor area is specified by this section.

7. *Height.*
    a. Maximum height shall be 14 feet and one story, except that the height limit for dwellings units in the R-1 zoning district shall apply if there are no windows oriented toward any adjacent rear yards.
8. *Setbacks and separations between buildings.*
    a. *Front yard setback:* Per the zoning district setback requirements for a primary dwelling unit, except for flag lot.
        i. Flag lot front yard setback shall be a minimum of ten feet as measured from the shared property line with the front lot as illustrated in section 78-182.
    b. *Side and rear yard:* Four feet, except for an existing structure or structure constructed at the same location and to the same dimensions as an existing structure.
    c. *Building separation:* No detached dwelling unit shall be closer than six feet to any other accessory building or dwelling unit, accessory dwelling unit or junior ADU, on the same lot or parcel. The six-foot distance shall be measured from the closet points of the building walls or structure walls. A minimum of four feet shall be maintained between eave overhangs, chimneys, bay windows or any other architectural feature.
9. *Site coverage.*
    a. Site coverage and maximum coverage in a front yard area shall be per the standards for the R-1 zoning district. Coverage calculations shall include all structures, including all dwelling units, accessory dwelling units, and junior ADUs and all non-habitable accessory structures.
10. *Open space.*
    a. *Common open space:* Ten percent of the lot or a minimum of 400 square feet, whichever is greater, shall be dedicated for common open space and shall provide amenities such as, but not limited to, gardening, outdoor seating or furniture, playground equipment, patio, and/or outdoor grill appliance.
    b. *Private open space:* An adjoining private open space of 150 square feet minimum shall be provided for each unit. No dimension shall be less than eight feet. The required setback area may not be used to meet this requirement.
11. *Landscaping.*
    a. Landscaping shall be provided as required by the R-1 zoning district.
12. *Design.*
    a. Additions or new dwelling units added to a parcel or lot where an existing structure will be retained must match the architectural style of the existing dwelling unit including, but not limited to, the roof pitch, window size, window type, exterior building materials, lighting fixtures, and paint colors.
    b. All dwelling units built on a vacant parcel shall use the same architectural style, materials, and colors.
    c. Accessory dwelling units and junior ADUs shall be designed in conformance with the requirements in Division 1 of this article.
    d. Each dwelling unit built shall have a separate exterior entrance.
    e. To preserve the single-family appearance of the neighborhood, any dwelling unit other than the front most dwelling unit, or the front most dwelling unit on the front lot, shall be completely screened by other dwelling unit(s) on the lot, landscaping, fencing, or a combination of these.
13. *Parking.*
    a. A minimum of one off-street parking space shall be provided for each dwelling unit, unless the following apply, in which case no off-street parking is required:
        i. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code § 21155(b), or a major transit stop, as defined in Public Resources Code § 21064.3.
        ii. There is a car share vehicle facility located within one block of the parcel.

b. *Parking location restrictions.*
   i. Parking shall be in a covered garage or carport, or in a driveway located within a front setback. A driveway is the paved area that is equal to the width of the garage or carport opening plus up to one foot on either side and extending from the garage or carport to the street.
   ii. Rear lot parking shall be accessed via an alley if the site has legal access to an alley.

14. *Non-habitable accessory structures.*
   a. Development of non-habitable accessory structures as dwelling units shall be per the standards for accessory structures in the R-1 zoning district.

H. *Short-term rentals prohibited.* Any dwelling unit constructed per this section, if offered for rental, shall be rented for a minimum term of 31 consecutive days and shall not be used for short-term rentals.

I. *Owner-occupancy requirement.* Each applicant for a two-unit residential development shall provide a signed affidavit stating that they intend to occupy one of the dwelling units as their principal residence for a minimum of three years from the date of the approval of the two-unit residential development, unless the applicant is a "community land trust," as defined in Revenue and Taxation Code § 402.1(a)(11)(C)(ii), or is a "qualified nonprofit corporation" as described in Revenue and Taxation Code § 214.15.

J. *Adverse impact findings for denial of application.*
   1. The city may deny the construction of dwelling units per this section if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed dwelling unit(s) would have a specific, adverse impact, as defined and determined in Government Code § 65589.5(d)(2), upon public health and safety or the physical environment and that there is no feasible method to satisfactorily mitigate or avoid the impact.
   2. An application for a two-unit urban residential development shall not be rejected solely because it proposes adjacent or connected structures, provided that the structures meet applicable building code standards and are sufficient to allow separate conveyance.

K. *Utility connections.* Utility connections shall be provided per city standards.

L. *Application requirements.* Applications for two-unit residential development shall include all information required by the planning department, as shown on official city application forms.

DIVISION 21. – VEHICLE FUELING AND ELECTRIC VEHICLE (EV) CHARGING STATIONS

Sec. 106-763. – Purpose.

This section provides location, development, and operating standards for vehicle fueling and/or EV charging stations in compliance with section 106-766.

Sec. 106-764. – Permitted uses.

Vehicle fueling or EV charging stations shall be limited to selling vehicle fuels, other fuels and other supplying goods necessary for electric vehicles or zero emission vehicles, and supplying goods and services required in the operation and maintenance of motor and/or electric vehicles. These shall include the following.

A. Automotive retail sales. The retail sale of batteries, motor fuels, tires, lubricants, and oils.

B. Repairs. Incidental minor repairs, including brake, lubrication, tire, and tune up service, shall be conducted entirely within an enclosed structure, in compliance with the standards in Division 6 of Article IV and where allowed by the zone, subject to the standards of the underlying zone.

C. Convenience store. A new or existing vehicle fueling or EV charging station may include an onsite convenience store as an accessory use, where allowed by the zone.

Sec. 106-765. – Prohibited uses.

The following uses and services are prohibited at vehicle fueling or EV charging stations.

A. Autobody and fender repair, painting, upholstery work, and dismantling.

B. Tire recapping, machine work or welding.
C. Overhauling, replacement, or repairing of differentials, engines, front suspension, and transmissions.

Sec. 106-766. – Operational standards.

All vehicle fueling or EV charging stations shall comply with the following operational standards.

A. Location and display of accessories, batteries, and tires for sale shall be on or within three feet of the pump island or the main structure's exterior;
B. No vehicle rental activities shall be conducted on the vehicle fueling or EV charging station site; and
C. All outdoor/open storage of materials shall be limited to a maximum area of 150 square feet, and shall be enclosed by a 6-foot-high, solid decorative masonry wall, subject to the approval of the Director.
D. All EV charging systems shall meet the requirements of the California Electrical Code, the California Building Code, the California Green Building Standards Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, accredited testing laboratories, and rules of the Public Utilities Commission regarding safety and reliability.

Sec. 106-767. – Development standards.

All vehicle fueling or EV charging stations shall comply with the following development standards.

A. If a vehicle fueling or EV charging station adjoins a zone or overlay that allows residential uses, a 6-foot-high, solid decorative masonry wall, in compliance with Division 7 of Article III (Walls and Fences), shall be installed along the property line that adjoins the property that is zoned to allow residential.
B. A 3-foot-wide planting strip shall be located on the station site along the entire length of the wall separating the vehicle fueling or EV charging station from adjacent property that allows residential uses and public street rights-of-way, except for driveway openings. All unpaved areas shall be landscaped in compliance with Division 4 of Article III (Landscaping Standards for Private Property).
C. A planter area of not less than 100 square feet shall be provided at the corner of two intersecting streets, in compliance with Chapter Division 4 of Article III (Landscaping Standards for Private Property).
D. Additional landscaping may be required by the Director to screen the vehicle fueling or EV charging station from adjacent residential properties.
E. All exterior light sources, including canopy, flood, and perimeter, shall be energy efficient, stationary, and shielded or recessed within the roof canopy, to ensure that all light, including glare or reflections, is directed away from adjoining properties and public rights-of-way, in compliance with section 106.353 (Outdoor Lighting).

Sec. 106-768. – Site maintenance.

All vehicle fueling or EV charging stations shall comply with the following maintenance standards.

A. Used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles, shall not be located outside of the main structure.
B. A refuse storage area, completely enclosed with a masonry wall not less than five feet high, with a solid gated opening, and large enough to accommodate standard-sized commercial trash bins, shall be located to be accessible to refuse collection vehicles.
C. Driveways and service areas shall be maintained and kept free of oil, grease, and other petroleum products, in addition to litter. These areas shall be periodically cleaned with equipment that dissolves spilled oil, grease, and other petroleum products without washing them into the drainage, gutter, and sewer system.
D. Additional Conditions. Additional conditions (e.g., hours of operation, sign regulations, structure materials and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community.

DIVISION 22. – WIRELESS TELECOMMUNICATIONS FACILITIES

Subdivision I. – Overview

Sec. 106-769. – Intent and purpose.

A. This division establishes standards for the development and placement of wireless telecommunications facilities. This division is not intended to regulate health impacts associated with telecommunications projects.
B. The purpose of this division is to:
    1. Ensure access to reliable wireless communication services throughout all areas of the city;
    2. Encourage the location of new monopoles and telecommunication facilities in non-residential areas;
    3. Encourage the use of existing monopoles for the co-location of telecommunications facilities;
    4. Encourage the location of monopoles and other telecommunications facilities in areas where the adverse visual and aesthetic impacts on the community will be minimal;
    5. Minimize the potential adverse visual and aesthetic effects associated with the construction of monopoles and towers through the utilization of best quality design, landscaping and construction practices;
    6. Ensure public health, safety, welfare, and convenience;
    7. Conform to federal and state laws that limit certain aspects of local regulation of personal wireless telecommunications facilities; and
    8. Establish clear local guidelines and standards for the regulation of wireless telecommunications facilities.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-770. – Conditional use permit and site plan review required.

Unless listed in section 106-771 as exempt, no wireless telecommunications facility shall be constructed, replaced, or modified without first undergoing the site plan review process per sections 106-857 to 106-861 and obtaining a new conditional use permit and/or modifying an existing applicable conditional use permit pursuant to application and review procedures contained in sections 106-868 to 106-875. Facilities determined to have minimal impacts or which are exempt from local review by state or federal statutes have been classified as exempt under this division and are not subject to discretionary review so long as they meet the requirements for such exempt facilities as set forth in this division.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-771. – Exempt facilities.

The following wireless telecommunications facilities are exempt from conditional use permit requirements and site plan review requirements under this division, provided they meet the requirements set forth in this section:

A. Interior and exterior antennas accessory to a permitted use of a site, limited to television reception antennas, satellite reception dishes, and amateur radio facilities meeting all the requirements set forth below:
    1. Direct broadcast satellite ("DBS") antennas and television broadcast services ("TBS") antennas or other similarly scaled telecommunications device may not exceed 36 inches in diameter. DBS and TBS antennas, satellite dishes and similar devices may not extend above the roof peak or parapet of the supporting structure unless otherwise approved by the chief planning official.
    2. Antennas, including support structures, may not be located within any required building setback area, and must be screened from public view. No portion of the antenna, support structure, and/or accessory equipment may overhang or extend beyond any property line.

3. Antenna height may not exceed the maximum allowable building height for the zoning district in which it is located. The antenna support structure may not exceed a width or diameter of 24 inches.

B. Public safety facilities, used only for public safety functions, including transmitters, repeaters, and remote cameras so long as the facilities are designed to match the supporting structure.
C. Wireless telecommunications facilities accessory to other publicly owned or operated equipment for data acquisition such as irrigation controls, well monitoring, and traffic signal controls.
D. Wireless telecommunications facilities erected and operated for emergency situations, as designated by the chief administrative officer, so long as the facility is removed at the conclusion of the emergency.
E. Multi-point distribution services (MDS) antennas and other temporary mobile wireless services including mobile wireless communication facilities and services providing public information coverage of news events for a duration of no more than 14 days.
F. Mobile facilities, including "cell on wheels" (COW) equipment, when placed at a location for no more than seven consecutives days, subject to prior authorization by the chief planning official and when the mobile facility is located within a zoning district that permits wireless telecommunications facilities.
G. Wireless telecommunications equipment that replaces or alters an existing facility such as replacement of a pre-existing antenna with a smaller antenna, installation of quieter equipment, or modifications that decrease capacity, subject to prior review and approval by the chief planning official and issuance of a building permit.
H. Any antenna or wireless telecommunications facility, for which a permit or certification has been issued by the California Public Utilities Commission (CPUC) or the Federal Communications Commission (FCC) specifically stating that the antenna or wireless telecommunications facility is exempt from municipal regulation.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-772. – Legal nonconforming uses.

All existing wireless telecommunications facilities approved and in operation prior to adoption of this division shall be exempt from the provisions of this division, subject to Division 9 of Article V, with the following exceptions:

A. Any expansion or alteration to existing equipment, structure, site and/or facility, including any new co-locations, shall comply with the standards and procedures for the development of new wireless telecommunications facilities as in this division. If the existing facility is in a location where development of new wireless telecommunications facilities is prohibited, no increase in height shall be permitted.
B. All existing wireless telecommunications facilities are subject to provisions set forth in this division as they relate to the public safety impacts, periodic review, and monitoring requirements.
C. All maintenance work on existing wireless telecommunications facilities and accessory equipment shall comply with the noise regulations in section 34-27.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-773—106-775. – Reserved.

Subdivision II. – Development Requirements and Standards

Sec. 106-776. – Location standards.

A. Wireless telecommunications facilities shall be prohibited on all properties adjacent to residentially zoned properties and/or within 250 feet of any property line of a residentially zoned parcel, whichever provides the greater distance from residentially zoned properties.
B. Subject to the requirements for conditional use permits per section 106-770, wireless telecommunications facilities are permissible only in the following areas:
    1. Properties within the Workplace Flex District of the SP-5 (San Fernando Corridors Specific Plan) zone.

2. Properties within the M-1 (Limited Industrial) zone.
3. Properties within the M-2 (Light Industrial) zone.
4. Properties owned and utilized by the City of San Fernando for municipal purposes.

(Ord. No. 1569, § 3, 12-5-2005; Ord. No. 1671, § 2(Exh. B), 12-20-2017)

Sec. 106-777. – Facilities permissible with a conditional use permit.

The following types of wireless telecommunications facilities shall be permissible if approved pursuant to a conditional use permit in accordance with sections 106-905 through 106-913, provided the site plan review application procedures set forth in sections 106-872 through 106-879 are satisfied and provided the facilities meet the location and design standards set forth in this division. Any application for a wireless telecommunications facility may be denied based on aesthetic or land use impacts.

A. Mobile antenna when placed on a site for more than seven consecutive days, subject to the following standards:
    1. An antenna vehicle or an antenna trailer shall be located only on a paved surface.
    2. Any vehicular access and parking for support personnel shall be provided on a paved surface.
    3. Operational safety signage shall be provided.
    4. An antenna vehicle or an antenna trailer and support parking shall not be located within a public right-of-way without first obtaining an encroachment permit.
B. Additional antennas and/or modifications to an existing monopole or tower, subject to the following standards:
    1. The existing monopole or tower was constructed and is operating in accordance with the requirements of a conditional use permit.
    2. The type and size of additional antenna(s) is consistent with the provisions of this division.
    3. The additional antenna array does not exceed the height of the existing tower.
    4. The additional antenna array is the second or third grouping of antenna panels on the tower.
    5. The additional antenna array fits within the three dimensional envelope of the existing monopole or tower and arrays.
    6. The additional antenna array does not include a microwave dish greater than one meter in diameter.
    7. The combined electromagnetic radiation for all antenna arrays does not exceed applicable standards.
    8. The additional antenna array does not require substantial modifications to the existing tower.
C. Building mounted antennas, subject to the following standards:
    1. The lowest part of the antenna shall be a minimum of 15 feet above grade.
    2. The antenna and mountings shall not project more than 18 inches from the building surface to which it is mounted.
    3. Antennas, connections, and supports shall be treated to match the color scheme of the building, or as approved by the planning commission.
    4. Antennas and connections shall not project above the building facade.
    5. Accessory equipment shall be fully screened from public view if mounted on the ground, or shall otherwise be located underground.
    6. Exterior electrical lines serving the equipment cabinet or building shall be located underground.
    7. If panel type antennas are proposed, then the total square footage of all panels shall not exceed 25 square feet on any facade.
D. Roof mounted antennas, subject to the following standards:
    1. The antenna(s) and related equipment shall be fully screened from view or architecturally integrated into the building design.
    2. Antenna(s) shall match the color scheme of the building facade to which they are attached.
    3. Accessory equipment shall be fully screened from public view if mounted on the ground, or shall otherwise be located underground.

4. Antenna(s) and support structures shall not exceed the allowable height limit for the zoning district in which it is located by more than ten feet or exceed the parapet by more than six feet, whichever is less.

E. Wireless telecommunications antennas on city facilities, subject to the following standards:
   1. Antenna(s) may be ground mounted or mounted on existing buildings or structures.
   2. The antenna(s) shall be integrated into the site and/or structure design.
   3. Accessory equipment shall be fully screened from public view if mounted on the ground, or shall otherwise be located underground.
   4. Any vehicular access and parking for support personnel shall be provided on a paved surface.

F. Modifications to existing antennas, including any modification to equipment or accessories of existing wireless telecommunications facilities whether conforming or legally nonconforming to the provisions of this division, with the exception of reducing the height, reducing the number of panels and/or antennas, and/or reducing the radio frequency radiation and/or noise emissions.

G. "Emergency 911" wireless telecommunications facilities, including any alteration, upgrade or addition of equipment or accessories to allow for "Emergency 911" uses.

H. Antenna arrays mounted on existing signs, water towers, sport field light towers, subject to the following standards:
   1. Antenna(s) shall be designed to match the supporting structure.
   2. Accessory equipment shall be fully screened from public view if mounted on the ground, or shall otherwise be located underground.

I. Monopole or towers, subject to the following standards:
   1. Monopoles and towers shall be located and designed to minimize visual impacts. Towers located in high visibility locations shall incorporate "stealth" design techniques to camouflage the tower to the maximum extent feasible as art, sculpture, clock tower, flag pole, tree or any other appropriate and compatible visual form.
   2. Monopoles and towers shall be located on the rear half of the parcel, unless the planning commission determines that aesthetic benefit is achieved through an alternative location.
   3. New private monopoles and towers shall not be located on any land developed or zoned for any residential and/or school use, unless otherwise specified in this division.
   4. Monopoles and towers shall not be permitted within 400 feet of an existing tower, except that the planning commission may modify this standard in cases where it finds, in conjunction with approval of a conditional use permit, that cumulative visual impacts are not significant and that the tower is necessary to provide services not possible with co-location on an existing tower or structure in the service area. The chief planning official may require an independent study, at the applicant's expense, of the basis for making such findings.
   5. Monopoles and towers shall be designed at the minimum functional height pursuant to the requirements of section 106-774. This standard may be modified to allow for an increase not to exceed 15 feet above the maximum permitted height within any zone upon a finding by the planning commission that the cumulative visual impacts are not significant and that the height is necessary to provide for co-location opportunities not possible with a tower meeting the required height standard. Independent review of the request, at the expense of the applicant, may be required by the chief planning official.
   6. As a condition of approval for all monopoles and towers, the applicant shall provide a written commitment that it will allow co-location of antennas on towers where technically and economically feasible.
   7. Accessory equipment shall be fully screened from public view if mounted on the ground, or shall otherwise be located underground.
   8. Any vehicular access and parking for support personnel shall be provided on a paved surface.

J. Other wireless telecommunications facilities not listed as exempt in this division.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-778. – General standards.

The standards in this section are applicable to any wireless telecommunications facility not exempt under section 106-777.

A. If technological improvements or developments occur that allow the use of materially smaller or less visually obtrusive equipment, the wireless telecommunications service provider may be required to replace or upgrade an approved wireless telecommunications facility upon application for a new permit in order to minimize the facility's adverse impact on land use compatibility and aesthetics. This provision applies only to the specific site for which the application for a modification is requested.
B. Each telecommunications service provider with a wireless telecommunications facility shall obtain a business license prior to initiation of service.
C. The chief planning official may hire a third party independent engineer to evaluate any technical aspect of the application. The applicant will be responsible to pay for all costs of this analysis.
D. Failure to comply with any of the conditions of the permit may result in the revocation of the permit after a duly noticed public hearing pursuant to the procedures in section 106-814.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-779. – Height.

A. All wireless telecommunications facilities shall be designed to the minimum functional height required.
B. Unless this division imposes a more restrictive height limitation on a specific type of facility, the wireless telecommunications facility's height shall not extend beyond the maximum allowable height for the zone in which it is located, except when additional height is permitted by the planning commission when necessary to accommodate co-location.
C. Wireless telecommunications facilities providing for co-location may be permitted to extend up to ten feet beyond the maximum allowable height for the zoning district in which it is being proposed.
D. The height of a monopole, tower or other support structure shall be measured from the natural undisturbed ground surface below the center of the base of the structure to the top of the structure itself or, if higher, the tip of the highest antenna or piece of equipment attached thereto.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-780. – Setback.

A. All wireless telecommunications facilities and accessory equipment and structures shall comply with the required building setbacks for the zoning district in which they are located. However, in no instance shall the facility (including antennas and equipment) be located closer than five feet to any property line. Additional setback requirements shall be established in conjunction with a conditional use permit for those antennas exceeding the height limit for the zoning district.
B. Wireless telecommunications facilities shall not be located within the required front-yard area of any parcel, or within a designated parking area, unless the planning commission determines that aesthetic benefit is achieved through such location.
C. The planning commission may reduce required setbacks from property lines for wireless telecommunications facilities upon determination that aesthetic impacts would be reduced or open space improved.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-781. – Landscaping.

A. Landscaping, wherever appropriate, shall be used as screening to reduce visual impacts of a wireless telecommunications facility. Any such landscaping shall be visually compatible with existing vegetation in the vicinity.
B. Existing landscaping in the vicinity of a wireless telecommunications facility shall be protected from damage during and after the facility's construction. Where applicable, the applicant for a new wireless

telecommunications facility shall submit a tree protection plan to ensure compliance with this requirement.

C. Off-site landscaping may be required to mitigate off-site impacts. Additional landscaping may also be required in public right-of-ways to obscure visibility of wireless telecommunications facilities from passing motorists, bicyclists, and pedestrians.
D. An automatic irrigation system shall be provided for all existing and proposed on-site and off-site landscaping.
E. All existing and proposed on-site and off-site landscaping shall be maintained in a healthy condition.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-782. – Design standards.

A. All wireless telecommunications facilities and accessory equipment structures shall utilize state of the art stealth technology as appropriate to the site and type of facility. Where no stealth technology is proposed in an application for a new wireless telecommunications facility, a detailed analysis as to why stealth technology is physically and/or technically infeasible for the project shall be submitted with the application.
B. Monopole support structures shall not exceed four feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed height and that the proposed height is necessary.
C. Any wireless telecommunications facility mounted on a building shall be located in a manner so as to minimize visual impacts on surrounding properties and right-of-ways.
D. Any building-mounted antenna and support structure shall be painted to be architecturally compatible with the building, and to minimize visual impacts on surrounding properties. The specific color is subject to approval based on a visual analysis of the particular site.
E. Accessory equipment must be screened from public view.
F. Wireless telecommunications facility support structures shall be sized and designed to allow at least one additional wireless telecommunications service provider to co-locate on the support structure.
G. All fencing shall be decorative and compatible with the adjacent buildings and properties within the surrounding area; and shall be designed to resist graffiti vandalism and to facilitate the removal of graffiti. Chain link, barbed wire, and concertina wire are prohibited.
H. Lighting shall not be permitted on wireless telecommunications facilities unless required as a public safety measure. If lighting is required, it must be provided in a manner designed to minimize glare and light overflow onto neighboring properties. Security lighting installed at wireless telecommunications facility sites shall only be operational when support personnel are present.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-783. – Signage.

A permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size, must be placed on the gate of the fence surrounding a wireless telecommunications facility or, if there is no fence, on the facility itself. The sign must identify the facility operator's name and address, and specify a telephone number at which a representative of the service provider can be reached at any time in the event of an emergency.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-784. – Public health and safety.

A. All wireless telecommunications facilities in combination shall comply with all public health and safety rules, regulations and standards, including compliance with non-ionizing electromagnetic radiation standards set by the FCC and/or any other agency with the authority to regulate such facilities. If such rules, standards and/or regulations are changed, the service provider(s) and/or property owner(s) shall bring such facilities into compliance with such revised rules, standards and/or regulations within six months of the effective date of such rule, standard and/or regulation, unless a more stringent compliance

schedule is mandated by the controlling agency. Any violation of this section is hereby deemed a public nuisance and shall constitute grounds for revocation of any permits and/or approvals granted under this division.

B. If it is found that any wireless telecommunications facilities are or will be detrimental to the health, safety, or welfare of persons working or residing near such facilities, then the service provider(s) and/or property owner(s) shall be entirely responsible for the removal, adjustment, or replacement of the facilities. In no case shall a facility remain in operation if found to create a hazard to public health, safety, and welfare. A wireless telecommunications facility shall not be found to create a hazard to public health, safety, or welfare as a result of non-ionizing electromagnetic radiation emissions from the facility so long as it meets all then current standards established by the FCC or other federal agency having jurisdiction.
C. For the protection of emergency response personnel, each wireless telecommunications facility shall have a main breaker switch to disconnect electrical power at the site. For co-location sites, a single main switch shall be installed to disconnect electrical power for all carriers at the site in the event of an emergency.
D. Wireless telecommunications facilities shall not be operated in a manner that would cause any interference with any public emergency telecommunications system. If such interference occurs, the wireless telecommunications service provider shall remedy the problem.
E. Fencing, barriers, or other appropriate measures to restrict public access to wireless telecommunications facilities shall be maintained in a functional condition at all times.
F. A violation of subsections (a), (b), (c), (d), or (e) of this section shall constitute grounds for abatement and removal of the wireless telecommunications facility at the expense of the service provider and/or the property owner.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-785. – Noise.

A. All wireless telecommunications facilities, including their power sources, ventilation, air conditioning units and any other cooling equipment, and all other accessory equipment shall operate in compliance with the noise regulations in section 34-27.
B. Back-up generators shall only be operated during power outages and/or for testing and maintenance purposes on weekdays between the hours of 9:00 a.m. and 4:00 p.m.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-786. – Compliance with radiation exposure standards.

A. Subsequent to construction of a new wireless telecommunications facility or modification of an existing wireless telecommunications facility, the facility shall not be operated prior to final inspection and authorization to operate by the chief building official or designee. Within ten days after authorized operation of the facility begins, the wireless telecommunications service provider shall submit a report prepared by a qualified licensed engineer acceptable to the chief planning official certifying that at full power operation the facility is operating in compliance with all applicable standards regulating non-ionizing electromagnetic radiation emissions, and that the measured cumulative level of all such emissions at the site and in the vicinity of the facility do not exceed allowable levels. The report certifying such compliance shall document the basis for such certification pursuant to the monitoring protocol as defined in this division. These provisions shall be met through submission of a report documenting field measurements of non-ionizing electromagnetic radiation measurements. All reports shall consider cumulative effects of co-located facilities and shall be written in plain English.
B. Post-construction testing of new and/or modified wireless telecommunications sites and facilities with respect to non-ionizing electromagnetic radiation emissions is required for all new and modified wireless telecommunications facilities to ensure that they operate in compliance with the applicable radiation exposure standards. Monitoring of non-ionizing electromagnetic radiation is to be conducted consistent with the monitoring protocol as defined in this division. If such testing indicates that the site or facility is not in compliance with the applicable standards and requirements contained in this division, the non-compliant site shall cease all operation causing the emission in excess of the applicable standards. The

service provider shall have 30 days to bring the site or facility into compliance. If this is not completed by that time, the chief planning official may initiate the process as necessary to modify or revoke all permits, turn off power and other services to the site and/or facility and begin procedures to demolish the facility at the expense of the service provider and/or the property owner.

(Ord. No. 1569, § 3, 12-5-2005)

Secs. 106-787—106-790. – Reserved.

Subdivision III. – Approval Process

Sec. 106-791. – Pre-application.

Two pre-application meetings are recommended for applicants proposing development of new wireless telecommunications facilities. The first meeting should take place at the earliest stage of site location research and subsequent to voluntary submittal of a service area map and description of the type of antenna and facility proposed. The second meeting is recommended after the site is selected and subsequent to voluntary submittal of a preliminary site plan and visual impact graphics. These meetings are voluntary, and no fees shall be required for the review of material submitted at this stage.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-792. – Submittal requirements.

Except for facilities specifically identified as exempt under this division, all applications for development of new wireless telecommunications facilities require: (i) a conditional use permit application to be submitted pursuant to sections 106-868 through 106-874; and (ii) a site plan to be submitted pursuant to sections 106-856 through 106-860. The number, size, and content of the plans shall be determined by the chief planning official. The chief planning official may require additional information, besides the information specified in this division, in order to properly assess a particular application. All applications for wireless telecommunications projects shall include the following:

A. All application materials generally required for a conditional use permit, as provided for in sections 106-868 through 106-874.

B. Vicinity map, including topographic areas, designation of properties within a 1,000 feet radius from the proposed facility, residential and school zones, and major roads/highways. The distance of the proposed wireless telecommunications facility from existing residentially zoned areas, existing residences, schools, major roads and highways, and all other existing or approved but unbuilt or otherwise inoperative wireless telecommunications facilities within a 1,000 feet radius from the proposed location of a proposed wireless telecommunications facility shall be shown on the vicinity map.

C. Site plan including and identifying:

    1. All facility related support and protection equipment.

    2. A description of general project information, including the type of facility, number of antennas, maximum height including the top antenna panels and arrays, radio frequency range, wattage output of equipment, and a statement of compliance with the current requirements of the FCC and of any other agency with authority to regulate such facilities.

D. Elevations of all proposed facility structures, accessory equipment and appurtenances, and composite elevations from the street(s) showing the proposed project and all buildings on the site.

E. Photo simulations, photo-montage, story height poles, elevations and/or other visual or graphic illustrations necessary to determine potential visual impact of the proposed project. Visual impact demonstrations shall include accurate scale and coloration of the proposed facility. The visual simulation shall show the proposed facility as it would be seen from surrounding properties from perspective points to be determined in consultation with the chief planning official prior to preparation. The chief planning

official may also require a simulation analyzing proposed stealth designs, and/or on-site demonstration mock-ups before the public hearing.

F. Landscape plan that shows existing vegetation, vegetation to be removed, and proposed plantings by type, size, and location. If deemed necessary, the chief planning official may require a report by a licensed landscape architect to verify project impacts on existing vegetation. This report may recommend protective measures to be implemented during and after construction. Where deemed appropriate by the chief planning official, a landscape plan may be required for the entire parcel and leased area to be occupied by the proposed facility.

G. A written statement and supporting information regarding alternative site selection and co-location opportunities in the service area. The application shall describe why the proposed location is preferred, and shall include a list of alternative sites considered in the site selection process along with an indication as to why such alternative sites were rejected. An assessment of the potential for co-location opportunities shall be provided when applicable, including a statement and evidence of any refusal by other wireless telecommunications service providers regarding co-location.

H. Noise and acoustical information for the base transceiver station(s), equipment buildings, and associated equipment such as air conditioning units and back-up generators. Such information shall be provided by a qualified firm or individual approved by the chief planning official, and paid for by the project applicant.

I. A radio frequency radiation emissions analysis conducted and certified by a State of California licensed radio frequency engineer to determine probable emissions from the proposed wireless telecommunications facility and comparison of those outputs with the maximum allowable non-ionizing electromagnetic radiation emissions allowed by the FCC or other agency with authority to regulate such emissions. A report with evidence of estimated compliance with the FCC's non-ionizing electromagnetic radiation standards, and with the standards of any other agency with the authority to regulate such emissions shall be submitted by the engineer. Such information shall be provided by a qualified firm or individual, approved by the chief planning official, and paid for by the project applicant.

J. A cumulative impact analysis of development and operation of the proposed facility in conjunction with any other existing or approved but unbuilt or otherwise inoperative wireless telecommunications facilities within a distance of 1,000 feet from the proposed facility, or as otherwise determined by the chief planning official. The analysis shall address the height, dimensions and power rating of all antennas and support equipment within this designated study area, as well as the existing ambient and estimated future cumulative level of non-ionizing electromagnetic radiation exposures within the designated study area due to operation of the proposed facility in conjunction with operation of all existing and all approved but unbuilt or inoperative wireless telecommunications facilities that could measurably contribute to such exposure levels within this designated study area.

K. A written statement by the applicant conveying willingness to allow other wireless telecommunications service providers to co-locate on the proposed facility wherever technically and economically feasible and aesthetically desirable.

L. A signed copy of the proposed property lease agreement or license agreement, exclusive of the financial terms of the lease, including provisions for removal of the facility and appurtenant equipment within six months of its abandonment. The final agreement shall be submitted prior to issuance of a building permit for any such facility.

M. An "Evidence and Needs Report" detailing operational and capacity needs of the applicant's system within the vicinity of the proposed wireless telecommunications facility. The report shall detail how the proposed site or facility is technically necessary to address the current demand for service and to address technical limitations of the applicant's current system. Such report shall be evaluated by a qualified firm or individual, chosen by the chief planning official, and paid for by the project applicant. The chosen firm or individual may request additional information from the project applicant as necessary to sufficiently evaluate the proposed project.

N. A security plan which includes emergency contact information, main breaker switch, emergency procedures to follow, and any other information as required by this division and/or the chief planning official.

O. A description of the anticipated maintenance program and back-up generator power testing schedule.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-793. – Use of outside consultants.

From time to time the chief planning official may contract for the services of a qualified outside consultant to supplement staff in the review of a proposed wireless telecommunications facility. The use of outside consultants shall be at the applicant's expense. The costs of these services shall be in addition to all other applicable fees associated with the project.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-794. – Public hearing and notices.

Notices of a public hearing on any proposed wireless telecommunications facility shall be provided in accordance with sections 106-832 through 106-842.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-795. – Findings for approval.

In addition to the findings required for approval of any conditional use permit, all of the following findings must be made prior to approval of a conditional use permit for any wireless telecommunications facility:

A. The proposed wireless telecommunications facility has been designed to minimize its visual and environmental impacts, including utilization of stealth technology as warranted.

B. The site of the proposed wireless telecommunications facility has the appropriate zoning, dimension, slope, design, and configuration for the development of the proposed facility.

C. The proposed wireless telecommunications facility will provide landscaping in a manner so as to partially screen the facility's structure(s) and antenna(s), and to provide an attractive environment and preserve natural features and elements.

D. The proposed wireless telecommunications facility is in compliance with all requirements of the FCC and the California Public Utilities Commission, and any other agency with authority to regulate such facilities.

E. The proposed wireless telecommunications facility is necessary to address current demand capacity or other technical limitations of the system in order to maintain service levels.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-796. – Appeals.

Any person dissatisfied by the decision to either approve or deny a conditional use permit for the construction or modification of a wireless telecommunications facility, excluding exempt facilities, may file an appeal in accordance with section 106-817.

(Ord. No. 1569, § 3, 12-5-2005)

Secs. 106-797—106-799. – Reserved.

Subdivision IV. – Monitoring, Transfer, and Revocation

Sec. 106-800. – Periodic review.

A. The chief planning official may conduct a periodic review of any wireless telecommunications facility to consider whether or not the facility is operating in conformance with the conditions of its discretionary

approval or appropriate permits. In addition, the wireless telecommunications facility operator shall provide on a yearly basis a compliance letter outlining the continued compliance with all applicable FCC regulations regarding non-ionizing electromagnetic radiation.

B. The city shall consider whether or not the wireless telecommunications facility conflicts with emerging land uses approved under the San Fernando General Plan or any applicable specific plan. If the city council determines that adverse impacts to emerging land uses can be reduced through the use of new technology, or through the retirement of the current facility, the chief planning official shall work with the telecommunications facility service provider or the property owner to develop a mutually acceptable plan for achieving these mitigations.

C. The city may conduct spot-check monitoring of wireless telecommunications facility operations at any time for compliance with the requirements of this division and the conditions of approval for a particular facility.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-801. – Implementation and monitoring costs.

The wireless telecommunications service provider and/or the property owner shall be responsible for the payment to the city of all reasonable costs associated with monitoring the conditions of approval contained in any discretionary approval issued pursuant to this division, including costs incurred by the city or any other affected agency.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-802. – Transfer of operation.

Any telecommunications service provider authorized to operate a wireless telecommunications facility may assign the operation of the facility to another service provider licensed by the FCC provided that advance notice of the transfer is given to the chief planning official within 30 days of said change of operator and all conditions of approval for the subject facility are carried out by the new service provider. Notwithstanding the above, a service provider may transfer, without advance notice, operation of a wireless telecommunications facility to its general partner or any party controlling or controlled by the existing service provider.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-803. – Abandonment.

A. If the service provider plans on abandoning an antenna or a wireless telecommunications facility, the service provider shall notify the chief planning official at least 30 days prior to such planned abandonment. Failure to comply with any section of this division shall result in issuance of a compliance order and/or administrative penalties pursuant to Article III and IV of chapter 1 of this Code.

B. If any wireless telecommunications facility is not operated for a continuous period of six months, or falls into disrepair, it shall be considered abandoned. A wireless telecommunications facility considered abandoned shall be removed by the service provider and/or the property owner within three months and the site shall be restored to its original setting. If the abandoned facility is not removed within six months, the city may remove it at the property owner's expense. In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the city of the transfer. For co-location facilities, the facility shall not be deemed abandoned until all users cease operation of the facility.

(Ord. No. 1569, § 3, 12-5-2005)

Sec. 106-804. – Revocation of permit.

Wireless telecommunications service providers shall fully comply with all provisions of this division and with all conditions of approval related to any permit or approval granted under this division. Failure to comply with all such provisions of this division and with any such conditions of approval shall constitute grounds for revocation of such permit or approval. If a violation of a condition of approval is not remedied within a reasonable period, the

chief planning official may schedule a public hearing before the planning commission to consider revocation of the conditional use permit and/or other permit(s) or approval granted under this division.

(Ord. No. 1569, § 3, 12-5-2005)

Subdivision V. – Small Wireless Facilities

Sec. 106-805. – Permit.

A. All small wireless facilities, as defined by the FCC in 47 C.F.R. § 1.6002(*l*), as may be amended or superseded, are subject to a permit, as specified in a city council policy to be adopted by city council resolution. All small wireless facilities shall comply with the city council's policy.

B. The provisions in this subdivision V shall supersede any conflicting provisions of this Code, including, but not limited to, subdivisions I through IV set forth in Division 22 of Article IV of Chapter 106 (zoning). All other regulations in this Code not in conflict with this subdivision V shall continue to apply to small wireless facilities subject to this subdivision V. The provisions in this subdivision V are not intended to conflict with, supersede, or limit any applicable federal or California state law.

(Ord. No. 1687, § 4, 4-15-2019)

Secs. 106-806–106-807. – Reserved.

ARTICLE V. - ADMINISTRATION

DIVISION 1. – GENERALLY

Sec. 106-808. – Purpose.

The purpose of this article is to identify the bodies, officials, and administrators with designated responsibilities under various divisions of the Zoning Code. Subsequent divisions of Article V provide detailed information on procedures, applications, and permits, including Code text and zoning map amendments, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Code to implement the policies and achieve the objectives of the General Plan.

Sec. 106-809. – Summary of planning permits and actions.

The following table shows, for ease of reference, a brief summary of the permits and actions that are administered under this Code. The table is not regulatory. For complete regulations, procedures, and requirements, see Divisions 2 through 14 of Article V – Administration. For purposes of this chapter, the following definitions shall apply:

A. *Ministerial.* Review of plans to determine compliance with codified standards. An example of a ministerial action is the Building Division approving a building permit application.

B. *Discretionary Quasi-Judicial.* Decisions made by administrative or executive officials or local boards and commissions that apply general rules or policies to specific circumstances. An example of a Discretionary Quasi-Judicial action is the Planning & Preservation Commission approving a Conditional Use Permit for a drive-thru facility.

C. *Discretionary Legislative.* Decisions made by elected bodies and establish general rules or policies that have a wider impact. An example of a Discretionary Legislative action is the City Council approving a General Plan Amendment.

TABLE 106-831: PLANNING PERMITS AND ACTIONS			
Proposed Activity	**Permit or Action Required**	**Type of Decision**	**Review Authority**

Use-Only Proposals			
Establishment of a (P) Permitted Use	Zone Clearance	Ministerial	Director of Community Development
Establishment of a (C) Conditional Use	Conditional Use Permit	Discretionary Quasi-Judicial	Planning & Preservation Commission
Establishment of a Temporary use	Temporary Use Permit	Discretionary Quasi-Judicial	Director of Community Development
Development Proposals			
Development of a (P) Permitted Use	Site Plan and Planning Review	Discretionary Quasi-Judicial	Director of Community Development
Request for relief from property development standards due to unique conditions in conjunction with a Site	Variance	Discretionary Quasi-Judicial	Planning & Preservation Commission
Request for minor accommodations to prescribed development standards	Modification	Discretionary Quasi-Judicial	Director of Community Development
Other Proposals or Actions			
Minor changes to approved plans, consistent with original findings and conditions	Minor Administrative Planning Review	Ministerial	Director of Community Development
Changes to a discretionary permit or changes to approved plans that would affect findings or conditions	Major Administrative Planning Review	Discretionary Quasi-Judicial	Director of Community Development
Violation of conditions or terms of permit	Revocation of Permit	Discretionary Quasi-Judicial	Planning & Preservation Commission
Modifications of or exceptions from regulations to ensure equal access to housing for individuals with disabilities	Reasonable Accommodation for Housing	Discretionary Quasi-Judicial	Director of Community Development
Proposals to change a regulation within this Code	Zoning Text Amendment	Discretionary Legislative	City Council
Proposal for development which complies to regulations of an existing district, but not the one currently applied to the site	Zoning Map Amendment	Discretionary Legislative	City Council

Change of the General Plan land use designation for a site	General Plan Amendment	Discretionary Legislative	City Council
Request to qualify for vesting and processing benefits offered under SB 330	Preliminary Application Pursuant to Section 65951.1	Discretionary Quasi-Judicial	
Request to qualify for ministerial review under SB 35 (SB 423)	Preliminary Application Pursuant to Section 65951.1	Ministerial	
Large, multi-phase project which needs certainty regarding regulations over time in exchange for public benefits	Development Agreement	Discretionary Legislative	City Council

Sec. 106-810. - Application process and fees.

A. Applicant.

1. The property owner(s) shall sign all applications.
2. If the application is made by someone other than the owner, written proof, satisfactory to the Director, of the right to act as the owner's agent or to use and possess the property as applied for, shall accompany the application.
3. Written proof of authorization must be signed and dated by the property owner and expressly state what the agent is authorized to do on behalf of the owner.

B. Forms and Materials.

1. *Application Forms.* The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.
2. *Supporting Materials.* The Director may require the submission of supporting materials as part of the application, including, but not limited to, operational statements, photographs, plans, drawings, renderings, models, material and color samples, and other items necessary to describe existing conditions on the project site and in the vicinity and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.
3. *Availability of Materials.* All materials submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

C. Application Fees.

1. *Payment of Application and Processing Fees.* No application shall be accepted as complete and processed without payment in full of the required application and review fee per the Master Fee Schedule.
2. *Multiple Applications.* The City's processing fees are in accordance with the adopted fee schedule. Cost savings may be incurred due to similar documents being prepared for a single project, such as CEQA review.

Sec. 106-811. - Application review.

Except as required by State law, each application filed with the Planning Division shall be initially processed as follows:

A. *Completeness Review.* The Division shall review an application for completeness and accuracy before it is accepted as being complete and officially filed. The Division will consider an application complete when:
   1. All necessary application forms, documentation, exhibits, materials, maps, plans, reports, and other information specified in the application form, any applicable Division handout, or any additional information on standard checklists, forms, or documents required by the Director have been provided and accepted as adequate; and
   2. All necessary fees and deposits have been paid and accepted.

B. *Notification of Applicant.* The applicant shall receive written notification, within 30 days of submittal, that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the written notification, must be provided.

C. *Expiration of Application.* If a pending application is not deemed complete within 6 months after the first filing with the Division, the application shall expire and be deemed withdrawn, and any remaining deposit amount shall be refunded, subject to administrative processing fees.

D. *Extension of Application.* The Director may grant one 6-month extension, upon written request of the applicant. After expiration of the application and extension, if granted, a new application, including fees, plans, exhibits and other materials, will be required to commence processing of a new project application on the same property.

E. *Additional Information.* After the 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.

F. *Referral of Application.* At the discretion of the Director, or where otherwise required by this Title, State, or Federal law, an application filed in compliance with this Title may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

DIVISION 2. – HEARINGS AND APPEALS

Sec. 106-812. – Purpose.

This division is intended to specify procedures for public hearings and to provide recourse if any person is aggrieved by any requirement, decision or determination made by the Director or the planning commission in the administration or enforcement of this chapter.

(Ord. No. 1270, § 30.790, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-813. – Notice of hearing.

Not less than ten (10) days before the date of a public hearing held pursuant to this chapter, or not less than twenty (20) days if action taken at the public hearing could affect the permitted uses of real property, public notice shall be given of such hearing in the following manner:

A. A public notice shall be published in a newspaper of general circulation within the city. Such notice shall state the identity of the hearing body or officer; the nature of the request; the location of the property; and the date, time and place of the scheduled hearing.

B. A public notice shall be mailed, postage prepaid, to the owners of the property within a radius of 500 feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners as shown upon the latest assessment roll of the county assessor. Such notice shall state the nature of the request, the location of the property, and the time and place of the scheduled hearing.

C. If the number of owners to whom notice would be sent pursuant to subsection (2) of this section is greater than 1,000, notice shall be given at least ten days prior to the hearing by placing a display

advertisement of at least one-eighth page in the newspaper having the greatest circulation within the area affected by the proposed action. Such advertisement or mailing insert shall state the nature of the request, the location of the property, and the time and place of the scheduled hearing.

D. The property which is the subject of a public hearing shall be posted with a sign containing notice of such hearing at least ten days prior to the hearing, of a design prescribed by the Director.

(Ord. No. 1270, § 30.791, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1529, § 1, 3-18-2002)

Sec. 106-814. – Hearing procedure.

Public hearings as provided for in this chapter shall be held at the time and place for which notice has been given as required in this chapter. A brief 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 file of the case. Any such hearings may be continued provided that, prior to the adjournment or recess thereof, the chairperson announces the time and place to which such hearings will be continued.

(Ord. No. 1270, § 30.792, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-815. – Notice of decision.

Within 21 days after a decision has been made regarding an application for which a public hearing is required pursuant to this chapter, notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

(Ord. No. 1270, § 30.793, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-816. – Effective dates.

Under this chapter, variances, modifications, conditional use permits, and planned development permits shall become effective ten days following the approval by the appropriate review authority. Zoning map amendments and zoning text amendments shall become effective 30 days following adoption by the city council. No permit or license shall be issued for any use involved in an application for approval of a permit until and unless the approval shall have become final.

(Ord. No. 1270, § 30.796, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-817. – Appeal of action.

Any person aggrieved by any determination, interpretation, decision, judgment or similar action taken by the Director or department staff under this chapter may appeal such action to the planning commission. Any person aggrieved in a similar manner by any action taken by the commission may appeal such action to the city council. The city council may appeal any action taken by the commission to the city council by majority vote of a quorum.

(Ord. No. 1270, § 30.797, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-818. – Filing of appeals.

Appeals made pursuant to this chapter shall be addressed to the appellate body on a form prescribed by such body, and shall state the basis of the appeal. An appeal of an action by the Director shall be filed with the planning department within ten days following the date of action for which an appeal is made. An appeal of a planning commission decision shall be filed in the office of the city clerk within ten days following the date of action for which an appeal is made. Appeals shall be accompanied by the filing fee as specified by city council. The filing fee shall be waived for an appeal by the city council of the commission action pursuant to section 106-817.

(Ord. No. 1270, § 30.798, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-819. – Notice of appeal hearings.

Public notice of an appeal hearing held pursuant to this chapter shall conform to the manner in which the original notice was given.

(Ord. No. 1270, § 30.799, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-820. – Action of council after hearing.

The council may approve, approve with conditions, or disapprove the application and shall render its decision by resolution within 30 days after the conclusion of the hearing held pursuant to this chapter. The resolution shall contain the council's findings and shall require the affirmative votes of at least three councilmembers if the planning commission's recommendation or decision is modified or reversed. The resolution shall require a simple majority vote of a quorum if the planning commission recommendation or decision is upheld in its entirety. The city clerk shall mail a copy of the resolution to the applicant.

(Ord. No. 1270, § 30.800, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-821. – Effective date of appealed actions.

Under this chapter, an action of the Director appealed to the commission shall not become effective unless and until approved by the commission. An action of the commission appealed to the council shall not become effective unless and until approved by the council.

(Ord. No. 1270, § 30.801, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-822. – Reapplication.

Under this chapter, an application or appeal may be denied with prejudice. If such denial becomes final, no further application for the denial request shall be filed in the ensuing 12 months, except as otherwise specified at the time of denial. An application may be denied with prejudice on the grounds that two or more similar applications have been denied in the past two years, or that another good cause exists for limiting the refiling of the application.

(Ord. No. 1270, § 30.802, 9-30-1985; Ord. No. 1305, 6-15-1987)

DIVISION 3. - ZONE CLEARANCE

Sec. 106-823. - Purpose.

This section establishes procedures for conducting a Zone Clearance to verify that each new or expanded use or structure complies with all of the applicable requirements of this Code and with any applicable policies or standards of the General Plan and any operative plans.

(Ord. No. 1270, § 30.745, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1585, §§ 1, 2, 12-1-2008)

Sec. 106-824. - Applicability.

A. *Establishment of a Permitted Use.* A Zone Clearance is required to confirm that the establishment of a new use is permitted as a matter of right and that no Conditional Use Permit or other entitlements are required prior to securing a business license certificate and commencing operations.

B. *Other Activities.* A Zone Clearance shall be required for any other activity for which a Zone Clearance is specifically required elsewhere in this Code.

C. *Streamlined Development.* A Zone Clearance is required for all streamlined development as defined in Section 65913.4 of the California Government Code and any other process the City deems should be a ministerial review but requires routing and review for compliance. The Zone Clearance for Streamlined Development shall be processed like a Site Plan Review but shall be reviewed and approved or denied ministerially (i.e., compliance with discretionary findings, discretionary conditions of approval, and review by the Planning and Preservation Commission are not required or permitted).

D. Exceptions.

1. No Zone Clearance shall be required for the continuation of previously approved or permitted uses, structures, or uses and structures that are not subject to any Building Code or Zoning Code regulations.

2. A change in building use that complies with this Code shall require a Building Permit if the use is in a different Building Code occupancy group class, such as conversion of a retail building to public assembly or residential use.

Sec. 106-825. - Review authority.

If the Director determines that the proposed use or building is allowed as a matter of right by this Code, and conforms to all the applicable development and use standards, the Director shall issue a Zone Clearance.

Sec. 106-826. - Application.

A. Application for a Zone Clearance shall be filed in a manner consistent with the requirements contained in Division 1 of this article.

B. The Director may request that the Zone Clearance application be accompanied by a written narrative, operational statement, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all applicable provisions of this Code. The Director may require attachments of other written or graphic information, including, but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.

C. Applications for Streamlined Development shall be subject to the same material and document requirements as a Site Plan Review, as applicable.

Sec. 106-827. - Notice.

Public notice shall not be required.

Sec. 106-828—106-843. – Reserved.

DIVISION 4. – ADMINISTRATIVE PLANNING REVIEW

Sec. 106-844. – Purpose.

The purpose of this chapter is to establish thresholds for level of review for planning applications that do not require a full Site Plan Review or Conditional Use Permit review. Applications applied for under this division shall be reviewed and approved administratively.

Sec. 106-845. – Findings and decisions.

The Review Authority shall only approve an application for a minor or major administrative planning review if it finds that the application is consistent with the purposes of this article and with the following:

A. The applicable standards and requirements of this Code;

B. The General Plan and any applicable Specific Plan, Community Plan, ordinances or policies the City has adopted;

C. Any applicable design guidelines or standards the City has adopted;

D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

Sec. 106-846. – Thresholds for review.

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Code. For the purpose of this section, when an applicant is proposing to amend, alter, expand buildings or uses, or otherwise revise a specific project or an existing developed site, staff will be required to determine the type of application (Site Plan Review or Conditional Use Permit) and level of review based on the following below:

A. *Minor Administrative Planning Review.* The Director may approve minor changes to approved plans that are consistent with the original findings and conditions approved by the Review Authority and would not intensify any potentially detrimental effects of the project or create a new unanticipated impact that may or may not be significant. Minor projects typically **do not** require the review of other departments or agencies. Minor projects include, but are not limited to, the following:

a. Residential Minor Administrative Planning Review: Architectural or exterior material, treatments or color changes which **do not** change the basic form and theme of an existing building or conflict with the original architectural form and theme of an existing building; and which **do not** require the review of other departments (excepting Building & Safety) or agencies.

a. Any interior alterations that do not increase the number of rooms, bedrooms, or the gross floor area within a structure, or change or intensify the permitted use of that structure or the height of the building.

b. On-site changes to a previously approved site plan which **do not** change the basic form and/or function of an existing site; and, not requiring the review of other departments or agencies.

c. Landscape modifications which **do not** alter the general concept or reduce the effective amount of landscaping not requiring the review of other departments or agencies.

d. Structural additions or alterations to existing residential projects not requiring the review of other departments or agencies, and/or which **do not** propose additional units exceeding density requirements for respective districts, and **do not** require a change to entitlement type.

e. Parking lot configurations not changing the previously approved circulation of the parking lot.

b. Non-Residential Minor Administrative Planning Review:

a. Minor structural additions to non-residential projects not requiring the review of other departments or agencies.

b. Construction of fences, walls, and screens on non-residential property which **do not** include vehicular or emergency service pedestrian gates.

c. Any addition of solar covered parking structures less than or equal to 1,000 square feet not requiring the review of other departments or agencies.

d. On-site changes to a previously approved site plan which **do not** change the basic form and/or function of an existing site; and, not requiring the review of other departments or agencies.

e. Landscape modifications which **do not** alter the general concept or reduce the effective amount of landscaping not requiring the review of other departments or agencies.

f. Parking lot configurations not changing the previously approved circulation of the parking lot.

B. *Major Administrative Planning Review.* Major administrative planning reviews typically require the review of a limited number of other departments or agencies. Major administrative planning reviews include, but are not limited to, the following:

a. Residential Major Administrative Planning Review:

a. Structural additions or alterations to existing residential projects requiring the review of a limited/abridged number of other departments or agencies, and which **do not** propose additional units exceeding density requirements for respective districts or require a change to entitlement type.

b. New construction or additions to residential buildings of less than 200 square feet.

c. Construction of a new residential building(s) within existing residential projects exceeding either 50 percent of the existing number of units or 50 additional units, whichever is less and, which **do not** propose additional units exceeding density requirements for respective districts and **do not** require a change to entitlement type.

b. Non-Residential Major Administrative Planning Review:

a. Structural additions to non-residential projects requiring the review of a limited/abridged number of other departments or agencies.

b. Structural additions to non-residential projects or the construction of a new building(s) or structure(s) on developed and previously entitled land or parcels.

c. Addition of a drive-through facility to an existing or previously approved building.

d. New construction or expansion of existing parking lots into areas not previously utilized for parking or on-site vehicular circulation that change the previously approved circulation of the parking lot.

e. Any change or modification to an existing Conditional Use Permit (or other application type requiring noticing), which does not require or warrant re-noticing.

C. *Full Review.* Projects that do not fit the above criteria and projects that require a full entitlement review, as determined by the Director, shall be considered full Site Plan Reviews and/or full Conditional Use Permits. Examples of this include, but are not limited to, the following:

a. New use on vacant/undeveloped land.

b. Changes resulting in additional environmental impacts not previously assessed; or, which are not eligible for a CEQA Exemption.

c. Construction of a new building on undeveloped land or parcel.

d. Expansion of a building or use encompassing a land area not included in the previously approved entitlement.

e. Establishment of a new conditional use.

f. Expansion of a conditional use with no previously approved Conditional Use Permit on record.

g. Structural additions to non-residential projects that result in 20 percent or more of the existing square footage or 500 square feet, whichever is less.

h. Structural additions to existing residential projects that are 200 square feet or more or add another level to the existing residential structure.

DIVISION 5. – TEMPORARY USE PERMIT AND SPECIAL EVENT PERMIT

Sec. 106-847. – Purpose.

The intent and purpose of this Division is to establish a process for reviewing proposed temporary uses and special events to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary uses and special events, with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Use Permit and Special Event Permit allows for short-term activities that might not meet the normal development or use standards of the applicable zoning district but are considered acceptable due to their temporary nature.

Sec. 106-848. – Applicability.

A. *Permit Requirement.* A Temporary Use Permit or Special Event Permit approved by the applicable review authority shall be required for all uses identified in this Division and shall be issued before the commencement of the activity.

B. *Exempt Activities.* The following temporary uses are exempt from requiring a Temporary Use Permit or Special Event Permit and other city approval. Uses other than the following shall comply with this division.

1. On-site contractor's construction yards, in conjunction with an approved construction project. The activity shall cease upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project.
2. Promotional activities related to the primary product lines of a retail business, and similar activities (e.g., book readings and signings at bookstores, opening receptions at art galleries).
3. Emergency public health and safety activities.

Sec. 106-849. – Allowed Temporary uses and special events.

The following temporary uses and special events may be allowed, subject to a Temporary Use Permit or Special Event Permit by the applicable review authority. Uses other than the following shall comply with the use and development regulations and permit requirements that otherwise apply to the property, except uses that are exempt from the provisions of this Division in compliance with Sec. 106-848 (Applicability).

A. Temporary Use Permit:

1. *Storage.* Enclosed temporary storage, unrelated to a construction project, or exceeding 180 days, but in no case exceeding a maximum of one (1) year. See Division 19 of Article IV (Temporary Storage Containers) for specific standards.
2. *Temporary entertainment and exhibit uses.* Indoor or outdoor temporary entertainment and exhibit uses related or not related to the primary use of the property and compatible with the zoning district of the site and surrounding land uses. These temporary uses may include, but are not limited to, art exhibits and installations, museums, live or motion picture theatres, and interactive or immersive attractions, and may be permitted for more than twelve (12) days but not more than six (6) consecutive months.
3. *Temporary outdoor sales.* Temporary outdoor sale of merchandise, in any commercial, industrial, or SP-5 zoning district, in compliance with the following provisions:
    a. There shall be no more than four (4) sales in any calendar year.
    b. Each sale shall be limited to three (3) consecutive days.
    c. The merchandise displayed shall be that customarily sold on the site.
    d. The site utilized for a permanently established business holding a valid business license certificate as required.
4. *Temporary real estate sales offices.* A temporary real estate sales office may be established within the area of an approved development project, solely for the first sales of homes. A permit for a temporary real estate office may be approved for a maximum of one (1) year.
5. *Temporary structures.* A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 18 months from the date of approval, as an accessory use or as the first phase of a development project.
6. *Temporary work trailers.* A trailer or mobile home as a temporary work site for employees of a business may be allowed during construction or remodeling of a permanent commercial or manufacturing structure, when a valid building permit is in force. The permit for a temporary work trailer may be granted for up to one (1) year.
7. *Seasonal sales.* The annual sales of holiday related items such as Christmas Trees, pumpkin lots/patches and similar items may be permitted in accordance with the following standards:

a. Time Period. Seasonal sales, including Christmas Tree and pumpkin lots, associated with holidays are allowed up to a month preceding and one week following the holiday.

b. Goods, signs, and temporary structures. All items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.

c. Parking. The Director may require a shake-off area or alternative design to ensure that dirt is not deposited onto public streets.

8. *Temporary use of unattended collection boxes.* A collection box is permitted as a temporary accessory to a principal permitted use with approval of site plan review by the community development Director pursuant to Division 6 of Article V of this chapter and subject to the following:

a. *Definition.* For the purpose of this section, "collection box" means an unattended canister, receptacle, or similar device, used for soliciting and collecting donations of salvageable goods and movable property, but not money or evidences of debt. This term does not include a recyclables container regulated by Chapter 70 of this Code.

b. *Prohibition.* No person, individual, firm, corporation, partnership, association, club, society, or other entity shall engage in any of the following without a permit in accordance with this section: (i) place, install, or maintain on any real property a collection box held out to the public for donations; (ii) extract any item from a collection box; or (iii) allow, aid, abet, or suffer any such action.

c. *Application.*

i. Any requirement to show particular information on the site plan may be waived as the Director deems appropriate.

ii. The application shall include:

A. The signed and notarized written consent to the application by the owner of the subject parcel of land;

B. Contact information for the person responsible for the ongoing maintenance of the collection box; and

C. Other information deemed appropriate by the Director.

iii. A permit may be issued only to a nonprofit entity that is eligible to solicit donations of salvageable personal property pursuant to Welfare and Institutions Code Section 148.3.

d. *Duration.*

i. Written approval of a collection box under this section shall be considered a temporary permit and shall be valid for a period not longer than 24 months as set forth in the permit, unless otherwise provided by this section. The permit shall terminate earlier than the expiration stated therein if: (1) the permit is revoked on the grounds of non-compliance with the permit or other law; or (2) the collection box is abandoned for 30 days after the mailing date of the city's written notification to the permit holder of the abandonment.

ii. The permit holder and the owner, tenant, and person or entity in control of the parcel of land on which the collection box is placed shall be jointly and severally liable for costs incurred in removing an unpermitted or abandoned collection box. The Director may require a cash bond or other guarantee of removal of the temporary use upon expiration of the permit.

e. *Zones.* Collection boxes are prohibited in the city's residential zones, except on properties with any of the following land uses approved by conditional use permit: churches, temples or other places of religious worship or similar places of assembly, schools, nursery schools, hospitals, sanitariums, large community care facilities,

museums, and libraries. This division shall prevail over the restriction against temporary structures at places of religious worship. The Director may issue a temporary permit pursuant to this section for a period longer than 24 months if the applicant demonstrates that the collection box is customarily incidental to the principal use in accordance with the city zoning ordinance.

f. *Location.* No collection box shall be placed:

i. Within 500 feet of another collection box or a salvage and recycling business, or within 30 feet of the property line of any adjacent residentially zoned parcel. The Director shall have discretion to waive or modify these distance restrictions if justified by the following: (i) the collection box is customarily incidental to the principal use; (ii) it will cause no significant adverse effect on adjacent property; and (iii) the public necessity, convenience, general welfare or good zoning practice.

ii. Within a yard setback.

iii. Within a required off-street parking space.

g. *Conditions of approval.* Approvals shall be limited to one collection box per property. The Director may impose conditions on a collection box permit to ensure compatibility with surrounding uses and to preserve the public health, safety, and welfare, including, without limitation, aesthetics and periodic review of compliance with this section.

h. *Maintenance.* The collection box shall have a firmly closing lid. The permit holder and the parcel owner shall be responsible to:

i. Maintain the premises in a clean, sanitary condition at all times, free from discarded items, garbage, and other waste.

ii. Regularly empty contents to ensure the collection box does not exceed its capacity.

iii. Remove any graffiti or material placed outside of the collection box within 24 hours.

i. *Size.* The collection box shall not exceed six cubic yards in volume or six feet in height.

9. *Other Temporary Uses.* The Director of Recreation & Community Services shall have the discretion to determine the required permit type for temporary and special uses not listed in this Division.

B. *Special Event Permit:*

1. *Carnivals, fairs, and festival events.* Carnivals, fairs, and festival events are subject to the following standards:

a. Location. Carnivals, fairs, and festival events are limited to areas within Commercial or Employment districts, or on property owned by a public school.

b. Time limit. When abutting or adjacent to a Residential District or a street that serves a Residential District the hours of operation shall be limited to 7 a.m. to 10 p.m.

c. Lighting. Lighting shall be hooded and directed away from residential uses.

2. *Special events and sales.* Other short term special events may be permitted in accordance with the following standards:

a. Location. Events are limited to non-residential districts.

b. Number of events. No more than six events at one site shall be allowed within any 12-month period. Events shall not last more than five days per event and there shall be a minimum of fourteen (14) days between events.

c. Products. The outdoor display area shall be directly related to a business occupying a primary structure on the same site.

d. Existing parking. The available parking shall not be reduced to less than ninety percent (90%) of the minimum number of spaces required by this Chapter.

3. *Indoor events.* All event centers, as defined and permitted by this Chapter, shall comply with the following standards, in addition to those identified in section 106-853 and section 106-852 (Conditions of Approval).
    a. Conformance with all applicable Building and Fire Code requirements for assembly uses including, but not limited to, egress, seismic retrofitting, and restrooms.
    b. Provision of off-street parking in accordance with Article III, Division 3, Subdivision II (Off-Street Parking and Loading).
    c. Conformance with the following public health, safety, and welfare standards:
        i. When abutting residential uses or zoning, delivery and retrieval of event materials/props and set-up and take-down operations and activities shall occur only between the hours of 8:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 8:00 p.m. Saturday and Sunday.
        ii. Event staff shall monitor vehicle parking and retrieval to ensure there is no excessive noise before, during, or after events.
        iii. Event staff shall instruct event attendees to remain respectful of nearby residential areas and signage shall be clearly and conspicuously posted and maintained in parking areas with the following wording: "Event Guests and Event Staff, please remain respectful of nearby residential and commercial neighbors and refrain from making loud noises, playing music at high volumes, and accelerating vehicle engines. Thank you for your cooperation."
        iv. Event staff shall utilize at least one (1) 3-yard plastic recycle bin, one (1) 3-yard plastic refuse bin, and one (1) green waste bin sized to Public Works Environmental Programs and Operation Division standard, which must be located and filled within the interior of the event center building. After each event, all bins must be located on the outside of the event center building for City trash pick-up operations.
        v. All events and event-related activities shall occur within the interior of the event center building. No event-related activities or storage of event materials/props shall be permitted exterior of the event center building.
4. *Outdoor events.* The following outdoor events may be allowed:
    a. Entertainment and assembly events. Outdoor entertainment and assembly events, including concerts, fairs, farmers' markets, festivals, flea markets, food events, fund-raisers, live entertainment, parades, outdoor sporting events, public relations activities, rummage sales, secondhand sales, swap meets, and other similar events designed to attract large crowds, and which are held on private or public property, for up to 6 days per calendar year or as determined appropriate by the Director of Recreation and Community Services.
5. *Other special events.* The Director of Recreation and Community Services shall have the discretion to determine the required permit for temporary and special uses not listed in this Division.

(Ord. No. 1651, § 3, 2-16-2016)Sec. 106-850. – Review authority.

A. *Director Review.* The Director shall be responsible for the review and approval of all permits for temporary uses not reviewed by the Recreation & Community Services Committee on Permits and Licenses.

B. *Committee on Permits and Licenses.* The Recreation and Community Services Department oversees the Committee responsible for the review and approval of all permits for special events, unless reviewed by the Director.

Sec. 106-851. – Application filing and processing.

An application for a Temporary Use Permit or Special Event Permit shall be filed with the applicable authority and processed as follows.

A. *Application Contents.* The application shall be made on forms made by the Community Development Department and shall be accompanied by the information identified in any applicable City handouts and permit applications.

B. *Time for Filing.* A temporary use or special event permit application shall be filed as follows:

1. *Temporary use permit.* A temporary use permit application shall be filed at least 14 days in advance of the proposed commencement of the use.

2. *Special event permit.* A special event permit application shall be filed with the Recreation and Community Services Department at least 7 days in advance of a proposed minor event, and 14 days in advance of a proposed major event. The Director or Committee shall determine whether a proposed special event or temporary event is minor or major, based on the characteristics of, and activities associated with, the event, and the likely impacts on the surrounding community.

3. *Additional permits required.* Temporary uses and special events may be subject to additional permits and other city approvals, licenses, and inspections required by applicable laws or regulations.

Sec. 106-852. – Conditions of approval.

The review authority may impose reasonable and necessary specific design, locational, and operational conditions in approving Temporary Use Permit or Special Event Permit as follows:

A. The use or event is limited to a duration that is no more than the maximum allowed duration, as determined appropriate by the review authority.

B. The site is physically adequate for the type, density, and intensity of use being proposed, including provision of services (e.g., sanitation and water), public access, and the absence of physical constraints.

C. The design, location, size, and operating characteristics of the proposed use are compatible with the existing land uses on-site and in the vicinity of the subject property.

D. The temporary use or activity will be removed and the site restored as necessary to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Chapter.

E. The use or event will comply with all applicable provision of local, State and Federal laws or regulations.

F. Any other pertinent factors affecting the operation of the temporary use or special event will be addressed, including the following, to ensure the orderly and efficient operation of the proposed use or event, in compliance with the intent and purpose of this Division

1. Conditions may require the provision of

    a. Sanitary and medical facilities.

    b. Security and safety measures.

    c. Solid waste collection and disposal.

2. Conditions may regulate:

    a. Nuisance factors, including the prevention of glare or direct illumination of adjacent properties, dirt, dust, gasses, heat, noise, odors, smoke, or vibrations.

    b. Operating hours and days, including limitation of the duration of the use or event to a shorter time period than that requested.

    c. Temporary signs.

d. Temporary structures and facilities, including height, placement, and size, and the location of equipment and open spaces, including buffer areas and other yards.

Sec. 106-853. – Development and operating standards.

A. *General Standards.* Standards for floor areas, heights, landscaping areas, off-street parking, setbacks, and other structure and property development standards, which apply to the category of use or the zoning district of the subject parcel, shall be used as a guide for determining the appropriate development standards for temporary uses and special events. However, the review authority may authorize an adjustment from the specific requirements as deemed necessary and appropriate.

B. *Standards for Specific Temporary Activities.* Specific temporary land use activities shall comply with the development standards identified in Article III (General Regulations), as applicable to the use, in addition to those identified in section 106-849 and section 106-852 (Conditions of approval).

Sec. 106-854. – Post-approval procedures.

The approval or denial of a Temporary Use Permit or Special Event Permit may be appealed in compliance with Division 2 of Article V The procedures of Sec.106-809 (Summary of Planning Permits and Actions) shall apply to the approval of the permit.

A. *Condition of the Site Following a Temporary Use or Special Event.* Each site occupied by a temporary use or special event shall be cleaned of debris, litter or any other evidence of the temporary activity, on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Chapter.

B. *Revocation.* A Temporary Use or Special Event Permit may be revoked or modified, with only a 24-hour notice, in compliance with Division 2 of Article V (Hearing and Appeals).

C. Extension of the Permit. The Director may extend the operational length of a temporary use or special event if the delay is beyond the control of, and was not the result of actions by, the permittee.

D. *Expiration of Permit.* A Temporary Use Permit or Special Event Permit shall be considered to have expired when the approved use has ceased or been suspended.

DIVISION 6. – SITE PLAN REVIEW

Sec. 106-855. – Purpose.

The purpose of the site plan review procedure is to enable the Director to check development proposals for conformity with the sections of this chapter in a manner that is also consistent with the general plan, any applicable specific plans, and adopted design guidelines.

Sec. 106-856. – Applicability.

A. *Development.* A Site Plan Review Permit shall be required for all projects that propose development, as defined in Article VI – Definitions of this Code, of property within the City of San Fernando in addition to:

1. All new construction or exterior alteration of any existing building or structure which also requires a conditional use permit or a variance;
2. All new construction or major remodel of any existing building or structure in the PD overlay, RPD zone, or SP-5 zone;
3. All new construction or exterior alteration of any existing building or structure in a residential zone that involves 200 square feet or more of floor area or will extend the structure to a second floor;
4. All new construction or exterior alteration of any existing building or structure in a commercial or industrial zone that results in a 20 percent or more of the existing square footage or 500 square feet, whichever is less.
5. All new construction of any freestanding sign in all commercial and industrial zones, other than a monument sign or any electronic message center sign.

6. All new construction or alteration of any wireless communication facility that is determined not to be exempt pursuant to section 106-771 of this Code. Generally speaking, these facilities are located on private property, including city owned property not located within the public right-of-way.

B. *Exceptions.* No Site Plan Review Permit shall be required for the following:

1. To confirm that the establishment of a new use with no development is permitted as a matter of right.
2. The continuation of previously approved or permitted uses, structures, or uses and structures, that are not subject to any Building Code or Zoning Ordinance regulations.
3. Sign permit applications proposing new or revised signage that meet the standards of Division 9 of Article III - Signs
4. Administrative Planning Review as outlined in Division 7 of this article.

Sec. 106-857. – Procedure.

A. The applicant shall submit copies of the site plan to the Director. The number of copies required shall be as determined by the Director. The applicant shall be required to pay appropriate fees as determined by city council resolution for processing site plan review applications.

B. The site plan shall be reviewed by the Director for conformity with sections of this chapter, the general plan, any applicable specific plans, adopted design guidelines, policies and ordinances of the City. The plans may be conditionally approved and signed by the Director which conditional approval stipulates that the development as shown, with any changes noted by the Director, conforms to the development regulations of the zone.

C. Certain development regulations in the various zones are subject to commission review and approval. In these instances the site plan review application shall be submitted to the commission and the items in question shall be placed on the agenda. The commission may approve, disapprove or approve the proposed development with conditions on the site plan review application. The commission's findings shall be noted on the plans and recorded in the commission minutes.

D. When a Site Plan Review is required, no building permit shall be issued until the site plan review application has been approved in accordance with this section, and no certificate of occupancy shall be issued unless the development complies with the approved site plan review and all conditions attached thereto.

E. If the Director determines that there are unusual circumstances or special conditions related to an application, the Director may defer action and refer such application to the planning and preservation commission for final decision.

F. The applicant may appeal the decision of the Director or the planning and preservation commission pursuant to section 106-817.

(Ord. No. 1270, § 30.745.1, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1585, §§ 1, 2, 12-1-2008)

Sec. 106-858. – Application.

Except as required by State law, each application filed with the Planning Division shall be initially processed as follows:

A. *Completeness Review.* The Division shall review an application for completeness and accuracy before it is accepted as being complete and officially files. The Division will consider an application complete when:

1. All necessary application forms, documentation, exhibits, materials, maps, plans, reports, and other information specified in the application form, any applicable Division handout, or any additional information required by the Director have been provided and accepted as adequate; and
2. All necessary fees and deposits have been paid and accepted.

B. *Notification of Applicant.* The applicant shall receive written notification, within 30 days of submittal, that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the written notification, must be provided.

C. *Expiration of Application.* If a pending application is not deemed complete within 6 months after the first filing with the Division, the application shall expire and be deemed withdrawn, and any remaining deposit amount shall be refunded, subject to administrative processing fees.

D. *Extension of Application.* The Director may grant one 6-month extension, upon written request of the applicant. After expiration of the application and extension, if granted, a new application, including fees, plans, exhibits and other materials, will be required to commence processing of a new project application on the same property.

E. *Additional Information.* After the 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.

F. *Referral of Application.* At the discretion of the Director, or where otherwise required by this Title, State, or Federal law, an application filed in compliance with this Title may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

Sec. 106-859. – Findings and Decisions.

A Site Plan Review may be approved, with or without conditions, only after first making specific findings as outlined below, and any additional findings required for the approval of specific land uses in Article IV.

A. *Findings for Approval of Non-Housing Development Projects.* The Review Authority shall only approve a Site Plan Review Permit application for a non-housing related project if it finds that the application is consistent with the purposes of this article and with the following:

1. The applicable standards and requirements of this Code;
2. The General Plan and any applicable Specific Plan, Community Plan, ordinances or policies the City has adopted;
3. Any applicable design guidelines/standards the City has adopted;
4. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required;
5. The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, streetlights, traffic control devices, and the width and pavement of adjoining street and alleys) will be available to serve the subject site.
6. The proposed development will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements.

B. Findings for Approval of Housing Development Projects.

1. The Project does not have a specific, adverse impact on public health or safety. A "specific adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions in existence on the date the application was deemed complete.
2. The Project is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development and objective design standards, as existed on the date the application was deemed complete.
3. The Project is consistent with the General Plan and any applicable specific plan.
4. The existing or proposed public facilities necessary to accommodate the Project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic

control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.

C. *Findings for Denial or Reduced Density of Housing Development Projects.* Housing development projects consistent with the General Plan, Zoning Code, and objective design standards can only be denied if the findings in Gov. Code 65589.5(j)(1) can be made.

D. *Findings for Denial or Reduced Density of Housing Development Projects with 20% Affordability.* Housing development projects with 20% affordable units and consistent with the General Plan, Zoning Code, and objective design standards can only be denied if the findings in Gov. Code 65589.5(d) can be made. Certain affordable housing projects shall be processed under the Zone Clearance, Streamlined Development process.

Sec. 106-860. – Conditions of approval.

In granting approval of a Site Plan Review Permit, the Review Authority may impose conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this article, the General Plan, and any applicable operative plan or policy the City has adopted. The conditions shall ensure compliance with the applicable criteria and standards established by this Code or mitigation required pursuant to the California Environmental Quality Act (CEQA) review. Conditions may be related to the following objectives:

A. The proposed design will not lead to an overburdening of existing or planned infrastructure capacities, including, but not limited to, capacities for water, runoff, storm water, wastewater, and solid waste systems;

B. The proposed design will ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies and design guidelines adopted by the City Council;

C. The proposed design will achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;

D. The proposed project shall mitigate any potential impacts identified as a result of the environmental review conducted in compliance with the California Environmental Quality Act.

E. The proposed project shall provide the public facilities necessary to accommodate the Project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, width and pavement of adjoining streets and alleys, etc.).

Sec. 106-861. – Post-approval procedures.

Procedures relating to appeals, notices, revocations and modifications, as identified in Article V (Administration) in addition to those identified in Article IV (Standards for Specific Land Uses and Activities), shall apply following the approval of a Site Plan Review.

Secs. 106-862—106-866. – Reserved.

DIVISION 7. – CONDITIONAL USE PERMITS

Subdivision I. – In General

Sec. 106-867. – Purpose.

Under this chapter, conditional uses are those uses which have a special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration and impact of the proposed use shall be conducted by comparing such use to fixed and established standards. This review shall determine whether the proposed use should be permitted by weighing the public need for and the benefit to be derived from the use against the impact which it may cause.

(Ord. No. 1270, § 30.750, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-868. – Application.

Application for a conditional use permit shall be filed according to Division 1 of this article.

(Ord. No. 1270, § 30.752, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-869. – Hearing and notice.

Upon receipt in proper form of a conditional use permit application, a public hearing shall be set, and notice of such hearing given in a manner consistent with the requirements contained in Division 2 of this article.

(Ord. No. 1270, § 30.753, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-870. – Investigation.

An investigation of the facts for each conditional use permit application shall be made by members of the planning and preservation commission or by its staff to ensure that the action on each application is consistent with the intent and purpose of this chapter.

(Ord. No. 1270, § 30.754, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1595, § 4, 1-19-2010)

Sec. 106-871. – Findings.

A. Following a public hearing on the conditional use permit application, the planning and preservation commission shall record its decision in writing and shall recite therein the findings of fact upon which it bases its decision.

B. The commission may approve and/or modify a conditional use permit application in whole or in part, with or without conditions, only after it makes all of the following findings of fact:

1. The proposed use is one conditionally permitted within the subject zone and complies with all of the applicable sections of this chapter.
2. The proposed use would not impair the integrity and character of the zone in which it is to be located.
3. The subject site is physically suitable for the type of land use being proposed.
4. The proposed use is compatible with the land uses presently on the subject property.

5. The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located.
6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
7. There would be adequate provisions for public access to serve the subject proposal.
8. The proposed use would be appropriate in light of an established need for the use at the proposed location.
9. The proposed use is consistent with the objectives, policies, general land uses and programs of the city's general plan.
10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

(Ord. No. 1270, § 30.755, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1595, § 5, 1-19-2010)

Sec. 106-872. – Use of property before final decision.

No permits shall be issued for any use involved in an application for approval of a conditional use permit unless and until the conditional use permit shall have become final, which includes payment of applicable fees for development and signing a statement accepting the conditions of approval included in the approved conditional use permit.

(Ord. No. 1270, § 30.756, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1595, § 6, 1-19-2010)

Sec. 106-873. – Compliance with conditions of approval.

To ensure continued compliance with this chapter, each approved conditional use permit shall include conditions of project approval that must be complied with in their entirety for the life of the project or until the use approved under the conditional use permit is amended or revoked pursuant to the requirements of this chapter.

(Ord. No. 1270, § 30.757, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1595, § 7, 1-19-2010)

Sec. 106-874. – Revocation.

A. The planning and preservation commission may, on its own motion, or shall, upon direction of the city council, hear matters pertaining to revocation of conditional use permits granted under or pursuant to this chapter. The planning and preservation commission shall hold a public hearing regarding such matters. Notice of such hearing shall be published once in a newspaper of general circulation within the city and shall be served in writing either in person or by registered mail on the owner of the property for which such conditional use permit was granted at least ten days prior to such public hearing.

B. A conditional use permit may be revoked if the planning and preservation commission finds that one or more of the following conditions exist:
    1. Circumstances have changed to such a degree that one or more of the findings of fact contained in section 106-909 or, if applicable, section 106-941, can no longer be made.
    2. The conditional use permit was obtained in a fraudulent manner.
    3. The use for which the conditional use permit was granted has ceased or was suspended for six or more successive calendar months.
    4. One or more of the conditions of the conditional use permit have not been complied with.
    5. The use has become detrimental to health, public welfare or safety and has been deemed to be a public nuisance pursuant to this chapter.

(Ord. No. 1270, § 30.758, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1595, § 8, 1-19-2010)

Sec. 106-875. - Post-approval procedures.

Conditional Use Permits granted pursuant to the provisions of this Chapter that are valid and in effect, shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the use permit application. However, should the activity approved by the use permit be discontinued for a consecutive period of one year with two 6-month extensions as approved by the Director, the use permit shall be deemed to be expired and shall become null and void. An applicant may request an extension by filing a written application with the Director at least 30 days, but no more than six months prior, to the expiration of the approval. Upon expiration, further continuation of the activity on-site will require approval of a new Conditional Use Permit.

Secs. 106-876—106-902. – Reserved.

Subdivision II. – On-Site and Off-Site Sale of Alcoholic Beverages

Sec. 106-903. – Purpose and intent

The purpose of this subdivision is to preserve a healthy environment for residents and businesses by establishing a set of consistent standards for the safe operation of business establishments that include the sale of alcoholic beverages. The city recognizes the need to revitalize the city's commercial districts by promoting hospitality, entertainment, recreation and related business that may include the sale of alcoholic beverages as an important part of their business operation. The city also recognizes that alcohol abuse can have an adverse impact on the environment that not only jeopardizes the city's long term redevelopment strategies for revitalization of the commercial districts but can also seriously affect the public health, safety, and general welfare in the surrounding areas, including the residential neighborhoods.

The intent of this subdivision is to address and prevent alcohol-related impacts, including drunk driving, public inebriation, littering, loitering, obstruction of pedestrian and vehicular traffic, harassment of passerby's, encouragement of crime, defacement of buildings or structures, graffiti, excessive noise and other similar zoning problems and public nuisance activity.

The following provisions shall apply to the sale of alcoholic beverages for onsite or offsite consumption, as applicable, and are in addition to the provisions set forth in sections 106-867 through 106-875.

(Ord. No. 1595, §§ 9, 10, 1-19-2010)

Editor's note(s)—Ord. No. 1595, §§ 9, 10, adopted Jan. 19, 2010, repealed the former § 106-176 and enacted a new § 106-176 as set out herein. The former § 106-176 pertained to supplemental provisions and derived from Ord. No. 1270, § 30.759.01, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1428, § 1, 4-19-1993.

Sec. 106-904. – Supplemental findings for off-sale and on-sale CUPs.

A. In addition to those findings set forth in section 106-871, applications for conditional use permits involving any use that involves the sale, serving, and/or consumption of alcoholic beverages shall require the planning and preservation commission to make the following findings:

   1. That the existing or proposed use does not or will not encourage or intensify crime within the reporting district that it is located;

   2. That the existing or proposed use does not or will not adversely impact any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area;

   3. That the distance separation requirements in section 106-905 are met;

   4. If required by section 106-906, that the existing or proposed use will serve a public convenience or necessity, as defined in section 106-906.

(Ord. No. 1595, §§ 14, 15, 1-19-2010)

Editor's note(s)—Ord. No. 1595, §§ 14, 15, adopted Jan. 19, 2010, repealed the former § 106-178 and enacted a new § 106-178 as set out herein. The former § 106-178 pertained to off-sale CUPs and derived from Ord. No. 1270, § 30.759.03, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1428, § 1, 4-19-1993.

Sec. 106-905. – CUP distance separation.

A. The planning and preservation commission may approve an application for a conditional use permit to allow for the sale of alcoholic beverages only if it finds that the proposed use meets the following applicable distance separation requirements:

1. A minimum 600 feet from any residential use, church or other place of worship, hospital, educational institution, nursery school, day camp, day care center, public park, or playground, as measured from the closest property line of each use;
2. A minimum 600 feet from similar off-sale or on-sale outlets, as applicable.

B. In addition, the planning and preservation commission may approve an application for a conditional use permit to allow for the sale of alcoholic beverages at a liquor store only if it finds that the proposed use meets the following applicable distance separation requirements:

1. A minimum 1,000 feet from any residential use, church or other place of worship, hospital educational institution, nursery school, day camp, day care center, public park, or playground as measured from the closest property line of each use;
2. A minimum 1,000 feet from another liquor store.

C. *Exceptions.* The following uses have no distance separation requirements:

1. Bona fide public eating places.
2. Drug stores, grocery stores, supermarkets, or specialty food stores.
3. Businesses manufacturing or wholesaling alcoholic beverages where permitted or conditionally permitted within the industrial zones.

(Ord. No. 1595, §§ 16, 17, 1-19-2010)

Editor's note(s)—Ord. No. 1595, §§ 16, 17, adopted Jan. 19, 2010, repealed the former § 106-179 and enacted a new § 106-179 as set out herein. The former § 106-179 pertained to exemptions for new major retail commercial centers and derived from Ord. No. 1270, § 30.759.04, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1428, § 1, 4-19-1993.

Sec. 106-906. – Factors for determining public convenience or necessity.

A. Whenever a request for a determination of public convenience or necessity in connection with the issuance of a license for the sale of alcoholic beverages by the ABC is submitted to the city as allowed under Business and Professions Code § 23958.4, as the same may be amended from time to time, the planning and preservation commission, in making that determination, shall consider the following:

1. Whether the sale of alcoholic beverages as part of the proposed use would serve a niche market in the city that would not otherwise be filled by other existing businesses with alcoholic beverage licenses in the surrounding area;
2. The extent to which the proposed use enhances the convenience of purchasing alcoholic beverages in conjunction with other specialty food sales or services;
3. The extent to which the proposed use in conjunction with the redevelopment of an existing or proposed building or structure will enhance the architectural character at the location of the proposed use and the surrounding area;
4. The manner in which the proposed use is to be conducted (special or unique features), including the extent to which the proposed use will include training of employees through ABC or an authorized third party to assure well-trained staff knowledgeable in the serving of alcoholic

beverages safely, responsibly, and legally as well as in order to prevent illicit drug activity at the location of the proposed use;

5. The extent to which the proposed use compliments uses in the surrounding area;
6. The extent to which the proposed use, location, and/or operator has a history or law enforcement problems;
7. The crime rate in the reporting district as compared to neighboring districts in the city and/or adjacent cities;
8. The number of alcohol-related police calls for service, crimes or arrests in the reporting district and adjacent districts within the city.

B. Nothing contained in this subsection shall be deemed or construed as requiring the planning and preservation commission to issue a determination of public convenience or necessity under this subsection, or as conferring upon the applicant a right to have a determination of public convenience or necessity.

(Ord. No. 1595, §§ 18, 19, 1-19-2010)

Editor's note(s)—Ord. No. 1595, §§ 18, 19, adopted Jan. 19, 2010, repealed the former § 106-180 and enacted a new § 106-180 as set out herein. The former § 106-180 pertained to On-sale CUPs and derived from Ord. No. 1270, § 30.759.05, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1428, § 1, 4-19-1993.

Sec. 106-907. – Exempted uses.

The following uses are exempt from the requirements of section 106-904:

A. Florist shops, provided the sale of alcoholic beverages in the premises are an incidental part of floral arrangements;

B. Catering businesses with a required license from ABC that is maintained in good standing;

C. Temporary alcohol sales as part of a special event that is catered by an ABC-licensed business not otherwise associated with an on-sale or off-sale CUP, subject to approval by the Director or designee;

D. Clubs with a club license, except that rental of halls or other onsite facilities for private events are not exempt and would require approval of an on-sale CUP; and

E. Use that is a legally non-conforming use for the sale of alcoholic beverages prior to the enactment of this section, so long as it maintains an ABC license in good standing and is in compliance with all prior conditions of approval required as part of any city issued permits.

(Ord. No. 1595, §§ 20, 21, 1-19-2010)

Editor's note(s)—Ord. No. 1595, §§ 21, 22, adopted Jan. 19, 2010, repealed the former § 106-181 and enacted a new § 106-181 as set out herein. The former § 106-181 pertained to findings for club license CUPs and derived from Ord. No. 1270, § 30.759.06, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1428, § 1, 4-19-1993.

Sec. 106-908. – Standard conditions.

A. In addition to those conditions of approval which the planning and preservation commission may otherwise impose, all off-sale CUPs shall be subject to the following standard conditions:

1. No beer or wine shall be displayed within five feet of the cash register or the front door unless such item is in a permanently affixed cooler.
2. No display or sale of alcoholic beverages shall be made from an ice tub. An "ice tub" is a vessel filed with ice that displays single servings of alcoholic beverages for customer self-service.
3. No sale of alcoholic beverages shall be made from a walk-up or drive-in window.
4. Alcoholic beverages and non-alcoholic beverages shall be stocked and displayed separately.

5. The sales area shall be located so that the clerk and customer are fully visible from the street at the time of the sales transaction.
6. The cash register and sales area shall be illuminated so as to provide clear observation for law enforcement surveillance.
7. Alcoholic beverages shall not be consumed on the premises.
8. No off-sale outlet selling alcohol may use a self-service checkout system.
9. Interior and exterior signs stating the consumption of alcoholic beverages on the premises is prohibited by law shall be conspicuously posted onsite.

B. In addition to those conditions of approval which the planning and preservation commission may otherwise impose, all on-sale CUPs shall be subject to the following standard conditions:
1. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises, except for designated outdoor areas approved as part of the CUP application;
2. Alcoholic beverages shall not be sold for consumption off the premises;
3. The hours of operation, including deliveries to the proposed establishment, shall be reviewed and approved by the planning commission as part of the CUP application in order to ensure compatibility with the surrounding area;
4. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request;

C. In addition to those conditions of approval which the planning and preservation commission may otherwise impose, both off-sale and on-sale CUPs shall be subject to all of the following standard conditions:
1. Loitering in the public right-of-way, parking area and in front of adjacent properties is prohibited.
2. Windows shall comply with the city's sign regulations in order to provide clear and unobstructed view of the cash register and sales area from the parking lot and street. Exceptions for on-sale outlets may be reviewed and approved by the chief planning official.
3. The following signs shall be conspicuously posted onsite:
    a. Exterior signs referencing Penal Code § 602.1. Such signs shall be clearly visible from the establishment's parking area and shall include the police department's phone number.
    b. An interior sign in English and Spanish stating: "We ID everyone under 26 years of age for alcohol sales" with minimum dimensions of eight inches by 11 inches.
4. Exterior public telephones that permit incoming calls shall not be located on the premises.
5. Electronic games, including video games, shall not be located on the premises.
6. Exterior lighting of the parking area shall provide adequate lighting for patrons while not producing glare or light spillover disturbing surrounding residential or commercial areas.
7. A security camera system approved by the police department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be made a permanent record and that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days.
8. The establishment shall implement preventive architectural design features as approved by the chief of police and the chief planning official in order to maintain a secure site by controlling

access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns.

9. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis.
10. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis.
11. The exterior of the establishment, including all signs, accessory buildings and structures shall be maintained free of litter and graffiti at all times. All graffiti shall be removed from the premises within 24 hours of its discovery.
12. With regard to those CUP applications that are approved based in part upon the fact that alcohol sales on the premises are incidental to the sale of other products, proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to the sale of other products.
13. Within 30 days of approval of the CUP, applicant shall certify his or her acceptance of the conditions placed on the approval by signing a statement that he or she accepts and shall be bound by all of the conditions.
14. Violation of, or noncompliance with, any of the conditions shall constitute grounds for revocation of the CUP.
15. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to the CUP approval process.

D. The planning commission or the city council, whichever the case may be, may waive or modify the enumerated standard conditions, based upon the particular circumstances of the proposed use and provided the required findings for the approval of a conditional use permit as set forth under section 106-909 can be made despite the exclusion or modification of certain standard conditions and the following additional findings are made:

1. The condition(s) is/are unnecessary or infeasible given the proposed use or are less stringent than, or in conflict with, more stringent conditions and requirements of the alcohol sales license issued by the California Department of Alcoholic Beverage Control under which the contemplated sales are authorized.
2. The applicant has submitted information that is substantial and compelling to support the waiver or modification of the enumerated standard(s).

(Ord. No. 1270, § 30.759.07, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1428, § 1, 4-19-1993; Ord. No. 1595, §§ 22, 23, 1-19-2010; Ord. No. 1719, § 3(Exh. A), 10-16-2023)

Sec. 106-909. – CUP revocation.

In addition to the conditions justifying revocation under section 106-874, an off-sale or on-sale CUP may be revoked under any of the following circumstances:

A. Upon the issuance of, and conviction for, three zoning violation citations;

B. Upon the revocation of the alcoholic license by ABC;

C. Upon any two disciplinary actions by ABC in the form of a fine or suspension of the alcoholic license, during the term of the CUP; or

D. Where conditions and activities on and/or adjacent to an off-sale or on-sale outlet, as defined herein, interfere with the quiet enjoyment of life and property in the neighborhood, or are or tend to be, injurious to health and safety of persons in the neighborhood. These include, but are not limited to the following:

1. Excessive noise, noxious smells or fumes, loitering, littering, curfew violations, disturbing the peace, illegal drug activity, public drunkenness, drinking in public, public urination, public vandalism, graffiti, lewd conduct, gambling, harassment of passersby, prostitution, sale of stolen merchandise, illegal parking, traffic violations, theft, assaults, batteries;
2. Illegal sale, manufacture, storing, possession, distribution of alcoholic beverages; or
3. Police detention, citation, and/or arrests for these or any other unlawful activity attributed to the sale and/or consumption of alcoholic beverages declared by the city to be a public nuisance.

(Ord. No. 1595, § 24, 1-19-2010)

Editor's note(s)—Ord. No. 1595, § 24, adopted Jan. 19, 2010, repealed the former § 106-183 and enacted a new § 106-183 as set out herein. The former § 106-183 pertained to CUP administration and derived from Ord. No. 1270, § 30.759.08, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1428, § 1, 4-19-1993.

Secs. 106-910—106-937. – Reserved.

DIVISION 8. – VARIANCES

Sec. 106-938. – Purpose.

This division is intended to relieve the owner of property from any inability to make reasonable use of his property in the same manner that other property of like character in the same vicinity and zone can be used. A variance which may be granted only by the planning commission shall not be granted which confers a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone in which the subject property is situated or which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

(Ord. No. 1270, § 30.760, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-939. – Application.

Application for a variance from this chapter shall be filed in a manner consistent with the requirements contained in Division 1 of this Article.

(Ord. No. 1270, § 30.761, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-940. – Hearings and notices.

Upon receipt in proper form of a variance application, a public hearing shall be set and notice of such hearing given in a manner consistent with Division 2 of this Article.

(Ord. No. 1270, § 30.762, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-941. – Investigation.

An investigation of facts for each variance application shall be made by the planning commission, the Director, or their staffs to ensure that the action on each application is consistent with the intent and purpose of this chapter.

(Ord. No. 1270, § 30.763, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-942. – Findings.

Following a public hearing on a variance application, the planning commission shall record the decision in writing and shall recite therein the findings of fact upon which such decision is based. The commission may approve and/or modify an application in whole or in part, with or without conditions, only after it makes all of the following findings of fact in a positive manner:

A. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of this chapter deprives such property of privileges, enjoyed by other property in the vicinity and under the identical zoning classification.

B. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.

C. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this chapter, nor to the goals and programs of the general plan.

D. The variance request is consistent with the purpose and intent of the zone in which the site is located.

E. The subject site is physically suitable for the proposed variance.

F. There are adequate provisions for water, sanitation and public utilities and services to ensure that the proposed variance would not be detrimental to public health and safety.

G. There will be adequate provisions for public access to service the property which is the subject of the variance.

(Ord. No. 1270, § 30.764, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-943. – Use of property before final decision.

No permits shall be issued for any use involved in an application for approval of a variance until and unless the variance shall have become final.

(Ord. No. 1270, § 30.765, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-944—106-950. – Reserved.

DIVISION 9. – MODIFICATIONS

Sec. 106-951. – Purpose.

The purpose of this chapter is to establish minor accommodations to prescribed development standards, and to establish procedure that may permit the granting of a requested modification.

(Ord. No. 1270, § 30.760A, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-952. – Development standards subject to modification.

Upon application by a property owner, modifications to the following development standards may be granted as provided within this chapter. They are as follows:

A. Sections 106-43, 106-73 and 106-103 regarding minimum setback dimensions. The Director may reduce front and rear setback requirements a maximum of ten percent for lots having a depth greater than 100 feet and a maximum of two feet (minimum setback three feet) for side yards for lots having a width greater than 50 feet if the Director finds that the impact of the setback reduction will be in keeping with the general overall surrounding environment. Exceptions identified in section 106-188 are not required to obtain a Modification Permit.

B. Subsection 106-188(c) regarding exceptions to setback depths. The Director may use the average setback depth of the closest conforming use when determining the building line setback depth for a vacant parcel situated between conforming and nonconforming uses abutting the same street if the Director finds that the proposed development activity furthers the goals of the land use element of the general plan and does not adversely affect the air, light and fire safety of the adjoining nonconforming use.

C. Subsection 106-286(1) regarding minimum parking stall dimensions for covered parking space for residential uses. The Director may reduce the minimum parking stall length and width size for residential use by ten

percent if the Director finds that reduction in dimensional size allows adequate area for ingress and egress circulation movement to the covered space.

D. Sections 106-74 and 106-104 regarding commercial and industrial development standards pertaining to lot coverage, landscaping, parking and loading, and signs. The Director may make the following accommodations if alternative project design solutions demonstrate the need for minor adjustments and if the solution proposal will be compatible to the character of the surrounding development. Allowable accommodations are as follows:
    1. Lot coverage: a maximum increase of five percent.
    2. Landscaping: a maximum one-percent reduction from landscaping requirement permitting nine percent in commercial zones and 14 percent in industrial zones.
    3. Parking and loading: a maximum five-percent reduction from parking space requirements and from dimensional area requirements for off-street loading space provided that the reduction will result in an enhanced level of vehicular circulation and safety.
    4. Signs: a maximum increase of one linear foot in height pertaining to sign height requirements and a maximum increase of five square feet pertaining to sign area requirements.
E. Section 106-1027 pertaining to construction or reconstruction of nonconforming structures. The Director, notwithstanding sections 106-1023 and 106-1027, may permit replacement of an existing structure along the same building footprint as the then-existing structure if the Director finds the replacement construction or reconstruction proposal will be substantially similar to the structure being replaced, furthers the development requirements of the zone, restores the structure to a safe condition and not detrimental to the character of the surrounding properties, and is the only feasible means to achieve a workable solution.
F. Section 106-43 pertaining to required separation distance between structures. The Director may permit a reduction of ten percent of the required distance between the main structure and a detached accessory structure.
G. Section 106-374(J) regarding exceptions to the maximum height of fences and walls. The Director may increase the maximum height of fences and walls by 20 percent if the Director finds that the increase will maintain visibility standards in the front yard and comply with building code requirements.

(Ord. No. 1270, § 30.761A, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-953. – Approval and referral authority.

Unless otherwise specified, the approval authority for a modification from this chapter shall be the Director. If, in the opinion of the director, an application requires review by a superior body, the Director may refer such application to the planning commission.

(Ord. No. 1270, § 30.762A, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-954. – Notice.

No public notice shall be required.

(Ord. No. 1270, § 30.763A, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-955. – Restrictions and conditions.

In granting a modification to this chapter, the deciding authority may impose such restrictions or conditions as it deems necessary or proper to benefit the public health, safety and general welfare.

(Ord. No. 1270, § 30.764A, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-956. – Appeals from decisions.

Under this chapter, the applicant or any person aggrieved by any decision on a modification made by the Director may appeal such decision to the planning commission. The applicant or any person aggrieved in a similar matter by any action taken by the commission may appeal such decision to the city council. Appeals shall be filed

as provided in section 106-838. If appealed, the decision by the deciding authority shall be stayed pending the outcome of such appeal.

(Ord. No. 1270, § 30.765A, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-957—106-1018. – Reserved.

DIVISION 10. - AMENDMENTS TO GENERAL PLAN TEXT, GENERAL PLAN LAND USE MAP, ZONING CODE TEXT, ZONING MAP, AND SPECIFIC PLAN AMENDMENTS

Sec. 106-1019. – Purpose.

The city council may amend this chapter whenever required by public necessity, convenience and general welfare.

Sec. 106-1020. – Applicability.

A. *Initiation.* An amendment to this chapter may be initiated in the following manner:
   1. A resolution of intention of the planning commission; or
   2. A resolution of intention of the city council.

B. *Initiation.* An amendment to the official zoning map or the General Plan may be initiated in the following manner:
   1. A resolution of intention of the planning commission;
   2. A resolution of intention of the city council; or
   3. An application from any other person or agency pursuant to division 2 of article II of this chapter.

(Ord. No. 1270, § 30.780, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1021. – Application Filing and Processing.

A. *Findings.* An amendment to this chapter may be adopted by the city council only if the following findings of fact can be made in a positive manner:
   1. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the city's general plan; and
   2. The adoption of the proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

B. *Hearing and notice.* Upon initiation of a resolution of intention, and following an investigation, public hearings shall be set and notice of such hearings given in a manner consistent with the requirements contained in division 2 of article II of this chapter.

C. *Findings.* An amendment to the official zoning map or General Plan may be adopted by the city council only if the following findings of fact can be made in a positive manner:
   1. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the city's general plan; and
   2. The adoption of the proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

D. *Hearing and notice.* Upon receipt in proper form of a zoning map amendment application or initiation of a resolution of intention and following an investigation, public hearings shall be set and notice of such hearings given in a manner consistent with the requirements contained in Division 2 of Article V of this chapter.

(Ord. No. 1270, § 30.770, 9-30-1985; Ord. No. 1305, 6-15-1987)

DIVISION 11. – NONCONFORMING STRUCTURES AND USES

Sec. 106-1022. – Intent and purpose.

Within the zones established by this chapter or amendments that may be adopted, there exist or will exist lots, structures, and uses of land and structures which were lawful before the adoption of the ordinance from which this chapter derives or amendment of this chapter, but which no longer comply. The intent of this division is to permit those nonconformities to continue until they are removed or required to be terminated, but not to encourage their survival. Such uses and structures are declared to be incompatible with permitted uses, structures and standards in the zones involved, and it is intended that they shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone, except as may be expressly permitted in this division.

(Ord. No. 1270, § 30.820, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1023. – Adding new uses and structures.

When a nonconforming use or structure exists on any lot or parcel of land, no new use or structure may be established or built on such land unless the required lot area, dimensions, yards and open spaces are provided for each existing and proposed use, structure and improvement. These uses shall be so located on the lot or parcel of land that, if it is divided into smaller lots or parcels, each of the parcels will contain the area, dimensions, yards and open space required and the number and location of structures on each will comply with the requirements of this chapter when considered as a separate lot or parcel. When there is the intent to divide or subdivide, additional conforming structures shall not be permitted until after the parcel has been divided or subdivided in accordance with law. Access acceptable to the city shall be provided to all lots where such division is permitted.

(Ord. No. 1270, § 30.820.1, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1024. – Development of nonconforming land.

In any residential zone a dwelling and accessory buildings of the type permitted in such zone may be erected on any single lot lawfully created and of record on the effective date of the ordinance from which this chapter derives or amendment of this chapter, notwithstanding limitations on lot area, width or depth imposed by other sections of this chapter or the ordinance. Yard and outdoor living and open space requirements shall be complied with unless waived by variance.

(Ord. No. 1270, § 30.820.3, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1025. – Continuation of nonconforming use of land.

A lawful use of a structure, or of a structure and land in combination, under the terms of this chapter as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following:

A. No existing structure devoted to a use not permitted by this chapter in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the zone in which it is located and except as specifically provided for in this chapter.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use on the effective date of the ordinance from which this chapter derives or at the time of amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and land, may be changed to another nonconforming use provided that the planning commission, either by general rule or by making findings in the specific case, shall find that the proposed use is no more detrimental to the zone

than the existing nonconforming use. In permitting such change, the commission may require appropriate conditions and safeguards.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive calendar months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.

F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall thereafter compel the discontinuance of the nonconforming use of the land. Destruction for the purpose of this subsection means damage to an extent of more than 50 percent of the replacement cost of the structure immediately prior to destruction.

G. When a nonconforming use of a structure is replaced by a more restrictive nonconforming use, the occupancy may not thereafter revert to a less restrictive use.

H. If provision is made for the termination date of such use, any use of such land after termination shall conform to the requirements of this chapter for the zone in which it is located.

(Ord. No. 1270, § 30.820.4, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1026. – Continuation of nonconforming use of structure.

A lawful use of a structure, or of a structure and land in combination, under the terms of this chapter as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following:

A. No existing structure devoted to a use not permitted by this chapter in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the zone in which it is located and except as specifically provided for in this chapter.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use on the effective date of the ordinance from which this chapter derives or at the time of amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and land, may be changed to another nonconforming use provided that the planning commission, either by general rule or by making findings in the specific case, shall find that the proposed use is no more detrimental to the zone than the existing nonconforming use. In permitting such change, the commission may require appropriate conditions and safeguards.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive calendar months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.

F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall thereafter compel the discontinuance of the nonconforming use of the land. Destruction for the purpose of this subsection means damage to an extent of more than 50 percent of the replacement cost of the structure immediately prior to destruction.

G. When a nonconforming use of a structure is replaced by a more restrictive nonconforming use, the occupancy may not thereafter revert to a less restrictive use.

H. If provision is made for the termination date of such use, any use of such land after termination shall conform to the requirements of this chapter for the zone in which it is located.

(Ord. No. 1270, § 30.820.5, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1027. – Continuation of nonconforming structures.

A. Any structure made nonconforming by this chapter as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following:
    1. Such structure may not be enlarged or altered in a way which increases its nonconformity, except as specifically provided for by this chapter.
    2. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost immediately prior to destruction, it shall not be reconstructed except in conformity with this chapter.
    3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located.
    4. Such structure may be repaired provided:
        a. The work consists only of the repair and replacement of nonbearing walls, fixtures, wiring or plumbing;
        b. Where the aggregate costs do not exceed the current assessed value of the improvements; and
        c. Where the cubic space within the structure as it existed at the time of adoption or amendment of this chapter is not increased.
    5. If provision is made for the termination of such structure or its nonconforming characteristics, any use of such land after the termination date shall conform to the requirements of this chapter for the zone in which it is located.
    6. An existing nonconforming dwelling in a C-1 or C-2 zone destroyed more than 50 percent of its replacement cost immediately prior to destruction may be rebuilt on the same building footprint, provided that:
        a. The property is 5,000 square feet or less in size, and could not feasibly be developed separately as a commercial facility.
        b. The property fronts on a residential street, and not along a commercial thoroughfare.

B. Notwithstanding any of the foregoing provisions of this section or any other subsection of this section, a nonconforming structure shall not be changed in its utilization to another use in any land use zone until the structure meets all applicable requirements for new construction for the use under the various ordinances and Code provisions of this city then in effect, including but not limited to building and fire code provisions and property development standards for the particular zone.

C. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city or state official charged with protecting the public health or safety, upon order of such official.

(Ord. No. 1270, § 30.820.6, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1028. – Cost of replacement.

In the absence of proof to the contrary, replacement cost as used in this division shall mean the assessed value of the structure at the time of the destruction.

(Ord. No. 1270, § 30.820.7, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1029. – Completion of building.

A. Any structure for which a valid building permit has been granted prior to the adoption of the ordinance from which this chapter derives or amendment to this chapter, as the case may be, and the actual construction of which has been started prior to the effective date of the ordinance from which this chapter derives or amendment to this chapter may be completed in accordance with the plans and specifications on file in the building department, even though not conforming with this chapter or amendments thereto, as the case may be, provided:

1. The construction of proposed use of the structure is not in violation of any other ordinance or law; and
2. Work on construction of the structure is diligently carried on and completed within a reasonable time.

B. Actual construction shall be deemed to have started when construction materials have been placed in permanent position and have been permanently fastened. Excavation which has been substantially begun preparatory to rebuilding shall be deemed to be actual construction if carried on diligently to and including rebuilding.

(Ord. No. 1270, § 30.820.8, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1030. – Additions and alterations to nonconforming public use.

Under this chapter, additions, extensions and alterations may be made to any nonconforming public use, including but not limited to schools, parks, libraries and fire stations, if the addition, extension or alteration does not:

A. Extend beyond the boundaries of the site in existence when the use became nonconforming; and

B. Infringe upon any off-street parking required by this division.

(Ord. No. 1270, § 30.820.9, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1031. – Uses under variance or conditional use permit.

Uses and buildings which are existing under a variance or a conditional use permit granted under this chapter or any previous ordinance shall not be considered as nonconforming and shall be permitted to continue under the conditions and regulations imposed in the permit or variance and may be expanded or enlarged upon first obtaining a conditional use permit under Division 7 of Article V.

(Ord. No. 1270, § 30.820.11, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1032. – Conduct terminating nonconforming use.

Under this chapter, the right to continue a nonconforming use shall terminate as follows:

A. Changing such use to another use not permitted in the zone, except as expressly permitted in this division.

B. Increasing or enlarging the area, space or volume occupied or devoted to such use, except as expressly permitted in this division.

C. Adding a conforming or nonconforming use, except as permitted in this division.

(Ord. No. 1270, § 30.820.12, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1033. – Termination of existing nonconforming use.

Under this chapter, a lawfully established use which becomes a nonconforming use, including any buildings, structures or facilities designed or intended only for uses which are nonconforming, shall be terminated and such buildings, structures or facilities shall be removed or made conforming in all respects within the time period specified in subsection (1) or (3)c. of this section, whichever is applicable and results in the later termination date.

A. The time period indicated in the following table measured from the date of becoming a nonconforming use:

Use	Allowable Life
Use of land without buildings or structures	1 year
Use involving only buildings or structures which would not require a building permit to replace such buildings or structures, but not including a mobile home park	3 years
Mobile home park; mobile homes on individual lots	35 years
Use involving buildings or structures which would require a building permit to replace such buildings or structures	20 years
Outdoor advertising signs in areas zoned residential	7 years after giving notice of removal requirement
All other signs	All nonconforming signs not previously removed pursuant to previous existing portions of this chapter shall be permitted to continue past August 6, 1988, only if a conditional use permit is granted by the planning commission.

B. All nonconforming signs shall be made to conform or be removed within 30 days of: a change of ownership of the business, or a building is renovated more than 50 percent of its valuation within any one-year period, or a nonconforming sign is destroyed more than 50 percent of its valuation. Furthermore, such nonconforming signs shall be permitted to continue past the amortization period only if a conditional use permit is granted by the planning commission.

C. The time period indicated in the following table measured from the date of construction of the most recently constructed main building or other major facilities which are designed or intended for the nonconforming use:

STRUCTURE TYPE ACCORDING TO BUILDING CODE				
Type of Structure	**Old Classification**	**New Classification**	**Allowable Use**	**Life**
Light metal or wood frame	IV, V, II-N, V	II (1-hour) II-N, V	Nonresidential	25 years
Light metal or wood frame	IV, V	II (1-hour), II-N, V	Residential, except single-family dwellings	30 years
Light metal or wood frame	IV, V	II (1-hour), II-N, V	Single-family dwellings	35 years
Heavy timber, masonry, concrete	II, III	II (fire resistive), III, IV	All	40 years
Fire resistive heavy steel and/or concrete	I	I	All	50 years

(Ord. No. 1270, § 30.820.13, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1034. – Termination of existing nonconforming use for business signs.

A. Nonconforming business signs may be abated at any time subsequent to the date such signs become nonconforming, provided that no business sign shall be compelled to be removed or abated, and its customary maintenance, use, or repair shall not be limited, without the payment of fair and just compensation.

B. For purposes of compliance with this section, fair and just compensation will be calculated pursuant to Business and Professions Code §§ 5492 and 5493. Notwithstanding the other provisions of this section, the city may remove, without compensation, the following business signs:

1. A nonconforming business sign located in the city's R-1, R-2, R-3 or RPD zones or in an area zoned for agricultural use which has been in existence for a period of 15 years from August 6, 1983. For purposes of this subsection only, every business sign has a useful life of 15 years. Fair and just compensation for business signs described in this subsection required to be removed during the 15-year period and before the amortization period has lapsed shall be entitled to fair and just compensation which is equal to 1/15of the duplication cost of construction of the business sign being removed multiplied by the number of years of useful life remaining for the sign as determined by this subsection.
2. Any business sign erected without first complying with all of this chapter at the time of its construction, erection or use.
3. Any business sign which was lawfully erected, but whose use has ceased, or the structure upon which the display has been abandoned by its owner, for a period of not less than 90 days. Costs incurred in removing an abandoned sign shall be charged to the legal owner.
4. Any business sign which has been more than 50 percent destroyed, and the destruction is other than facial copy replacement, and the display cannot be repaired within 30 days of the date of its destruction.
5. Any business sign whose owner, outside of a change of copy, requests permission to remodel and remodels that sign, or expand or enlarge the building or land use upon which the sign is located, and the sign is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement, or remodeling of the sign exceeds 50 percent of the cost of reconstruction of the building.
6. Any business sign whose owner seeks relocation thereof and relocates the sign.
7. Any business sign for which there has been an agreement between the sign owner and the city for its removal as of any given date.
8. Any business sign which is temporary.
9. Any business sign which is or may become a danger to the public or is unsafe.
10. Any business sign which constitutes a traffic hazard not created by relocation of streets or highways or by acts of the city.
11. Any business sign located in a redevelopment project area created pursuant to the Community Redevelopment Law (part 1 of division 24 of the Health and Safety Code, Health and Safety Code § 33000 et seq.), or an area listed or eligible for listing on the National Register of Historic Places, or an area registered by the department of parks and recreation as a state historical landmark or point of historical interest pursuant to Public Resources Code § 5021 or an area created as a historic zone or individually designated property by the city, pursuant to article 12 of chapter 1 of division 1 of title 5 of the Government Code (Government Code § 50280 et seq.).

(Ord. No. 1270, § 30.820.14, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1035. – Revocation of nonconforming use or structure.

The council may, after notice and public hearing, revoke the right to continue a nonconforming use or structure as follows:

A. Notice. Notice shall be mailed to the recorded owner of the property not less than 20 days before the date of the public hearing. The notice shall state the facts concerning the impending action and shall request appearance by the owner at the time and place specified for the hearing to show cause why the permit should not be revoked.

B. Council action. Within 30 days after the public hearing, the council may by resolution revoke or modify the nonconforming status of the use or structure.

(Ord. No. 1270, § 30.820.15, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-1036. – Exemption for religious, educational, charitable, public utility uses.

Nothing in this chapter pertaining to nonconforming structures and uses shall be construed or applied so as to require the termination, discontinuance, or removal or so as to prevent the expansion, modernization, replacement, repair, maintenance, alteration, reconstruction, or rebuilding and continued use of nonprofit, public or private religious, educational, charitable or public utility buildings, structures, equipment, and facilities. However, any expansion or rebuilding beyond the original building footprint or internal reconstruction resulting in additional capacity shall be subject to conditional use permit approval. For this purpose, the term "expansion" means enlargement or moving into another portion of the same property or into immediately adjacent property.

(Ord. No. 1270, § 30.820.16, 9-30-1985; Ord. No. 1305, 6-15-1987)

Secs. 106-1037—106-1064. – Reserved.

DIVISION 12.- DEVELOPMENT AGREEMENTS

Sec. 106-1065. – Findings and declaration of intent.

A. The California Legislature in Section 65864 of the Government Code has found that the lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

B. The city council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the adoption of this division in order to provide a mechanism for the enactment of development agreements in order to implement various goals and objectives of the city's general plan and to provide flexibility for the implementation of certain development project approvals for the development of particular projects and to provide a mechanism for allowing expenditures to respond selectively to development proposals, including assurances of adequate public facilities at the time of development, proper timing and sequencing of development, effective capital improvement programming to accomplish the foregoing purposes and aims and the realization of the benefits to be derived therefrom.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1066. – Purpose of development agreement.

Development agreements enacted pursuant to this division are to assure the qualified applicant for a development project that upon approval of the development project by the city, the qualified applicant may proceed with the development project in accordance with certain existing policies, rules and regulations, and subject to specified conditions of approval. Development agreements will also ensure that all conditions of approval, including the construction of off-site improvements made necessary by such land developments, will proceed in an orderly and economical fashion to the benefit of the city.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1067. – Authority for adoption.

This division pertaining to development agreements for the implementation of development projects, is adopted under the authority of Government Code Sections 65864 through 65869.5, as amended.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1068. – Forms and information.

A. The Director shall prescribe the form of each application, notice, and documents provided for or required under this division for the preparation and implementation of development agreements consistent with the provisions of this division and chapter.

B. The Director may require an applicant for a development agreement to submit such information and supporting data as the Director, city council, and other agencies to which the applicant is referred under this division and chapter, which are considered necessary to properly process the application.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1069. – Fees.

The city council shall, from time to time by separate resolution or resolutions, fix schedules of fees and charges to be imposed for the filing, processing, and recording of each application and document provided for or required under this division and chapter, which fees and charges as then currently prescribed shall accompany each application made under this division and chapter.

These fees and charges shall be in addition to, and not in substitution of, any other required fees and charges relative to development of the subject property and shall be for the purpose of defraying the costs associated with city review and action on an application.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1070. – Qualification as an applicant.

Except as provided in section 106-1071(a), only a qualified applicant may file an application to enter into a development agreement. A qualified applicant includes an authorized agent of a qualified applicant. The Director may require an applicant to submit proof of his/her interest in the real property and of the authority of the agent to act for the qualified applicant. Such proof may include a title report, policy or guarantees issued by a title insurance company licensed to do business in the State of California evidencing the requisite interest of the applicant in the real property. If the application is made by the holder of an equitable interest, the application shall be accompanied by a title guarantee issued by a title insurance company report and by a notarized statement of consent to proceed with the proposed development agreement executed by the holder of the legal interest. Before processing the application, the Director shall obtain the opinion of the city attorney as to the sufficiency of the qualified applicant's interest in the real property to enter into the development agreement as a qualified applicant hereunder.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1071. – Procedure for development agreement.

A. *Initiation by application.* An application for a development agreement may be made to the Director in accordance with the procedures set forth herein.

1. Application may be made by any qualified applicant.

2. Application may be made by the city council. If an application is made for a development agreement by the city council, the city shall obtain and attach a notarized statement of consent to proceed with the proposed agreement executed by the owner of the subject property.

B. *Contents of the application.* The application shall be on a form prescribed by the Director and shall be accompanied by a proposed ordinance and development agreement.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1072. – Proposed form of development agreement.

Each application shall be accompanied by the form of development agreement proposed by the qualified applicant or as authorized in section 106-1071. Any such development agreement prepared by a qualified

applicant shall contain the provisions required under section 106-1074, section 106-1097, and section 106-1099 of this division shall also include the following:

A. The parties to the development agreement;

B. The nature of the qualified applicant's legal or equitable interest in the real property constituting such person as a qualified applicant hereunder;

C. A description of the development project sufficient to permit the development agreement to be reviewed under the applicable criteria of this division and chapter. Such description may include, but is not limited to, references to site and building plans, elevations sufficient to determine heights and areas, relationships to adjacent properties and operational data. Where appropriate, such description may distinguish between elements of the development project which are proposed to be fixed under the development agreement, those which may vary and the standards and criteria pursuant to which the same may be reviewed;

D. An identification of the approvals and permits for the development project enacted to the date of or contemplated by the development agreement;

E. The proposed duration of the development agreement;

F. The proposed site improvement and building improvement design standards which the applicant shall use and apply for guidance of city consideration of the applicant's development project;

G. The proposed phasing of the construction, and any public improvements to be required;

H. A program and criteria for regular periodic review under this division and chapter;

I. Proposed provisions providing security for the performance of the qualified applicant under the development agreement;

J. Any other relevant provisions which may be deemed necessary by the Director pursuant to this division and chapter.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1073. – Review of application.

A. Upon submission of an application for a development agreement, the Director shall stamp on the application the date it is received. Within thirty (30) days after receipt of application the Director shall review the application and accompanying documentation for legal sufficiency, compliance with technical requirements and may reject it if it is incomplete or inaccurate for processing. If the Director finds that the application is complete for processing the Director shall accept it for filing. The Director shall cause a written notice of acceptance or rejection to be mailed or delivered to qualified applicant. If rejected, the notice must also give the reason for the rejection. If such notice is neither mailed nor delivered within 30 days following receipt of application for the development agreement, the application shall be deemed filed on the thirtieth day following its receipt by the Director.

B. After the application is accepted for filing or deemed filed, the Director shall then review the application and determine any additional requirements necessary to complete the form of development agreement. After receiving the required information, the Director shall prepare a staff report and recommendation and shall state whether or not the development agreement as proposed, or in an amended form (specifying the nature of the amendments), would implement, be consistent with and in compliance with, the adopted general plan. Any proposed specific plan, relevant city policies and guidelines for development, and the provisions of this division and chapter. The Director shall, as part of the review of the application, circulate copies of the proposed development agreement to those city departments and other agencies having jurisdiction over the development project to be undertaken pursuant to the development agreement for review and comment by such city departments and agencies. The city attorney shall also review the proposed development agreement for legal form and sufficiency and shall approve and/or prepare a proposed ordinance authorizing the city to enter into the development

agreement for action by the city council upon hearing thereof as specified by this division and chapter. The staff report and recommendation of the Director shall include any appropriate recommendations received, and the proposed form of ordinance prepared by the Director and approved by the city attorney.

C. Upon the completion of such review, the Director shall set the matter for a public hearing before the planning and preservation commission.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1074. – Contents of development agreement.

A. A development agreement shall specify its duration, the permitted uses of the property thereunder, the density and/or intensity of use, the maximum height and size of proposed buildings and improvements, and provisions for reservation or dedication of land for public purposes. A development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the property for the uses and to the density or intensity, height, and size of development set forth in the development agreement and phasing if and to the extent the development agreement so provides. Without limitation as to types of conditions, terms, and restrictions, the development agreement may provide for the phasing of construction of development projects and any improvements with respect thereto, and the development agreement may also provide that the construction shall be commenced and completed within specified times and that the development project, public improvements, or any phase thereof be commenced and completed within specified times.

B. A development agreement shall include all conditions imposed by the city, and may also include conditions imposed by other agencies, and all obligations agreed to by the city and other parties to the development agreement with respect to the development project thereunder including those conditions authorized by law and/or required pursuant to the California Environmental Quality Act, or the National Environmental Protection Act, and the city's regulations with respect thereto in order to eliminate or mitigate environmental and traffic impacts caused by or aggravated as a result of the development project proposed under the development agreement.

C. A development agreement shall contain an indemnity and insurance clause in form and substance acceptable to the city attorney, requiring the qualified applicant to protect, defend, indemnify and hold harmless the city against claims arising out of the development process; provided, that such a provision does not violate applicable law or constitute a joint venture, partnership or other participation in the business affairs of qualified applicant by the city.

D. A development agreement shall include appropriate provisions acceptable to the city attorney providing security for the performance under the development agreement.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1075. – Public hearing (planning and preservation commission).

On the date set for hearing or on the date or dates to which the hearing is scheduled, a development agreement shall be considered at a public hearing before the planning and preservation commission pursuant to the procedures described in this division and chapter.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1076. – Review—Standard (planning commission and preservation commission).

The planning and preservation commission may recommend adoption of a development agreement as a method of implementing or providing standards and criteria for any approval of the planning and preservation commission or permits or approvals issued or made by any other city agency, including but not limited to:

A. Rezoning and/or conditions imposed upon approval of rezoning;

B. Issuance of a conditional use permit;

C. Conditions imposed upon approval of a permit after discretionary review;

D. Conditions imposed in connection with the adoption of any general plan amendment or specific plan;

E. Site-specific conditions imposed in any other district;

F. Approval of and/or conditions imposed upon approval of a subdivision or parcel map or maps;

G. The separate review and approval by the city attorney of conditions, covenants and restrictions (CC&Rs) affecting the subject property where the development project affects, or is proposed to affect, more than one (1) legal parcel, which CC&Rs shall include enforcement provisions acceptable to the city including without limitation the grant of power to the city by the applicant to enforce the property maintenance standards set forth in such CC&Rs as if the city was a property owner party to such CC&Rs. Such CC&Rs shall be recorded against the lands included in the development project prior to issuance by the city of any certificate of occupancy.

H. The formation of any assessment district, benefit district, maintenance district or special benefit district or any other procedure, for the installation of required or necessary on-site or off-site improvements or infrastructure; and/or

I. Mitigation measures imposed upon a development project pursuant to the California Environmental Quality Act or the National Environmental Protection Act.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1077. – Recommendation by planning and preservation commission.

The planning and preservation commission shall make a report and recommendation in writing to the city council as follows:

A. That the development agreement be adopted as proposed;

B. That the development agreement be adopted with modifications, as proposed by the planning and preservation commission; or

C. That the development agreement be denied.

Any action taken by the planning and preservation commission shall include written findings specifying the facts and information relied upon by the planning and preservation commission in rendering its decision and recommendation.

The planning and preservation commission shall make such report of its findings and recommendations to the city council within 35 days after the completion of said hearing. Failure of the planning and preservation commission to so report within said period shall be deemed to be a recommendation of denial by the planning and preservation commission of the development agreement.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1078. – Setting hearing date by city council.

Upon the filing of its report and recommendations on a development agreement by the planning and preservation commission or upon the expiration of said thirty-five (35) days provided for in section 106-1077, the city council shall, at its next regular meeting held at least three days thereafter on which the subject is agendized thereupon set the matter for public hearing before the city council, and the city clerk shall give required notice of the time, place and purpose of such hearing in the same manner and in the same terms as provided in this division and chapter.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1079. – Ordinance public hearing (city council)

A development agreement is a legislative act and it shall be enacted or amended by ordinance only after a public hearing before the city council. The ordinance shall be subject to referendum and refer to and incorporate by reference the text of the development agreement. The development agreement shall not be binding or enforceable prior to the effective date of the ordinance approving the development agreement and execution of the development agreement by all parties thereto.

Because a development agreement is also a contract which requires the consent of each party in order to become binding, the city council reserves the right to disapprove entering into any development agreement, regardless of the provisions hereof, and the ordinance shall be advisory only and shall not require the acceptance of any development agreement.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1080. – Conduct of hearing by the city council.

The city council shall consider the proposed development agreement and the planning and preservation commission's recommendation together with any additional public testimony at the public hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time by the city council.

The city council may refer the issue back to the planning and preservation commission for further hearing and recommendation whereupon planning and preservation commission shall file its report on reconsideration of the referral from the city council within 30 days thereafter. The city council may also act on all or any such issue without reference back to the planning and preservation commission. The decision of the city council shall be rendered within 45 days after the hearing before the city council or within 45 days after the receipt of the final report from the planning and preservation commission, whichever is later, unless extended by mutual agreement of the qualified applicant and city council. Failure of the city council to act within the 45 days or extension shall be deemed a rejection of the development agreement. The city council may:

A. Approve the development agreement as recommended by the planning and preservation commission;

B. Approve the development agreement with or without modification;

C. Reject the development agreement, in whole or in part.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1081. – Consistency with the general plan and specific plans (city council).

Before the city council may approve a development agreement with or without modification, it must find that its provisions are consistent with the city general plan and any applicable specific plan and relevant city policies and guidelines for development.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1082. – Notice.

The Director shall give notices of all required public hearings held before the planning and preservation commission under this division and chapter. The city clerk shall give notice of all required public hearings held before the city council under this division and chapter.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1083. – Form and time of notice.

A. The notice referred to in section 106-1082 shall contain

    1. The date, time, and place of the hearing;

    2. The identity of the hearing body;

3. A general explanation of the matter to be considered including a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing;
4. The location or locations where a copy of the proposed development agreement may be viewed or had;
5. Other information required by specific provisions of this division and chapter or which the Director considers necessary or desirable.

B. The time and manner of giving notice is by:

1. Publication at least ten days prior to the hearing at least once in a newspaper of general circulation within the city or if there is none, posting at least ten days prior to the hearing in at least three public places in the city.
2. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.
3. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
4. Mailing of the notice at least ten days prior to the hearing to all persons shown on the last equalized assessment roll as owning real property within 500 feet of the real property that is the subject of the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection (b)(4) or subsection (b)(2) is greater than 1,000, the Director, or city clerk, as applicable, may, in lieu of mailed or written notice, provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city at least ten days prior to the hearing.

C. The planning and preservation commission or city council, as the case may be, may direct that notice of the public hearing to be held before it shall be given in a manner that exceeds the notice requirements prescribed by state law, but failure to comply with any excess notice procedure shall not invalidate a development agreement entered into by the city under this division and chapter.

D. The notice requirements referred to in subsections (a) and (b) of this section are declaratory of existing law. If and when state law prescribes a different notice requirement, notice shall be given in that manner.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1084. – Coordination of development agreement application with other discretionary approvals.

It is the intent of this division and chapter that the application for a development agreement will be made and considered simultaneously with the review of other necessary applications, including, but not limited to rezoning, variance, planned commercial, or industrial development and conditional use permits. If combined with an application for rezoning, planned development or conditional use permit, the application for a development agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A development agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant or developer must comply with all other required procedures for development approval.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1085. – Time for and initiation of review.

A. *Regular periodic review.* The city shall review the performance of the developer under a development agreement periodically on a regular basis as determined in the development agreement or by this subsection at least once every 12 months for the term of the development agreement. Ninety days prior

to the "established date or dates for regular periodic review" which shall be the anniversary of the effective date of the development agreement, or such other substitute date or dates, mutually agreed to by the qualified applicant or developer and city in writing for such regular periodic reviews, the developer shall submit to the Director evidence of the good faith compliance with the development agreement. If the Director determines that such evidence is insufficient for the Director's regular periodic review, or if the developer fails to submit any evidence, then prior to 75 days of the established date or dates for regular periodic review the Director shall deliver or mail written notice to the developer of the developer's failure to submit any evidence or specifying the additional information reasonably required by the Director in order to review the developer's good faith compliance with the development agreement. The developer shall have 30 days after mailing or delivery of such written notice by the Director in which to respond to the Director. If the developer fails to provide such information to the Director within the 30-day period, the Director shall not find that the developer has complied in good faith with the terms of the development agreement.

B. *Special review.*

1. *Initiation of review.* Reviews which are other than the regular periodic reviews provided for in subsection (a) of this section are defined as special reviews and may be had either by agreement between the developer and city or by initiation of the city by the affirmative vote of the city council, but in any event shall not be held more frequently than three times a year.

2. *Notice of special review.* The Director shall begin the special review proceeding by mailing or delivering written notice to the developer that the city intends to undertake a special review for the good faith compliance of developer with the development agreement. He shall mail or deliver to the developer a 30-day notice of intent to undertake such a special review within which 30 days developer shall provide to the Director evidence of good faith compliance with the terms of the development agreement. If the Director determines that such evidence is insufficient for the city's review, or if the developer fails to submit any evidence within the 30-day period, then within 45 days of giving the notice of intent to undertake a special review, the Director shall deliver or mail written notice to the developer of the developer's failure to submit any evidence or additional information reasonably required by the Director in order to review the developer's good faith compliance with the development agreement. As with the regular periodic review, the developer shall have 30 days after mailing or delivering of such written notice by the Director in which to respond to the Director. If the developer fails to provide such information to the Director within the 30-day period, developer shall not be found by the Director to have complied in good faith with the terms of the development agreement.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1086. – Finding of compliance.

With respect to either a regular periodic review or a special review, if the Director finds good faith compliance by the developer with the terms of the development agreement for the period reviewed, the Director, upon request of developer, shall issue a certificate of compliance for such period reviewed, which shall be in recordable form and may be recorded by the developer in the official records of Los Angeles County. The issuance of a certificate of compliance by the Director shall conclude the review for the applicable period for which the finding was made and such determination shall be final in the absence of fraud.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1087. – Failure to find good faith compliance.

If the Director does not find, on the basis of substantial evidence, that the developer has complied in good faith with the terms of the development agreement, he shall so notify the city council and the developer. The Director shall specify the reasons for the Director's determination, the information relied upon in making such decision and any findings made with respect thereto. At the next regularly scheduled meeting of the city council on which the matter is agendized, or to which it is continued, the city council shall take one of the following actions:

A. *Compliance.* Determine on the basis of evidence presented that there has been good faith compliance by the developer with the terms of the development agreement, in which event the Director, upon request of the developer, shall issue a certificate of compliance in accordance with section 106-1086.

B. *Failure to find good faith compliance.* If the city council is unable to determine on the basis of the evidence presented that there has been good faith compliance by the developer with the terms of the development agreement, the city council shall do one or more of the following:

1. *Additional time.* Upon receipt of sufficient justification to city council, grant the developer additional time in which to establish good faith compliance with the terms of the development agreement at a subsequent duly called city council meeting; or

2. *Hearing.* Set a date for a public hearing on the issue of compliance by the developer with the terms of the development agreement and the possible conditioning and/or termination or modification of the development agreement in accordance with state Government Code Section 65865.1, which public hearing shall be conducted in accordance with section 106-1088.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1088. – Public hearing.

The city council shall, within 90 days of the city council's setting a date for a public hearing in subsection 106-1087(2)(ii), conduct a public hearing at which the developer shall have the opportunity to demonstrate good faith compliance with the terms of the development agreement on the basis of substantial evidence presented to the city council. The burden of proof of this issue is upon the developer.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1089. – Findings upon public hearing.

The city council shall determine upon the basis of substantial evidence whether or not the developer has complied in good faith with the terms and conditions of the development agreement.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1090. – Procedure upon findings.

A. *Compliance.* If the city council finds and determines on the basis of substantial evidence that the developer has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded and such determination is final in absence of fraud.

B. *Noncompliance.* If the city council finds and determines on the basis of substantial evidence that the developer has not complied in good faith with the terms and conditions of the development agreement during the period under review, the city council may allow the development agreement to be continued by imposition of new terms and conditions intended to remedy such noncompliance or to be otherwise modified, by the mutual consent of the developer and the city or the city council may unilaterally terminate the development agreement or take other action authorized by Government Code Section 65865.1. The city council may impose such terms and conditions to the action it takes as it considers necessary to protect the interests of the city. The decision of the city council shall be final. The rights of the parties after termination shall be as set forth in section 106-1100.

C. *Ordinance.* Any termination, modification or imposition of new terms and conditions pursuant to this section shall be by ordinance. The ordinance shall recite the facts, findings, information relied on and/or the lack thereof, and the reasons which, in the opinion of the city council, make the termination or modifications or imposition of new terms and conditions of the development agreement necessary. The enactment of such an ordinance by the city council shall be final and conclusive as to its effect on the subject development agreement. Not later than ten days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer. The development agreement shall be terminated, or the

amendments to the development agreement shall become effective, on the effective date of the ordinance or as otherwise provided in such ordinance.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1091. – Certificate of compliance.

If the city council finds good faith compliance by the developer with the terms of the development agreement, the Director upon request of the developer and subject to the written concerns of the city attorney shall issue a certificate of compliance, which shall be in recordable form and may be recorded by the developer in the official records of the County of Los Angeles.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1092. – Initiation of amendment or cancellation.

A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the development agreement or their successors in interest. Any such person may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1093. – Procedure.

The procedure for amendment or cancellation in whole or in part of a development agreement by mutual consent shall be as follows:

A. Upon receipt by the Director of a proposal for an amendment to or cancellation in whole or in part of the development agreement, a public hearing thereon shall be set and conducted before the city council within 90 days of receipt of the proposal;

B. As to prescribed notice of public hearing, where the city introduces the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate such proceedings at least ten days in advance of the giving of notice of intention to consider the amendment or cancellation required by subsection 106-1083(b)(4);

C. Any amendment, cancellation or imposition of new terms and conditions pursuant to this section shall be by ordinance. The ordinance shall recite the facts, findings, information relied on, and reasons which, in the opinion of the city council, make the amendments or cancellation of the development agreement necessary. Not later than ten days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer. The development agreement shall become effective on the effective date of such ordinance unless otherwise indicated therein.

D. Although approved by the city council, an amendment to or cancellation of a development agreement shall not be binding or enforceable prior to the effective date of the ordinance approving the amendment or cancellation of the development agreement and the execution of such amendment or a written consent to such cancellation by all parties to the development agreement or by their successors in interest.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1094. – Failure to receive notice.

The failure of any person entitled to notice required by law or this chapter to receive such notice shall not affect the authority of the city to enter into nor invalidate a development agreement entered into by the city or other action taken under this division and chapter.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1095. – Rules governing conduct of meeting.

All the public hearings under this chapter shall be conducted in accordance with the procedures and the time limits specified for the conduct of such hearings in this division and chapter. A copy of any relevant proposed or existing development agreement shall be made available for public review at the city clerk's office prior to the date of each hearing thereon.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1096. – Irregularity in proceeding.

Formal rules of evidence or procedure which must be followed in a court of law shall not be applied in the consideration of a proposed development agreement, its modification, cancellation, or termination under this chapter and the provisions of this chapter shall provide the procedure for such consideration. The qualified applicant or developer has the burden of presenting substantial evidence at each of the public hearings on the proposal and shall be given an opportunity to present evidence in support of the qualified applicant's or developer's position. No action, inaction, or recommendation regarding the proposed development agreement, its modification, cancellation, or termination shall be held void or invalid or be set aside by a court on the ground of the improper admission or rejection of evidence or by reason of any error, irregularity, informality, neglect, or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court finds that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted if error is shown.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1097. – Subsequently adopted state and federal laws.

All development agreements shall be subject to the regulations and requirements of the laws of the State of California, the Constitution of the United States and any codes, statutes or executive mandates and any court decisions, state or federal, thereunder. In the event that any such law, code, statute, or decision made or enacted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement then such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such law, code, statute, mandate or decision, and every such development agreement shall so provide.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1098. – Architectural review.

Unless otherwise provided in a development agreement, the implementation and execution of all phases of a development agreement shall be subject to architectural (design) reviews pursuant to the applicable provisions of the San Fernando City Code.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1099. – Governing rules, regulations, development policies and effect of development agreement.

Unless otherwise provided by the development agreement, or imposed for reasons of health or safety during the term of the development agreement, rules, regulations and official policies of the city governing permitted uses of the land, governing density and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent the city, in subsequent actions applicable to the property or to the city in general, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies

applicable to the property at the time of execution of the development agreement, nor shall a development agreement prevent the city from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies. Each development agreement shall provide, and it is provided in this section, that this section and the provisions thereof do not apply to taxes, imposts, assessments, fees, charges or other exactions imposed by or payable to city unless specifically and to the extent otherwise expressly agreed to by city in the development agreement, and that all of such shall be in amounts fixed at the time they are payable.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1100. – Rights of parties after cancellation or termination.

In the event that a development agreement is canceled, or otherwise terminated, unless otherwise agreed in writing by the city, all rights of the developer, property owner or successors in interest under the development agreement shall terminate and any and all benefits, including money or land, received by the city shall be retained by the city. Notwithstanding the above provision, any termination of the development agreement shall not prevent the developer from completing a building or other improvements authorized to be constructed pursuant to a valid operative building permit previously approved by the city and under construction at the time of termination, but the city may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and neither the developer nor any tenant shall occupy any portion of the project or any building not authorized by an occupancy permit. As used herein, "construction" shall mean work on site under a valid building permit and "completing" shall mean completion of construction for beneficial occupancy for developer's use, or if a portion of the project is intended for use by a lessee or tenant, then for such portion "completion" shall mean completion of construction except for interior improvements such as partitions, duct and electrical run outs, floor coverings, wall coverings, lighting, furniture, trade fixtures, finished ceilings, and other improvements typically constructed by or for tenants of similar buildings. All such uses shall, to the extent applicable, be deemed nonconforming uses and shall be subject to the nonconforming use provisions of the San Fernando City Code.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1101. – Construction.

This division and chapter, and any subsequent development agreement shall be read together. With respect to any development agreement enacted under this division and chapter, any provision of such a development agreement which is in conflict with this division and chapter shall be void.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1102. – Recordation of development agreement, ordinances, and notices.

A. Within ten days following complete execution of a development agreement and following effective date of enacting ordinance, the city clerk shall record with the county recorder, a fully executed copy of the development agreement and ordinance approving development agreement, which shall describe the land subject thereto. The development agreement shall be binding upon, and the benefits of the development agreement shall inure to the parties and all successors in interest to the parties to the development agreement.

B. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Government Gode Section 65868 or this division and chapter, or if the city council terminates or modifies the development agreement as provided in Government Code Section 65865.1 or this division and chapter for failure of the developer to comply in good faith with the terms or conditions of the development agreement, the city clerk shall, after such action takes effect, have notice of such action recorded with the County Recorder of Los Angeles County.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1103. – Enforcement of development agreements.

Except as provided herein below, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the city which alters or amends the rules, regulations, or policies specified in section 106-1099 or in the development agreement itself.

An exception to the certainty intended by execution of a development agreement as expressed in section 106-1066 shall be when a change to the development agreement is imposed or required not by city initiated action, but rather BY City response to (i) federal or state court or administrative agency determination or (ii) federal or state legislative or administrative agency regulation requirement.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1104. – Severability clause.

Should any provision of this division and chapter or of a subsequent development agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this chapter and the development agreement shall remain in full force and effect unimpaired by the holding, except as may otherwise be provided in a development agreement. The city council hereby declares that it would have adopted and enacted this chapter and each provision thereof irrespective of the fact that any one or more of the provisions, or the applications thereof to any person or place, be declared invalid or unconstitutional. For the purpose of this section, a "provision" is a section, subsection, paragraph, sentence, clause, phrase or portion of any thereof.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1105. – Judicial review—Time limitation.

A. Any judicial review of the initial approval by the city of a development agreement shall be by writ of mandate pursuant to Section 1085 of the Code of Civil Procedure; and judicial review of any city action taken pursuant to this chapter, other than the initial approval of a development agreement, shall be writ of mandate pursuant to Section 1094.5 of the Code of Civil Procedure.

B. Any action or proceeding to attack, review, set aside, void, or annul any decision of the city taken pursuant to this chapter shall not be maintained by any person unless the action or proceeding is commenced within 90 days after the date of the decision.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1106. – Condemnation.

All and every part of the development agreements is subject to condemnation proceedings and entering into such agreements is not intended to restrict the exercise of eminent domain by the city or any other public agency.

(Ord. No. 1637, § 3, 11-17-2014)

Sec. 106-1107—106-1124. – Reserved.

DIVISION 13. – DENSITY BONUS

Sec. 106-1125. – Purpose.

State density bonus law (Government Code Section 65915), provides that local governments shall grant density bonus and regulatory concessions and incentives to developers of housing, child care facilities, or for donation of land for housing, where the developer agrees to construct a specified percentage of housing for lower income households, very low income households, moderate income households or qualifying residents.

(Ord. No. 1628, § 3, 10-21-2013)

Sec. 106-1126. – Density bonus requirements.

A. *Minimum development requirements.* Upon written request by an applicant, the community development Director shall grant a density bonus and provide incentives or concessions as provided in this division when the applicant for the housing development agrees or proposes to construct a housing development, excluding any units permitted by the density bonus granted pursuant to this section that contains at least any one of the following:

1. *Lower income households.* Ten percent of the total units of a housing development for lower income households.
2. *Very low income households.* Five percent of the total units of a housing development for very low income households.
3. *Senior housing.* A senior citizen housing development, unless prohibited by state and/or federal law.
4. *Common interest development.* Ten percent of the total dwelling units in a common interest development for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.

B. *Maximum development requirements.* If an applicant exceeds the minimum percentages set forth in subsection (d), the applicant shall be entitled to an additional density bonus calculated as follows:

1. *Low income units.* For each one percent increase above the ten percent of the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent up to a maximum of 35 percent.
2. *Very low income units.* For each one percent increase above the five percent of the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent.
3. *Moderate income units.* For each one percent increase above the ten percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent, up to a maximum of 35 percent.

C. *Density bonus calculation.*

1. Density bonus calculations resulting in fractional units shall be rounded up to the next whole number.
2. Only the total units of a housing development shall be used to determine those units to be added as part of a density bonus.
3. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application but need not be based upon individual subdivision maps or parcels.
4. A density bonus may be selected from only one category, except in combination with a land donation or a child care facility, provided the total density bonus does not exceed 35 percent.
5. The applicant may elect to accept a lesser percentage of density bonus.
6. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

D. *Density bonus calculation table.*

Income Group	Minimum Set-Aside of Affordable or Senior Units	Density Bonus		
		Base Bonus Granted	Each Additional 1% of Affordable Units Adds:	Total Maximum Density Bonus
Very Low Income (50% AMI)	5%	20%	2.5%	35%
Lower Income (80% AMI)	10%	20%	1.5%	35%
Moderate Income (120% AMI, Common Interest Development Only)	10%	5%	1.0%	35%
Land Donation (very low income projects only)	10%	15%	1.0%	35%
Condominium/Apartment Conversions	33% low-to-moderate income	25%	No Sliding Scale Available	25%
	15% very low income			
Senior Citizen Housing Development	100%[1] (35 units minimum)	20%	No Sliding Scale Available	20%

Note:

1. A senior citizen housing development is not required to be affordable in order to receive a density bonus. However, 100% of the units in the development (35 units minimum) must be restricted as senior housing.

E. *Sample calculation of a density bonus.*

	Very Low Income (50% AMI)	Lower Income (80% AMI)	Moderate Income (120% AMI)	Senior Housing
Initial Project Size (Total Units)	20 units	20 units	20 units	35 units
Affordable Units	5%	10%	10%	100%
Density Bonus Qualified	20%	20%	5%	20%
Project Units	24 units	24 units	21 units	42 units
Distribution of Project Units	1 Very Low Income 23 Market-Rate	2 Lower Income 22 Market-Rate	2 Moderate Income 19 Market-Rate	42 units[1]

Note:

1. A senior citizen housing development is not required to be affordable in order to receive a density bonus. However, 100% of the units in the development (35 units minimum) must be restricted as senior housing.

F. *Land donation requirements.* An applicant for a tentative map, parcel map or any other discretionary approval required to construct a residential development in the city shall receive a 15 percent density bonus above the otherwise maximum allowable residential density for the residential development when the applicant donates land to the city as provided in this section. This 15-percent bonus shall be in

addition to any other density bonus provided for in this section, up to a total combined density bonus of 35-percent. Applicants are eligible for the 15-percent land donation density bonus if all of the following conditions are met:

1. The applicant shall donate and transfer land to the city prior to approval of the final map or other discretionary approval required for the residential development.
2. The transferred land shall have the appropriate acreage and zoning classification to permit development of affordable housing for very low income households in an amount not less than ten percent of the number of residential units of the proposed development.
3. The transferred land shall be at least one acre or of sufficient size to permit development of at least 40 residential units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.
4. The transferred land shall be served by adequate public facilities and infrastructure.
5. The transferred land and the very low income units constructed shall have a deed restriction recorded with the county recorder, to ensure continued affordability of the units. The deed restriction must be recorded on the property at the time of transfer.
6. The transferred land shall be conveyed in fee simple to the city or to a housing developer approved by the city.
7. The transferred land shall be within the boundary of the proposed residential development, or no more than approximately one-quarter mile from the boundary of the qualified project, if the city so approves.
8. No later than the date of approval of the final map or other discretionary approval required for the residential development the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land.
9. A proposed source of funding for the very low income units shall be identified not later than the date of the final map or other discretionary approval.

G. *Child care facility requirements.*

1. The city shall grant either of the following to a density bonus project that includes a child care facility located on the premises of, as part of, or adjacent to, the project:
    a. An additional density bonus in an amount equivalent to or greater than the amount of the square footage of the childcare facility; or
    b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
2. In order to receive the additional child care density bonus, the project must comply with the following requirements:
    a. The child care facility will remain in operation for a period of time that is as long as, or longer, than the period of time during which the density bonus units are required to remain affordable.
    b. Of the children who attend the child care facility, the percentage of children of very low income, lower income, or moderate income households shall be equal to, or greater than, the percentage of affordable units.
    c. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

H. *Condominium conversion.*

1. When an applicant for conversion of apartments to condominiums agrees to provide at least 33 percent of the total units of the proposed condominium to persons and families of low to moderate income or 15 percent of the total units of the proposed condominium to lower income households, and agrees to pay administrative costs incurred by the city pursuant to this section, the community development Director shall either:
    a. Grant a density bonus; or
    b. Provide other incentives of equivalent financial value.

    The community development Director may place reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as appropriate, including, but not limited to, continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households. For only this section, the following definitions apply:

    c. *Density bonus* means an increase in units of 25 percent over the number of apartments to be provided within the existing structure or structures proposed for conversion.
    d. *Other incentives of equivalent financial value* shall not require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.
2. *Proposal for subdivision map approvals.* An applicant for approval to convert apartments to condominiums may submit a preliminary proposal to the community development department, for review by the community development Director or his or her designee, prior to the submittal of any formal requests for subdivision map approvals. The city shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section.
3. *Ineligibility.* An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided.
4. *Other requirements.* Nothing shall require the city to approve a proposal to convert apartments to condominiums.

(Ord. No. 1628, § 3, 10-21-2013)

Sec. 106-1127. – Concessions and incentives.

A. *Number of incentives/concessions.* The applicant shall be entitled to receive the following number of incentives or concessions in subsection (b):

B. *Incentive/concession table.*

Target Group	**Target Units**		
Very Low Income (50% AMI[1])	5%	10%	15%
Lower Income (80% AMI)	10%	20%	30%
Moderate Income (120 % AMI, Common Interest Development Only)	10%	20%	30%
Number of Incentives[2]	1	2	3

Note:

1. AMI is an abbreviation for Los Angeles County Area Median Income
2. Child care facility: When a qualified project also includes a child care facility as described in section 106-1126(g), the applicant shall receive one additional incentive.

C. *Menu of incentives/concessions.*

1. Additional density provided the overall density bonus received for the entire residential development does not 35 percent.
2. A reduction in site development standards, including:
    a. Reduced minimum lot sizes and/or dimensions.
    b. Reduced minimum lot setbacks.
    c. Reduced minimum private and/or common outdoor open space.
    d. Increased maximum building height (up to one additional story).
    e. Reduced on-site parking standards in excess of standards set forth in section 106-1128 (parking study required).
3. Tandem and uncovered parking allowed.
4. Other regulatory incentives that result in identifiable, financially sufficient, and actual cost reductions.

D. *Evidence for concession and incentives.* An applicant of a housing development may submit to the community development department a proposal for specific incentives or concessions for review by the community development Director or his or her designee, and may request a meeting with the community development Director or his or her designee.

E. An applicant of a housing development may submit to the community development department a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subsection (d) of section 106-1126 at the densities or with the concessions or incentives permitted by subsection (b) of section 106-1126 for review by the community development Director or his or her designee, and may request a meeting with the community development Director or his or her designee. A proposal for the waiver of development standards under this subsection shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subsection (b) of section 106-1126.

F. If a meeting is requested, the community development Director or his or her designee, shall meet with the applicant within 15 working days to discuss the proposal.

G. When the community development Director grants a density bonus, the community development Director shall grant the additional concession or incentives requested by the applicant unless the community development Director it makes a written finding, based upon substantial evidence of any the following conditions:

1. The concession or incentive is not required in order to provide for affordable housing costs; or
2. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), as may be amended, upon the public health and safety or the physical environment 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,
3. The concession or incentive would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
4. The concession or incentive would be contrary to state or federal law.

(Ord. No. 1628, § 3, 10-21-2013)

Sec. 106-1128. – Development standards.

A. *Design requirements.* Affordable units developed in conjunction with a market rate development shall be of similar design and quality as the market rate units. Exteriors and floor plans of affordable units shall be of similar quality to the market rate units.

B. *Location distribution requirements for affordable units.* Affordable units shall be dispersed throughout the housing development rather than clustered in a single area or a few areas. Location of the affordable units within a housing development shall be reviewed and approved by the community development Director.

C. *Parking standards.* Unless the city's adopted parking standards will result in fewer parking spaces, the following maximum parking standards shall apply, inclusive of handicapped and guest parking, for the entire residential development:

Number of On-Site Parking Spaces[1, 2]	Maximum Number of Bedrooms
1.0	1
2.0	2 to 3
2.5	4 or more

Notes

1. A parking calculation resulting in a fraction shall be rounded up to the next whole number.
2. Parking standards provided in this subsection are inclusive of guest and handicapped parking.
3. A development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.

D. *Other requirements.* The granting of a density bonus shall not require a general plan amendment, zoning change, or other discretionary approval, and shall be processed in conjunction with the application of a housing development.

(Ord. No. 1628, § 3, 10-21-2013)

Sec. 106-1129. – Continued affordability.

A. *Affordability requirement.* An applicant shall agree to, and the city shall ensure the following:

1. Continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for a minimum period of 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
2. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code. Prior to the rental of any affordable unit, the city or its designee, shall verify the eligibility of the prospective tenant. The owner shall maintain on file certifications by each household. Certifications shall be obtained immediately prior to initial occupancy by each household and annually thereafter, in the form provided by the city or its designee. The owner shall obtain updated forms for each household on request by the city, but in no event less frequently than once a year. The owner shall maintain complete, accurate and current records pertaining to the housing development and will permit any duly authorized representative of the city to inspect records pertaining to the affordable units and occupants of these units.
3. The city may establish fees associated with the setting up and monitoring of affordable units.
4. The owner shall submit an annual report to the city, on a form provided by the city. The report shall include for each affordable unit the rent, income, and family size of the household occupying the unit.

5. Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.
6. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code to promote home ownership.
7. The owner shall provide to the city any additional information required by the city to ensure the long-term affordability of the affordable units by eligible households.

B. *Affordable housing agreement.* Affordability shall be ensured by requiring that the applicant enter into an affordable housing agreement in accordance with this division, as approved by the city attorney. The affordable housing agreement shall be recorded by the applicant of a housing development with the county recorder.

(Ord. No. 1628, § 3, 10-21-2013)

Sec. 106-1130. – Application requirements.

A. *Application materials.* In addition to the required application materials for the project, the applicant shall submit separate site plan(s) containing the following information:

1. A brief description of the housing development, and a chart including the number of market-rate units and affordable units proposed, and the basis for the number of affordable units.
2. The unit-mix, locations, floor plans and square footages, and a statement as to whether the housing development is an ownership or rental project.
3. In the event the developer proposes a phased project, a phasing plan that provides for the timely development of the affordable units as the housing development is constructed.
4. A detail of the specific concessions, incentives, waivers, or modifications being requested for the housing development.
5. Any other information reasonably requested by the community development Director to assist with the evaluation of the affordable housing plan and housing development.
6. The affordable housing site plan shall be incorporated into all sets of plans used in application for building plan check and building permit issuance.

(Ord. No. 1628, § 3, 10-21-2013)

Sec. 106-1131. – Appeals.

A. The applicant, upon the community development Director's written denial of a housing development, may appeal the decision of the community development Director to the planning and preservation commission.

B. If the planning and preservation commission upholds a denial issued by the community development Director, the applicant may appeal the decision of the planning and preservation commission to the city council.

C. An applicant shall file a written appeal of a decision for denial of a housing development issued by the community development Director or planning and preservation commission pursuant to division 2 of article V of this chapter.

(Ord. No. 1628, § 3, 10-21-2013)

Secs. 106-1132—106-1133. – Reserved.

DIVISION 14. – REASONABLE ACCOMMODATION

Sec. 106-1134. – Purpose.

It is the purpose of this division, pursuant to federal and state fair housing laws, to provide individuals with disabilities reasonable accommodation in the application of the city's rules, policies, practices, and procedures, as necessary, to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. The purpose of this division is to provide a procedure for individuals with disabilities to make requests for, and be provided, reasonable accommodation with respect to development standards, building regulations, rules, policies, practices, and/or procedures of the city, including land use and zoning regulations, when reasonable accommodation is warranted based upon sufficient evidence, to comply fully with the intent and purpose of the fair housing laws.

(Ord. No. 1629, § 3, 10-21-2013)

Sec. 106-1135. – Requesting reasonable accommodation.

A. In order to make specific housing available to individuals who have physical or mental impairments, an individual with a disability or representative may request reasonable accommodation, pursuant to this division, relating to the application of various land use, zoning, or building laws, development standards, rules, policies, practices, and/or procedures of the city.

B. Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the department and building divisions advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the department and building divisions.

C. If an individual with a disability or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented at all stages of the proceeding by a person designated by the applicant as his or her representative or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice, or procedure acts as a barrier to fair housing opportunities.

D. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

E. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is subject of the request shall remain in full force and effect.

F. 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.

G. A request for reasonable accommodation to allow one or more deviations of laws, development standards, rules, policies, practices, and/or procedures must be filed on an application form provided by the city, shall be signed by the owner of the property, and shall include the following:

1. Name and address of the individual(s) requesting reasonable accommodation;
2. Name and address of the property owner(s);
3. Address of the property for which accommodation is requested;
4. The current actual use of the property that is the subject of the request;
5. Description of the requested accommodation and the regulations, policy or procedure for which accommodation is sought;
6. Verifiable evidence to support the claim that fair housing laws apply to the individual(s) with a disability, which may include a letter from a medical doctor or other licensed health care professional, a handicapped license, or other appropriate evidence that establishes that the

individual(s) needing the reasonable accommodation is/are disabled/handicapped pursuant to fair housing laws;

7. The specific reason the requested accommodation is necessary for individual(s) with the disability to use and enjoy the dwelling;
8. Verification by the applicant that the property that is the subject of the request for reasonable accommodation will be used by the person for whom reasonable accommodation is requested and whose disabilities are protected under fair housing laws;
9. The required filing fee for a reasonable accommodation request, as provided for in the city's adopted fee schedule; and
10. Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws and the privacy rights of the individual(s) with a disability.

(Ord. No. 1629, § 3, 10-21-2013)

Sec. 106-1136. – Review and determination.

A. *Review.* The Director or his or her designee shall review and provide a determination on an application for reasonable accommodation pursuant to this division and fair housing laws. The Director shall have the ability to request any information necessary to assess an application for reasonable accommodation and provide a determination to an applicant within 30 days of the date of submittal of a completed application. 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. Within 30 days of the date of the submittal of a completed application, and as provided for in this section, the Director shall take one of the follow actions regarding a request for reasonable accommodation:
   1. Grant the reasonable accommodation request, pursuant to section 106-1136(g);
   2. Grant the reasonable accommodation request, subject to specified nondiscriminatory conditions, pursuant to section 106-1136(g);
   3. Deny the reasonable accommodation request pursuant to section 106-1136(g); or,
   4. Refer the determination of the reasonable accommodation request to the planning and preservation commission, who shall render a determination on the application.

B. *Tentative determination of approval.* Upon submittal of a completed application for reasonable accommodation and subsequent to an application being deemed complete, the Director shall prepare a notice of tentative determination regarding the Director's intent to approve the reasonable accommodation request pursuant to this division and fair housing laws. The notice of tentative determination shall be prepared and disseminated as provided below.
   1. *Content.* The notice of tentative determination shall provide a detailed description of the subject property, the reasonable accommodation request, and tentative findings pursuant to section 106-1136(g). Additionally, the notice of tentative determination shall include information on the public comment period for the request.
   2. *Public notice.* A notice of tentative determination shall be mailed to the applicant, property owner of record of the property that is the subject of the reasonable accommodation request, and all neighboring properties abutting the subject property within 15 days from the submittal of a completed application for reasonable accommodation.
   3. *Public comment period.* A comment period of no less than ten days from the date noted on the notice of tentative determination shall be provided to all affected owners of property that abut the property that is the subject of the reasonable accommodation request.

C. *Final determination of approval.* Subsequent to the issuance of a notice of tentative determination for approval of the reasonable accommodation request, as provided for in subsection (b), the Director shall prepare a notice of final determination regarding the Director's decision to approve the reasonable accommodation request. The notice of final determination shall be prepared and disseminated as provided below.

1. *Content.* The notice of final determination shall provide a detailed description of the subject property, the reasonable accommodation request, and findings required for approval pursuant to section 106-1136(g). Additionally, the notice of final determination shall include information on the appeal process for all abutting properties that are aggrieved by the decision of the Director.
2. *Public notice.* A notice of final determination shall be mailed to the applicant, property owner of record of the property that is the subject of the reasonable accommodation request, and all neighboring properties abutting the subject property within 30 days from the submittal of a completed application for reasonable accommodation.

D. *Denial.* Subsequent to submittal and the Director's review of a request for reasonable accommodation, the Director shall notify an applicant in writing if a determination for denial of the reasonable accommodation request is made. The Director shall provide the justification for denial of the reasonable accommodation request pursuant to section 106-1136(g). An applicant may appeal the decision of the Director to the planning and preservation commission, as provided for in section 106-1136

E. *Applicability.* A reasonable accommodation request that is granted pursuant to this division shall not require the approval of any variance. The reasonable accommodation shall be subject to the following provisions:

1. The reasonable accommodation shall only be applicable to a residential structure occupied by one or more individuals with a disability.
2. The reasonable accommodation shall only be applicable to the specific use for which application is made.
3. The reasonable accommodation is subject to any and all building code permit and inspection requirements of the city.
4. Any change in use or circumstances that negate the basis for the approval of the reasonable accommodation shall require its termination and removal, unless continuance of the reasonable accommodation is approved by the Director pursuant to section 106-1136(f).
5. Within 60 days from the date that an individual with a disability vacates the property that is the subject of the reasonable accommodation, the reasonable accommodation shall be removed in its entirety.
6. The Director may impose additional conditions on the approval of a reasonable accommodation request that are consistent with the purposes of this division and fair housing laws.

F. *Duration of reasonable accommodation.* If a request for reasonable accommodation is approved pursuant to this division, the request shall be granted to an individual with a disability and shall not run with the land unless:

1. The reasonable accommodation is physically integrated into the residential structure and cannot be easily removed or altered to comply with all applicable laws, development standards, rules, policies, practices, and/or procedures; or,
2. Another individual or individuals with a disability use the property and structure that is the subject of the reasonable accommodation request; or,
3. The property owner of record provides a written request stating the reason why the reasonable accommodation shall be retained without the occupancy of the residential structure by an individual with a disability, as originally permitted; and
4. The Director provides a written determination assessing the applicant's request to retain the reasonable accommodation without the occupancy of the residential structure by an individual with a disability, as originally permitted. A determination for denial of the retention of a reasonable accommodation pursuant to this section shall require the Director to make those findings provided in section 106-1136(g). Subsequent to the Director's determination of denial, the property owner of record shall have 60 days to remove the reasonable accommodation from

the subject property or comply with the previously approved reasonable accommodation request pursuant to this division.

G. *Required findings.* A written determination to approve, approve with conditions, or deny a request for reasonable accommodation shall be based on the following factors:

1. Whether the parcel and/or housing that is the subject of the request for reasonable accommodation will be used by an individual with disabilities protected under fair housing laws;
2. Whether the request for reasonable accommodation is necessary to make the specific housing available to one or more individuals protected under fair housing laws;
3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city; and
4. Whether the requested reasonable accommodation would require a fundamental alteration of the zoning or building laws, policies, and/or other procedures of the city.

(Ord. No. 1629, § 3, 10-21-2013)

Sec. 106-1137. – Appeals.

A final written determination made by the Director on a reasonable accommodation request may be appealed to the planning and preservation commission, as provided below:

A. Within ten days of the date of the notice of final determination, an appeal may be filed in writing or on a form provided by the city, pursuant to this section. An appeal shall contain a detailed statement of the grounds for the appeal.

B. 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.

C. An appeal may be filed by those directly aggrieved by the decision and determination of the Director. For purposes of this section, "directly aggrieved" shall mean the applicant, representative of an individual with a disability, or owner of the property that is the subject of the reasonable accommodation request, and those property owners that directly abut the property that is the subject of the reasonable accommodation.

D. The written decision of the Director shall become final unless an applicant appeals it to the planning and preservation commission.

E. The planning and preservation commission shall hear the matter and render a written determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed, or after an application has been referred to it by the Director. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

F. A notice of public hearing for the appeal shall be mailed to the person filing the appeal and those directly aggrieved at least ten days prior to the date of the public hearing. The notice of public hearing shall include a description of the property that is the subject of the reasonable accommodation, the reason for which the appeal is filed, the date of the public hearing, and the location of the public hearing.

G. Within 30 days from the decision and determination of the planning and preservation commission, those directly aggrieved by the decision may appeal to the city council. The procedures that apply for filing an appeal with the city council are the same procedures that apply for filing an appeal with the planning and preservation commission pursuant to division 2 of article V of this chapter. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

H. The written decision of the planning and preservation commission shall become final unless an applicant appeals it to the city council.

I. The filing fee for an appeal shall be equal to half of the application filing fee for the reasonable accommodation request, as provided for in the city's adopted fee schedule.

J. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

(Ord. No. 1629, § 3, 10-21-2013)

Secs. 106-1138—106-1153. – Reserved.

DIVISION 15. – RESERVED

Secs. 106-1154—106-1167. – Reserved.

ARTICLE VI. – DEFINITIONS

Sec. 106-1168. – "A" Definitions.

Abandoned structure means real property, or any building or structure thereon, that is vacant and is maintained in an uninhabitable condition or a condition of disrepair or deterioration as evidenced by the existence of public nuisances therein, or that is vacant and under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale, or that is vacant and has been the subject of a foreclosure sale where title was retained by the beneficiary of a deed of trust involved in the foreclosure. Factors that may also be considered in a determination of an abandoned structure include, without limitation: present operability and functional utility; the presence of nonfunctional, broken or missing doors or windows, such that entry therein by unauthorized persons is not deterred; the existence of real property tax delinquencies for the land upon which the structure is located; age and degree of physical deterioration of the structure, and the cost of rehabilitation or repair versus its market value.

Abandoned personal property means and refers to any item, object, thing, material or substance that, by its condition of damage, deterioration, disrepair, nonuse, or location on public real property or on private real property, causes a reasonable person to conclude that the owner has permanently relinquished all right, title, claim and possession thereto, or that the object, thing, material or substance cannot be used for its intended or designed purpose. Abandoned personal property may include junk and vehicles.

Abut or *abutting* means two or more lots or parcels of land sharing a common boundary line or two or more objects in contact with one another.

Access means a place or way by which pedestrians or vehicles are physically and legally permitted to have ingress to and/or egress from a property or use.

Accessory means a use, building or facility incidental, related, and clearly subordinate to a principal use, building or facility established on the same lot.

Accessory dwelling unit or *ADU* means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing or proposed single-family dwelling or multi-family dwelling is or will be situated.

Accessory dwelling unit, Junior or JADU means a residential dwelling unit within a proposed or existing single-family dwelling that is no more than 500 square feet in size. A junior accessory dwelling unit may share sanitary facilities with the primary dwelling unit but shall include a kitchen or efficiency unit, consistent with applicable State and Building Code statues.

Accessory Food Service means a use accessory to a primary retail use, occupying no more than 20% of the gross floor area of the primary use, where customers are served prepared food/and or beverages from a walk-up ordering counter for either on-or off-premise consumption.

Accessory Retail Use means the retail sales of various products (including food) in a store or a similar facility that is located within a health care, hotel, office, industrial, or studio complex for the purpose of serving employees or customers of the primary use and is not visible from public streets. These uses include pharmacies, gift shops, and food service establishments within hospitals, as well as convenience stores and food service establishments within hotel, office, and industrial complexes.

Accessory Structure means a structure that is physically detached from, secondary, and incidental to, and commonly associated with, the primary structure.

Accessory Use means a use customarily incidental to, related and clearly subordinate to a principal use established on the same parcel, which does not alter the principal use, nor serve property other than the parcel where the principal use is located.

Accessory Uses and Structures, Residential means any use and/or structure that is customarily a part of or clearly incidental to a residence, which does not change the character of the residential use and/or household. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property:

a. Garages;
b. Spas and hot tubs;
c. Gazebos;
d. Storage sheds;
e. Greenhouses;
f. Swimming Pools;
g. Outdoor recreational amenities, such as tennis and other on-side sport courts;
h. Workshops.

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "*Wireless telecommunication facilities*."

Adult business means any business which is conducted exclusively for the patronage of adults, and as to which minors are specifically excluded from patronage thereat, either by law or by the operators of such business. The term "adult business" also means and includes adult bookstores, adult theaters, massage parlors and modeling studios, adult motels or hotels, not including those uses or activities, the regulation of which is preempted by state law.

Adult bookstore means an establishment having as a substantial or significant portion of its stock in trade material which is distinguished or characterized by its emphasis on matter depicting, describing or related to specified sexual activity or specified anatomical areas, or an establishment which a has segment or section thereof devoted to the sale or display of such material.

Adult hotel/motel means a hotel or motel which provides, through closed circuit television or other media, material which is distinguished or characterized by the emphasis on matter depicting or describing or related to specified sexual activities or specified anatomical areas.

Adult theater means a theater which presents live entertainment or motion pictures or slide photographs, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas.

Massage parlor means any establishment required to be licensed pursuant to section 22-141 of this Code.

Material, relative to adult businesses, means and includes, but is not limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures and pamphlets, or any combination thereof.

Modeling studio means any establishment or business which provides, for members of the public, the services of a live human model for the purpose of reproducing the human body, wholly or partially in the nude, by means of photography, painting, sketching, drawing or other pictorial form.

Specified anatomical areas means:

(1) Less than completely and opaquely covered:

a. Human genitals, pubic region;

b. Buttock; and

c. Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual stimulation or arousal; and/or

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Alcohol Advertising:

Advertising means printed matter that calls the public's attention to things for sale.

Advertising display means any sign, billboard, signboard, poster, placard, pennant, flag, banner, marquee, graphic display, mural, or similar device that is used to advertise or promote a product.

Alcoholic beverage means alcohol, spirits, liquor, wine, beer, or any liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted mixed or combined with other substances.

Area which minors frequent means any school, child-care center, youth center, or park.

Child-care center means a facility, other than a family day care home, in which less than 24-hour per-day non-medical care and supervision is provided for children in a group setting as defined and licensed under the regulations of the state of California.

Park means any park, playground, or area of land set aside for public recreational and/or ornamental purposes, which is under the control, operation, or management of a governmental agency and wherein there may be an area containing, but not limited to equipment such as swings and seesaws, athletic fields, baseball diamonds, basketball courts, tennis courts, or swimming pools.

Person means any individual, firm, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or other legal entity.

Promotion means a display of any logo, brand name, character, graphic, artwork, colors, scenes, or designs that are a recognized image of a particular product brand that calls the public's attention to the product brand.

Publicly visible location means any outdoor location that is visible from any street, sidewalk, or other public thoroughfare, or any location inside a commercial establishment that is in or adjacent to a window or doorway and is visible from any street, sidewalk, or other public thoroughfare.

School means any institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes

kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

Youth center means any designated indoor public, private or parochial facility, other than a private residence or a multiple dwelling unit, which contains programs which provide, on a regular basis, activities or services for persons who have not yet reached the age of 18 years, including, but not limited to, community-based programs, after-school programs, weekend programs, violence prevention programs, leadership development programs, vocational programs, substance abuse prevention programs, individual or group counseling, case management, remedial, tutorial or other educational assistance or enrichment, music, art, dance and other recreational or cultural activities, physical fitness activities and sports programs.

Alcoholic Beverage Sales:

Alcohol Sales Establishment means a business or operator subject to this Article that requires a license from the California Department of Alcoholic Beverage Control (ABC) for onsite consumption of alcoholic beverages.

Alcoholic Beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is prepared for consumption either alone or when diluted, mixed, or combined with other substances, and sales of which require a State Department of Alcoholic Beverage Control (ABC) license.

Alcoholic license means that license granted by the state which authorizes the licensee to sell alcoholic beverages.

Bar means an establishment: (A) that sells or offers for sale alcoholic beverages pursuant to a Type 48 license from the ABC; (B) that limits entry to persons of a certain age during some or all operating hours; and (C) where food service, if any, is subordinate to the sale of alcoholic beverages. This does not include a bar area that is an integrated part of a restaurant.

Brewery means a facility that produces beer, other malt beverages, or other alcoholic beverages other than spirits which require distillation.

Bona fide public eating place means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping food on the premises and must comply with all the regulations of the local department of health. Bona fide public eating places shall maintain incidental sale of alcoholic beverages only, and at least one full time cook engaged by the business enterprise to prepare meals for guests on the premises during all permitted hours of operation. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually ordering and obtaining at such time, in good faith, a meal therein.

Club means a place of entertainment open at night that may serve food and liquor, and which may provide music and space for dancing.

Club license means that alcoholic license issued to a bona fide club which authorizes the sale of alcoholic beverages to club members and their guests only for consumption on club premises. *"Club"* means any chapter, lodge, or other local unit of an American National Fraternal Organization which has as the owner, lessee, or occupant thereof operated an establishment for fraternal purposes. An American National Fraternal Organization as used in this chapter shall actively operate in

not less than 20 states of the union and have not less than 175 local units in those 20 states, and shall have been in active continuous existence for not less than 20 years.

Department of alcoholic beverage control or ABC means the California State Department of Alcoholic Beverage Control.

Distillery means a facility where alcoholic beverages are produced through the process of distillation.

Drug store means any business establishment that is characterized primarily by the filing of prescription drugs and the sale of drugs, medical devices and supplies and non-prescriptive medicine, but where non-medical products such as cards, candy and cosmetics are also sold, with no more than ten percent of the gross floor area devoted to the display and storage of alcoholic beverages.

Fast food restaurant means a restaurant that specializes in food that can be prepared and served quickly and that is designed for ready availability, use, or consumption, with guests ordering food from a menu board, and without the serving of food to tables by restaurant employees. A fast food restaurant may also have a walk-up or drive-through window. A fast food restaurant is not considered a "bona fid public eating place" for the purposes of this chapter.

Grocery store or *supermarket* means any business establishment primarily selling food products, including meats, produce, and dairy products for home preparation and consumption, household merchandise, and/or prescription drugs to the public, with no more than ten percent of the gross floor area devoted to the display and storage of alcoholic beverages.

Incidental sale of alcoholic beverages means the sale of non-alcoholic beverages and other products make up no less than 51 percent of the total sales on an annual basis, measured by gross receipts.

Liquor store means any business establishment selling alcoholic beverages including beer, wine, liquor, and distilled spirits, for offsite consumption, which is regulated by the California Department of Alcoholic Beverage Control (ABC), and which is not a grocery store, specialty food store, supermarket or drug store.

Off-sale general license means that alcoholic license which authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold.

Off-sale beer and wine license means that alcoholic license which authorizes the sale of beer and wine for consumption off the premises where sold.

Off-sale CUP means a conditional use permit issued to allow a use which operates under an off-sale general or off-sale beer and wine license.

Off-sale outlet means a retail business operating under an off-sale alcoholic license including, but not limited to, grocery stores, specialty food stores, supermarkets, drugstores, and liquor stores.

On-sale general license means that alcoholic license which authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold.

On-sale beer and wine license means that alcoholic license which authorizes the sale of beer or wine for consumption on the premises where sold.

On-sale beer license means that alcoholic license which authorizes the sale of beer for consumption on the premises where sold.

On-sale CUP means a conditional use permit issued to allow a use which operates under an on-sale general license, an on-sale beer and wine license, or an on-sale beer license; it shall not include operations under club licenses.

On-sale outlet means a retail business operating under an on-sale alcoholic license including, but not limited to, restaurants (excluding fast food restaurants), banquet halls, ballrooms, piano bars,

billiard and/or game parlors, night clubs, and clubs, including veteran clubs or other clubs from a nationally recognized fraternal order.

Self-service checkout system means a point-of-sale system with limited or no assistance from an employee or agent of the establishment. A "point of sale" system means any computer or electronic system used by a retail establishment such as, but not limited to, universal product code scanners, price lookup codes, or an electronic price lookup system as a means for determining the price of the item being purchased by a consumer.

Specialty food store means any business establishment selling ethnic, imported, and/or gourmet food products including such things as cheese, meats, baked goods, condiments, seasoning and novelty food and beverages, with no more than ten percent (10%) of the gross floor area devoted to the display and storage of alcoholic beverages.

Alley means a public or private roadway, generally not more than 30 feet wide, that provides vehicle access to the rear or side of parcel having other public street frontage, and that is not intended for general traffic circulation.

Allowed Use means a use of land identified by replace w/ what section we are going to list permitted uses as a permitted or conditional use that may be established with a land use permit and, where applicable, site plan review and/or building permit approval, subject to compliance with all applicable provisions of this Title.

Alteration means any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Amusement device means a mechanical or electrical device simulating the playing of basketball, boxing, soccer or other games; video games; pinball machines; skee-ball or shooting gallery; or other similar devices and equipment.

Attractive nuisance means any condition, device, equipment, instrument, item or machine that is unsafe, unprotected and may prove detrimental to minors whether in a structure or in outdoor areas of developed or undeveloped real property. This includes, without limitation, any abandoned or open and accessible wells, shafts, basements or excavations; any abandoned refrigerators and abandoned or inoperable motor vehicles; any structurally unsound fences or structures; or, any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors. An attractive nuisance shall also include pools, standing water or excavations containing water, that are unfenced or otherwise lack an adequate barrier thereby creating a risk of drowning, or which are hazardous or unsafe due to the existence of any condition rendering such water to be clouded, unclear or injurious to health due to, without limitation, any of the following: bacterial growth, infectious or toxic agents, algae, insect remains, animal remains, rubbish, refuse, debris, or waste of any kind.

Authorized agent or representative of the owner means anyone who has authority to make a request or applications, speak for or make presentations on behalf of the owner of any property.

Automated Teller Machine (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machine may be located at or within banks, or in other locations, in compliance with Article IV, Division 5 (Automatic Teller Machine).

Automobile means a self-propelled free-moving vehicle primarily for conveyance on a street or roadway. The term also encompasses other types of motor vehicles such as trucks, tractors, farm machines, motorcycles, scooters, mopeds, all-terrain vehicles, boats, boat motors, aircraft, RVs, and go-cart vehicles.

Automobile repair, major means activity consisting of general repair requiring the removal of cylinder heads and crankcase pans or radiators from the vehicle to make the repair; engine rebuilding, rebuilding or reconditioning of the automobile; collision services, such as body frame or fender straightening and repair; and overall painting and undercoating of automobiles. It excludes auto wrecking and "parting out" autos.

Automobile repair, minor means activity generally consisting of routine periodic preventive maintenance to operable vehicles, and simple repair and replacement of parts on disabled vehicles. Activity includes items such as

servicing of sparkplugs, batteries, distributors and distributor parts; replacing mufflers, tailpipes, generators and/or alternators, water hoses, fan belts, brakes, brake fluids, lightbulbs, fuses, windshield wipers, wiper blades, grease retainers, wheel bearings, mirrors and the like; tire servicing and repair, but not recapping or regrooving; radiator cleaning and flushing; fuel pump, fuel injection, oil pump and line repairs and minor servicing and repair of carburetors; emergency wiring repairs; minor motor adjustment. It excludes engine rebuilding, rebuilding or reconditioning of motor vehicles and collision service, such as body, frame or fender straightening and repair.

Automobile sales means the use of any building, land area or other premises for the display and sale of new or used automobiles and including any warranty repair work and other repair service conducted as an accessory use.

Automobile service station means any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuels, including, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories, but excluding minor repair.

Awning. A permanent or temporary structure attached to, and wholly supported by, a wall or a building, installed over and partially in front of doors, windows or other openings in a building, and consisting of a frame and a top of canvas or other similar material covering the entire space enclosed between the frame.

Sec 106-1169. – "B" Definitions.

Balcony means an accessible platform structure that projects from a building façade or wall without ground mounted structures or supports and s surrounded by a railing or parapet.

Banks and Financial Services means Financial institutions including:

a. Banks and trust companies;
b. Credit agencies;
c. Credit unions;
d. Holding (but not primarily operating) companies; e. Lending and thrift institutions;
e. Other investment companies;
f. Securities/commodity contract brokers and dealers;
g. Security and commodity exchanges;
h. Vehicle finance (equity) leasing agencies.

Does not include check-cashing or payday-loan facilities.

Basement means that portion of a building or an area enclosed by walls located below finished grade and beneath and not exceeding the first-floor footprint above, where the vertical distance from finished grade to the bottom of the finished floor above is no more than three vertical feet at all points around the perimeter of all exterior walls. A basement does not constitute a story. All basements shall be limited to one floor level and not to exceed 12 feet in height.

Bay Window means a window formed as the exterior expression of a bay within a structure, a bay in this context being an interior recess made by the outward projection of the exterior finish of the exterior wall of a building with exterior bottom portion no less than six inches above grade. The purpose of a bay window is to admit more light than would a window flush with the wall line. A bay window may be rectangular, polygonal, or arc-shaped. A bay window is also called an oriel, or oriel window, when it projects from an upper story and which may be supported by corbels. Bay windows may be multi-level.

Bedroom means any room in a dwelling except a living room, bathroom, dining room or kitchen, but including a den, family room, game room, library, office, play room, sewing room, study, or other room that could, under the Building Code of the City, be used for sleeping purposes without structural modification, and also including an alcove, loft or similar feature within a room other than a bedroom.

Blank Wall means any wall that is not enhanced by architectural detailing, artwork, landscaping, windows, doors, or similar features. Solid and mechanical doors and glass with less than 80% transparency are considered blank wall areas.

Boardinghouse means a building where lodging and meals are provided for compensation for five or more persons, not including a retirement home.

Building means any structure having, or originally designed to have, a roof supported by columns or walls used or maintained for the shelter or enclosure of persons, animals or property, and shall also include structures wherein things may be grown, made, produced, kept, handled, stored, or disposed of, and all appendages, accessories, apparatus, appliances, and equipment installed as a part thereof. For purposes of this chapter, this definition shall supersede any other definition of this term in the city code.

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

Building coverage means the percentage of the lot area which may be covered by all buildings and structures on the lot.

Building height means the vertical distance measured from the average elevation of the finished grade of the structure to the highest point of the roof or to the average height of the highest gable of a pitch or hip roof.

Building, main means a building in which is conducted a principal use of the lot upon which it is situated as provided by this chapter.

Business Frontage means the portion of a building occupied by a single business tenant, which fronts on a public street, faces a courtyard, pedestrian corridor or walkway, parking lot or alley.

Sec. 106-1170. – "C" Definitions

Canopy Depth. The maximum perpendicular distance that a canopy projects away from the building wall to which it is attached.

Canopy, Nonstructural see "Awning."

Canopy, Structural means an architectural feature that projects from, and is totally supported by the exterior wall of a building; provides protection from the elements to pedestrians below, or to occupants within the building; is usually positioned above a window or a door; and is permanent, in that it is not retractable and cannot be removed from the building within the building.

Canopy Width means the maximum parallel distance that a canopy extends across the building wall to which it is attached.

Carport. A roofed structure over a driveway, the purpose of which is to shelter a vehicle. It may having none, one, two or three walls, but without a vehicle entrance door.

Commercial Cannabis:

> *Cannabis* shall have the same meaning as set forth in California Business and Professions Code Section 26001(f), as amended from time to time, and which states that "cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.
>
> *Cannabis accessories* shall have the same meaning as set forth in California Health and Safety Code Section 11018.2, as amended from time to time, and which states that "cannabis accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging,

repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

Cannabis concentrate shall have the same meaning as set forth in California Business and Professions Code Section 26001(h), as amended from time to time, and which states that "cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Division.

Cannabis events means any planned public or social occasion which is advertised, designed to have the effect of or having the effect of gathering people, in or on any public property for any purpose where the use, purchase, exchange, display, or advertisement of cannabis, cannabis accessories, cannabis concentrate, or cannabis products occur.

Cannabis products shall have the same meaning as set forth in California Health and Safety Code Section 11018.1, as amended from time to time, and which states that "cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Caregiver or *primary caregiver* shall have the same meaning as set forth in California Health and Safety Code Section 11362.7(d), as amended from time to time, and which states that "primary caregiver" means the individual, designated by a qualified patient, who has consistently assumed responsibility for the housing, health, or safety of that patient, and may include any of the following:

(1) In a case in which a qualified patient or individual with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to chapter 1 (commencing with section 1200) of division 2, a health care facility licensed pursuant to chapter 2 (commencing with section 1250) of division 2, a residential care facility for individuals with chronic life-threatening illness licensed pursuant to chapter 3.01 (commencing with section 1568.01) of division 2, a residential care facility for the elderly licensed pursuant to chapter 3.2 (commencing with section 1569) of division 2, a hospice, or a home health agency licensed pursuant to chapter 8 (commencing with section 1725) of division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or individual with an identification card.

(2) An individual who has been designated as a primary caregiver by more than one qualified patient or individual with an identification card, if every qualified patient or individual with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.

(3) An individual who has been designated as a primary caregiver by a qualified patient or individual with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or individual with an identification card.

City shall mean the City of San Fernando.

Commercial cannabis activity shall have the same meaning as set forth in California Business and Professions Code Section 26001(k), as amended from time to time, and which states that "commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

Cultivation or *cultivate* shall have the same meaning as set forth in California Business and Professions Code Section 26001(l), as amended from time to time, and which states that "cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Delivery shall have the same meaning as set forth in California Business and Professions Code Section 26001(p), as amended from time to time, and which states that "delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any advertising platform or technology platform.

Distribution shall have the same meaning as set forth in California Business and Professions Code Section 26001(r), as the same may be amended from time to time, and which states that "distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

Manufacture shall mean and refer to the activities as set forth in California Business and Professions Code Section 26001(ag), as the same may be amended from time to time, and which states that "manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

Medicinal cannabis or *medicinal cannabis product* shall have the same meaning as set forth in California Business and Professions Code Section 26001(ai), as the same may be amended from time to time, and which states that "medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.

Medicinal and Adult-Use Cannabis Regulation and Safety Act or *MAUCRSA* shall mean and refer to California Senate Bill 94, as may be amended from time to time.

Microbusiness means a person holding a license issued under Section 26070(a)(3) of the California Business and Professions Code, which allows a person to engage in the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer (Type 6), and retailer, as specified in an application.

Non-storefront retailer means a person that sells cannabis, cannabis accessories, cannabis concentrate, or cannabis products, to customers exclusively through delivery.

Nursery shall have the same meaning as set forth in California Business and Professions Code Section 26001(a), as amended from time to time, and which states that a "nursery" means a person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

Person shall have the same meaning as set forth in California Business and Professions Code Section 26001(an), as amended from time to time, and which states that a "person" includes an individual, firm, partnership, joint venture, cooperative, 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.

Qualifying patient or *qualified patient* shall have the same meaning as set forth in California Health and Safety Code Section 11362.7(f), as amended from time to time, and which states that "qualified patient" means an individual who is entitled to the protections of Section 11362.5, but who does not have an identification card issued pursuant to California Health and Safety Code Section 11362.7 et seq.

Sell, sale, and *to sell* is defined under Section 26001(as) of the California Business and Professions Code to include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis 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 cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.

Storefront retailer means a person that sells cannabis, cannabis accessories, cannabis concentrate, or cannabis products to customers at its premises or by delivery.

Testing laboratory shall have the same meaning as set forth in California Business and Professions Code Section 26001(at), as amended from time to time, and which states that a "testing laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state; and

(2) Licensed by the Bureau of Cannabis Control within the Department of Consumer Affairs.

(3) In a case in which a qualified patient or individual with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to chapter 1 (commencing with section 1200) of division 2, a health care facility licensed pursuant to chapter 2 (commencing with section 1250) of division 2, a residential care facility for individuals with chronic life-threatening illness licensed pursuant to chapter 3.01 (commencing with section 1568.01) of division 2, a residential care facility for the elderly licensed pursuant to chapter 3.2 (commencing with section 1569) of division 2, a hospice, or a home health agency licensed pursuant to chapter 8 (commencing with section 1725) of division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or individual with an identification card.

(4) An individual who has been designated as a primary caregiver by more than one qualified patient or individual with an identification card, if every qualified patient or individual with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.

(5) An individual who has been designated as a primary caregiver by a qualified patient or individual with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or individual with an identification card.

Commercial Recreation means any business which is operated as a recreational enterprise, either publicly or privately owner, for profit.

Cellar see "Basement."

Chief planning official. The community development Director which includes his or her authorized representative.

Child means a person under 18 years of age.

Child day care means the part-time care of children who are not residents of the premises. Community day care facilities are not included in this definition.

Child day care facility means facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are also required to be licensed by the California State Department of Social Services.

a. Child Day Care Center. Commercial or non-profit child day care facilities designed, approved, and licensed as a child care center with no permanent resident. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with another related facility, or as an independent land use.
b. Large Family Day Care Home. A day care facility located in a residence where a full-time resident provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

c. Small Family Day Care Home. A day care facility located in a residence where a full-time resident provides care and supervision for up to eight children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

Church means a building, including a temple or other place of religious worship, together with its accessory building and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by an organized religious body. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

City administrator means the city administrator or his or her duly authorized representative(s).

City engineer means the city engineer or his duly authorized representative.

Clinic, dental or medical means a health facility providing diagnosis, treatment or care to patients not confined to the facility as inpatients. Care may include but is not limited to the provision of medical, surgical, dental, mental health, rehabilitation, podiatric, optometric or chiropractic services.

Club, private means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose such as the promotion of literature, science, politics or good fellowship, but not including a group organized solely or primarily to render service customarily carried on as a commercial enterprise.

Commission means the city planning and preservation commission.

Code or *Codes* refers to the San Fernando City Code and laws incorporated therein by reference and any adopted and uncodified ordinances.

Code enforcement actions shall mean and include, but not be limited to, the time and other resources of city personnel expended by them in identifying, inspecting, investigating, seeking or causing the abatement of a violation at real property or in a building or structure thereon. These include, but are not limited to, site inspections; drafting reports; taking photographs; procuring other evidence; engaging in meetings, conferences and communications with responsible persons, their agents or representatives, concerning a violation, as well as with attorneys for the city at any time; and appearances before judicial officers or reviewing authorities during the pendency of a judicial or administrative proceeding and other appearances at such judicial or administrative hearings. The time and resources that city personnel further expend to confirm that a property or structure remains free of a violation while a responsible person is on probation to a court or when a matter concerning a residential structure remains pending before a reviewing authority in an administrative action, shall also constitute code enforcement actions.

Code enforcement officer means any individual employed by the city with primary enforcement authority for city codes, or his or her duly authorized representative(s). For purposes of this chapter, a "community preservation officer" is a "code enforcement officer" as defined herein.

Common area means an entire project area excepting all lots or units granted to or reserved for individual owners or tenants.

Common Interest Development means any residential condominium, community apartment house, or stock cooperative.

Community center means a noncommercial facility established primarily for the benefit and enjoyment of the population of the community.

Community care facility/large means any facility as defined in the Health and Safety Code Section 1502(a), which provides nonmedical care on a 24-hour a day basis to seven or more persons including, but not limited to persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Large community care facility shall be considered a conditionally permitted use within all residential zoned districts.

Community care facility/small means any facility as defined in the Health and Safety Code Section 1502(a), which provides nonmedical care on a 24-hour a day basis to six or less persons including, but not limited to persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Small community care facility shall be considered a permitted use within all residential zoned districts.

Condominium as defined by Cal. Civil Code § 1351, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map. The area within the boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to any land except by easements for access and, if necessary, support.

Condominium, residential means property condominium.

Condominium unit means the elements of a condominium project which are not owned in common with the owners of other condominiums in the project.

Covered means any enclosed, semi-enclosed, or unenclosed building area that is covered by a solid roof.

Sec. 106-1171. – "D" Definitions

Density means the number of housing units per gross acre, unless otherwise stated, for residential uses.

Density Bonus means, for the purposes of division 8 of Article III of this chapter, an increase in density over the otherwise maximum allowable residential density of a housing development as of the date of application by applicant to the community development Director or their designee.

Affordable housing agreement means an agreement between the applicant and the city guaranteeing the affordability of rental or ownership units in accordance with the provision of division 8 of Article III of this chapter.

Affordable housing costs means the amounts set forth in the Health and Safety Code section 50052.5 and 50053, as may be amended.

Childcare facility means a child day care facility other than a family day care home that includes, but is not limited to: infant centers, preschools, extended day care facilities, and school-age child care centers.

Common interest development means a condominium project as defined by section 1351(f) of the Civil Code, or a planned development as defined by section 1351(k) of the Civil Code as may be amended.

Concession or incentives shall mean a benefit offered by the city to facilitate construction of eligible projects as defined by the provisions of division 8 of Article III of this chapter.

Density bonus units means the residential units granted pursuant to the provisions of division 8 of Article III of this chapter, that exceed the maximum allowable residential density for the development site.

Development standard includes site or construction requirements that apply to a residential development pursuant to any applicable city ordinance, general plan element, specific plan, or any other locally adopted condition, law, policy, resolution, or regulation.

Housing development means one or more groups of projects for residential units with a minimum of five residential units, including a subdivision or common interest development approved by the city and consists of residential units or unimproved lots and either: (1) a substantial rehabilitation of an existing commercial building to residential use, or (2) a substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of the Government Code section 65863.4, as may be amended, where the result of the rehabilitation would be a net increase in available residential units.

Lower income households means households defined in section 50079.5 of the Health and Safety Code, as may be amended.

Maximum allowable residential density means the density allowed under the city's zoning ordinance and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with density allowed under the land use element of the general plan, the general plan density shall prevail.

Moderate income households means households defined in section 50093 of the Health and Safety Code, as may be amended.

Total units or *total dwelling units* means the maximum number of units that can be developed on a project site under its applicable zoning designation, not including those units added by a density bonus.

Senior citizen housing development means a project as defined by section 51.3 and 51.12 of the Civil Code, or mobile home park that limits residency based on age requirements for housing for older persons pursuant to section 798.76 or 799.5 of the Civil Code.

Very low income households means households defined in section 50105 of the Health and Safety Code, as may be amended.

Department means the city's community development department.

Developer, when used in accordance with division ___ of Article ___ of this chapter, means a person who has a legal or equitable interest in the real property which is the subject of a development agreement.

Development means the activity of preparing land and constructing facilities in order to establish a land use. A development also means a lot or project area together with the completed facilities and improvements thereon.

Development agreement means a development agreement enacted by legislation between the city and a qualified applicant pursuant to government code section 65864 through 65869.5.

Detached means any structure that does not have a wall or roof in common with another structure.

Director means the planning Director or their duly authorized representative.

Director of public works means the public works Director or his duly authorized representative.

Disability means the definition of Disability shall be consistent with Cal. Gov't Code §§ 12900 through 12996 and the regulations promulgated thereunder.

Drive-in and Drive-thru Facilities means retail or service facilities where products or services are provided to motorists who remain in their vehicles. These facilities include drive-thru fast-food restaurants, and drive-up bank teller windows, dry cleaners, pharmacies, and the like.

Distillery means a facility where alcoholic beverages are produced through the process of distillation.

Driveway means a private roadway, which provides vehicular access from a street to a parking space, parking lot, garage or other parking area.

Duplex means an apartment building containing two dwelling units.

Dwelling any structure designed or used for the shelter or housing that contains permanent provisions for sleeping, eating, cooking and sanitation, occupied by or intended for one or more persons on a long-term basis.

Dwelling, multiple-family means a dwelling consisting of three or more dwelling units per lot, including townhouses, condominiums, apartments.

Dwelling, single-family means a dwelling consisting of one dwelling unit.

Dwelling unit means one or more habitable rooms constituting a permanent, self-contained unit with a separate entrance and used or intended to be used continuously for living and sleeping purposes for not more than one family and containing one, but not more than one, kitchen or kitchenette.

Sec. 106-1172. - "E" Definitions

Easement means an area on a lot, and so indicated on a subdivision map or in a deed restriction or other recorded document, reserved for or used for utilities, access or public purposes.

Emergency homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of 180 days or less by a homeless person, persons, household, or family operated by a public or non-profit agency. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e)). Supportive services may include, but are not limited to, temporary lodging, meals, laundry facilities, bathing; counseling; and other basic support services such as an activities center, day care for homeless person's children, vocational rehabilitation and other similar activities.

Employee housing means housing provided for employees by the employer and are maintained in connection with any work or place where the work is performed. (Health and Safety Code Section 17008(a)). Employee housing providing accommodations for six or fewer employees shall for the purpose of this chapter be treated as a single-family structure with a residential land use designation and permitted in zoning districts permitting single-family. (Health and Safety Code Section 17021.5(b)).

Sec. 106-1173. - "F" Definitions

False Mansard means a sloped wall segment that is above or projects down and away from a vertical wall of a building, and that is not a building roof, as defined by the Uniform Building Code.

Family day care home (large) means a home which provides family day care to seven to 14 children, inclusive, including children under the age of ten years who reside at the home, as set forth in Health and Safety Code § 1597.465, as defined in departmental regulations.

Family day care home (small) means a home which provides family day care to eight or fewer children, including children under the age of ten years who reside at the home, as set forth in Health and Safety Code § 1597.44, as defined in departmental regulations.

Finished grade means the elevation of the ground surface at any point after completion of development.

Finished grade, average means the average of the finished grades at the midpoints of each wall of a building or side of a structure. If a building wall is parallel to and within five feet of a sidewalk, the finished grade for that wall shall be measured at the sidewalk and opposite the midpoint of the wall.

Floor means any structure which divides a building horizontally and includes the horizontal members, floor coverings and ceiling.

Floor area, is considered the same as Gross Floor Area or Gross Square Footage. Floor Area shall include all area within each level or floor of a structure, measured from exterior wall finish, except as otherwise defined in this chapter. All space within each floor shall be counted towards the area for that floor and shall include, but not be limited to hallways; lobbies; stairways and elevators; mechanical or utility rooms; storage rooms; and restrooms; but shall not include basements or subterranean parking. The following specific features and structures shall also be counted towards floor area:

a. Bay Windows. Bay window protrusions with flooring that is less than 12 inches above the top surface of the interior finished floor, and which are unobstructed with permanent structures, shall be counted as floor area.

b. Residential Staircases. For residential structures, a staircase shall be counted only once if the area underneath the stairs is not accessible and not visible by way of solid walls encasing the area under the stairs.

Fortunetelling means the act of fortunetelling or prophesying future events or happenings affecting the personal life of another by resorting to any occult or psychic power, faculty or force; clairvoyance, clairaudience,

cartomancy, psychometry, phrenology, spirits, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind reading, telepathy or other similar activity; cards, talisman, charm, potion; spirit photography, spirit writing, spirit voices, spirit materialization, etherealization; crystal gazing, oriental mysteries or magic of any kind or nature; when such fortunetelling is carried on as a business activity for compensation or consideration of any kind or nature.

Frontage means the line along which a lot abuts a public street.

Sec. 106-1174. - "G" Definitions

Garage means a building, or portion of a building, enclosed on four sides, designed or used for the shelter or storage of vehicles.

General plan means the long-range, comprehensive general plan adopted by the city in accordance with the provisions of the state Planning and Zoning Law.

Grade means the ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

Sec. 106-1175. - "H" Definitions

Health care facility means a facility which maintains and operates 24-hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, or provides supportive, restorative and preventive health services in conjunction with a socially oriented program for its residents and which maintains and operates 24-hour services including board, room, personal care and intermittent nursing care.

Hearing officer means the city employee or representative appointed by the city administrator, or a designee thereof, to hear all timely appeals from a notice of public nuisance and intent to abate with city personnel.

Health/Fitness Facilities means fitness centers, gymnasiums, health and athletic clubs, including any of the following: indoor sauna, spa, tanning or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor activities

Helistop means any helicopter landing area used, designed or intended to be used for the receiving and discharging of passengers or cargo on an occasional or intermittent basis, but not including appurtenant facilities permitted at a heliport other than a shelter for passengers.

Historic Preservation

Adaptive reuse means the act of rehabilitating a building or site to include elements that allow a particular use or uses to occupy a space that originally was intended for a different use.

Adverse effect means an activity or action that has the potential to diminish the significance of a historic resource.

Alteration (also alter) means any physical modification or change to a building, structure, site, object or designated interior that may have a significant adverse effect on character-defining features of a historic resources.

California Environmental Quality Act (also CEQA) means the California Public Resources Code § 21000 et seq., as it may be amended from time to time.

Certificate of appropriateness means a certificate issued by the commission approving such plans, specifications, design, statements of work, and any other information which is reasonably required by the commission to make a decision on any proposed alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a historic resource.

Certificate of no effect means a certificate issued by the Director stating that proposed work on the property is minor in nature and will have no detrimental effect on the historic character of the property and therefore can proceed with the issuance of necessary permits for the proposed work.

Certified local government (also CLG) means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.), as amended, pursuant to Section 101(c) of that Act and the regulations adopted under the Act, which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.

Commission means the City of San Fernando Planning and Preservation Commission established pursuant to the provisions of article II of chapter 62 of this Code.

Contributing structure (also contributing site) means a structure or site within a historic district as designated by the city council or as listed in the State or National Register that has a special character, special historic or aesthetic interest or value, and is incorporated into the district for that reason.

Demolition means an act or process that destroys or razes in whole or in part a building, structure or site, or permanently impairs its structural integrity and/or may have an adverse effect on the significance of a historic resource.

Demolition by neglect means the failure to provide ordinary maintenance and repair to a historic resource, contributing structure, or structure of merit, whether such neglect is willful or unintentional, by the owner or any party in possession of such property, which results in one or both of the following:

1) The severe deterioration of exterior features so as to create or permit a dangerous or unsafe condition to exist.

2) The deterioration of a structure or its components, including but not limited to exterior walls, roof, chimneys, doors, windows, porches, structural or ornamental architectural elements, or foundations, which would result in permanent damage and loss of an historic resource's architectural and/or historic significance.

Designation means the act of recognizing, labeling, and listing an historic resource into the San Fernando Register of Historic Resources by the city council. A designation formally establishes that an historic resource has historic significance.

Exterior features means the architectural style, design, general arrangement, components and natural features or all of the outer surfaces of an improvement, including, but not limited to, the type, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences and other fixtures appurtenant to such improvement, and the natural form and appearance of, but not limited to, any grade, rock, tree, plant, shrub, road, path, walkway, plaza, fountain, sculpture or other form of natural or artificial landscaping.

Fixture means a decorative or functional device permanently affixed to the site or the interior or exterior of a structure and contributing to its ability to meet historic resource criteria.

Historic American Buildings Survey (HABS) is intended to be used as a comprehensive guide for producing existing-condition measured drawings of buildings and other structures, as well as natural and man-made sites, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.) and the Historic Sites Act of 1935 (16 U.S.C. Sec 461-467), as amended.

Historic American Engineering Record (also HAER) is intended to be used as a companion program to Historic American Buildings Survey, to document structures representing technological and engineering significance.

Historic District means a geographic area or noncontiguous grouping of thematically related properties which the city council has designated as and determined to be appropriate for historical preservation pursuant to the provisions of division 7 of Article III of this chapter.

Historic Resource means those improvements, sites, natural features or areas designated by the city council having a special character or special historical, cultural, archaeological, architectural, community or aesthetic value as part of the heritage of the city, region, state or nation and which has been designated, pursuant to the provisions of division 7 of Article III of this chapter.

Historic resources survey means the most recent comprehensive reconnaissance survey that is endorsed by the commission as listing sites and structures that are considered to have potential for designation as historic resources.

Improvement means any manmade physical object or structure, or manmade alteration of terrain or plantings, constituting a physical feature of real property.

Integrity means the ability of an historic resource to convey its significance, with consideration of the following aspects of integrity: location, design, setting, materials, workmanship, feeling and association.

Mills Act Contract (also contract) means the historical property contract between the city and property owner that provides the potential for reduced property taxes in return for the rehabilitation, restoration and preservation of an historical resource, pursuant to California Government Code § 50280 et seq. and California Revenue and Taxation Code § 439 et seq. In effect, the Mills Act contract serves as an economic incentive to owners to preserve their historic resource for the benefit of the entire community.

Nomination means a nomination for placement of an historic resource on the San Fernando Register of Historic Resources pursuant to this division.

Noncontributing structure (also noncontributing site) means a structure or site within an historic district that does not possess the qualifications or characteristics of a contributing structure due to such factors as age or alteration, but which has been included within the district because of its impact on the geographic integrity and overall character of the district.

Ordinary maintenance and repair means any cleaning, painting, or similar work that does not result in the alteration of an improvement.

Permanently affixed means, but is not limited to, attachment by screws, bolts, pegs, nails or glue, and may include such attachment as rope, glass or leather if such material is integral to the design of the device. Fixtures include, but are not limited to, lighting devices, murals, built-in furniture and cabinetry, paneling and molding, leaded glass or other decorative windows and decorative hardware.

Preservation means the act or process of applying measures to sustain the existing form, integrity, and materials of a building or structure, and the existing form and vegetative cover of a site.

Reconstruction means the act or process of reproducing by new construction the exact form and detail of a previously existing building, structure, or object, or a part thereof, as it appeared at a specific period of time.

Register means the San Fernando Register of Historic Resources, as defined herein.

Relocation means the displacement of any improvement within the same site or to a different site.

Removal means the displacement from the site of a historical resource of any device, feature, fixture, hardware, structural or decorative material contributing to the cultural, historic or architectural character of the historic resource.

Resource means any building, structure, site, area, district, place, feature, characteristic, appurtenance, landscape, landscape plan, or improvement.

Restoration means the act or process of accurately recovering the form and details of a resource and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

San Fernando Register of Historic Resources (also register) means the official list of historic resources and historic districts in the city and any properties specified in the historic preservation element of the general plan.

Secretary of the Interior's Standards for the Treatment of Historic Properties (also Secretary's Standards) means the Secretary of the Interior's Standards and guidelines for rehabilitation, preservation, restoration, or reconstruction of an historic resource. These standards and guidelines delineate accepted treatments for the protection and rehabilitation of materials pursuant to 36 CFR Part 68.

Site means any parcel or portion of real property which has a special character or special historical, cultural, archaeological, architectural, community or aesthetic value.

State Historical Building Code, as defined in the California Health and Safety Code §§ 18950 through 18961, as it may be amended from time to time, allows reasonably equivalent alternatives to the adopted California Building Code to facilitate the preservation and continuing use of designated historical resources while providing reasonable safety for the building occupants and access for people with disabilities.

Structure means anything constructed or erected which requires location on the ground or which is attached to something having a location on the ground, except areas such as walks, paved areas, tennis courts, and similar open recreation areas. This definition includes buildings.

Structure of merit means any improvement which has not been designated as a historic resource but is determined to be appropriate for official recognition by the commission pursuant to the provisions of this division.

Home occupation means any occupation, hobby or profession conducted or carried on entirely within a dwelling which does not change the character thereof and does not adversely affect other uses in the zone of which it is a part. See division 9 of article VI of this chapter. In addition, the conduct of a Home occupation business shall be the business owner's primary residence, with the business activity being subordinate to the residential use of the property.

Hospital means a facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour, inpatient care. This definition includes general acute care hospital and acute psychiatric hospital.

Hotel or Motel means a facility with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, and the like. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities, such as swimming pools, tennis courts, indoor athletic/fitness facilities, and accessory retail uses. This use includes bed and breakfasts.

Housing Development Project means a housing development project that meets the following definition per Govt. Code Section 65589.5 (h)(2), as may be amended from time to time: a. Residential units only. b. Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use. c. Transitional housing or supportive housing.

Sec. 106-1176. - "I" Definitions

Individual With a Disability shall be defined such that an individual with a disability shall be consistent with Cal. Gov't Code §§ 12900 through 12996 and the regulations promulgated thereunder

Inoperable vehicle means and includes, without limitation, any vehicle that is incapable of being lawfully driven on a highway. Factors that may be used to determine this condition include, without limitation, vehicles lacking a current registration, vehicles that have a "planned nonoperational" status with the California Department of Motor Vehicles, a working engine, transmission, wheels, inflated tires, doors, windshield or any other part or equipment necessary for its legal and safe operation on a highway or any other public right-of-way.

Sec. 106-1177. - "J" Definitions

Junk includes, but is not limited to, any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked appliance, device, equipment, furniture, fixture, furnishing, object, material, substance, tire, or thing of any kind or composition. Junk may include abandoned personal property, as well as any form of debris, refuse, rubbish, trash or waste. Factors that may be considered in a determination that personal property is junk include, without limitation, its:

(1) Condition of damage, deterioration, disrepair or nonuse.

(2) Approximate age and degree of physical deterioration.

(3) Location.

(4) Present operability, functional utility and status of registration or licensing, where applicable.

(5) Cost of rehabilitation or repair versus its market value.

Junkyard means real property of any zoning classification on which junk is kept, maintained, placed or stored to such a degree that it constitutes a principal use or condition on said premises. The existence of a junkyard is not a nuisance when it is an expressly permitted use in the applicable zone and the premises are in full compliance with all provisions of this chapter and all other applicable provisions of this Code, as well as all future amendments and additions.

Sec. 106-1178. - "K" Definitions

Kennel means a place where four or more dogs or cats, aged four months or more, are kept, boarded or trained, whether by the owners of the dogs or cats or by persons providing facilities and care, with or without compensation.

Kitchen room or space within a structure containing a combination of the following facilities that are capable of being used for the cooking or preparation of food: oven/microwave oven, stove, refrigerator exceeding six cubic feet, and sink.

Sec. 106-1179. - "L" Definitions

Landscape Standards:

Canopy Tree means a tree that has a protected canopy size of at least 20 ft. diameter and is drought tolerant. Palm trees do not fulfill this requirement.

Drought-tolerant landscape means landscaping with plants that can grow or thrice with minimal water or rainfall.

Hardscape means areas of private yard or open space that include textured pervious concrete pavers, paved walkways, paved patios and decks, masonry planters, wood planter boxes, walls, fences, and all impervious paved areas such as driveways, parking areas, and access roadways.

Heritage tree (see Sec.98-38) means specifically designated by city council upon recommendation by the city's tree commission as a heritage tree which meets one or more of the following set of criteria:

a. The tree's age and association with a historic building or district gives the tree historical significance;

b. The tree represents a specimen that is particularly rare in the Los Angeles basin and is of considerable size and age;
c. The tree possesses unique characteristics or special horticultural significance;
d. The tree is of a significant size and/or makes a significant and outstanding aesthetic impact to its setting and is an exceptional specimen in good condition and health; or

Landscaping or Landscaped Area means all the planting areas, turf areas, and decorative features in a landscape design plan such as boulders river and lava rock, fountains, ponds, rock riverbeds, pedestrian bridges or other features, as determined by the Director, that are consistent with this section. The landscape area does not include footprints of buildings or structures, paved areas for pedestrian or vehicular access such as walkways sidewalks, driveways, or parking lots, nor decks, patios, gravel, or stone walls.

Living wall means a vertical garden, green wall, or plant wall that grows in containers or attached to the wall of a commercial building with a smaller setback area than required for landscaping.

Low Impact Development means a stormwater runoff management strategy that mimics natural hydrologic conditions.

Model Water Efficient Landscape Ordinance (MWELO) means the statewide water efficiency law regulated by the State of California which aims to prevent water waste on irrigated landscapes by setting limits on high water use plants and irrigation equipment, and promoting drought tolerant landscaping practices that incorporate healthy soils, adapted plants, and alternative water supplies.

Native Tree means any tree with a trunk more than 8 inches in diameter at a height of 4 ½ feet above natural grade that is one of the following species:

a. Quercus agrifolia (Coast live oak),
b. Quercus engelmannii (Engelmann oak),
c. Quercus chrysolepis (Canyon oak),
d. Platanus racemosa (California sycamore),
e. Juglans californica (California walnut),
f. Quercus berberidifolia (Scrub oak),
g. Quercus lobata (Valley oak),
h. Umbellularia californica (California bay),
i. Populus fremontii (Cottonwood),
j. Alnus rhombifolia (California alder),
k. Populus trichocarpa (Black cottonwood),
l. Salix lasiolepis (Arroyo willow), and
m. Aesculus californica (California buckeye).

Private property means residential, commercial, or industrial property with a legal designation for the ownership by non-governmental legal entities.

Private tree means any tree on privately owned property.

Protected Tree means a protected tree meeting the criteria established by resolution of the city council by species and size of tree which is thereby presumed to possess distinctive form, size or age, and to be an outstanding specimen of a desirable species and to warrant the protections of this chapter

Tree Removal means the uprooting, cutting or severing of the main trunk, or major branches, of a tree or any act which causes, or may be reasonably expected to cause a tree to die, including but not limited to the following:

a. Inflicting damage upon the root system of a tree by root pruning, machinery, storage of materials, or soil compaction;
b. Substantially changing the grade above the root system or trunk of a tree; and
c. Excessively or improperly pruning a tree.
d. Damage to trunk, where the tree would not likely survive.

Trees means any woody perennial plant, usually having a single main axis or trunk, but including specimens of such plants having multiple trunks.

Tree Trimming means the removal of dead, dying, diseased, life interfering, objectionable and weak branches in accordance with the most current and best practices of the National Arborist Association (NAA) and International Society of Arboriculture (ISA).

Live entertainment, accessory means live entertainment activities related, and clearly subordinate to a principal use of a commercial business or establishment. Examples of accessory live entertainment include live performance, performed by one (1) or more persons, whether or not done for compensation and whether or not admission is charged, such as a musical act; theatrical play or act, including stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment.

Live entertainment, incidental means live entertainment activities incidental to the primary use of the commercial business or establishment. Examples of incidental live entertainment include book or poetry readings; parlor games or party games; stand-up performances, such as by comedians or actors; speeches, lectures, or panels; live, unamplified background music; and live, unamplified open mic events. Incidental live entertainment may include other activities as determined by the Director to be of the same general character as those listed above, and deemed to not be objectionable or detrimental to surrounding properties and the neighborhood or have a negative impact related to traffic, noise, parking, or public safety.

Livestock means any large, live domestic animal, including but not limited to horses, cows, sheep, goats, pigs, hogs and fowl such as chickens, turkeys, peacocks, guineas, geese or ducks.

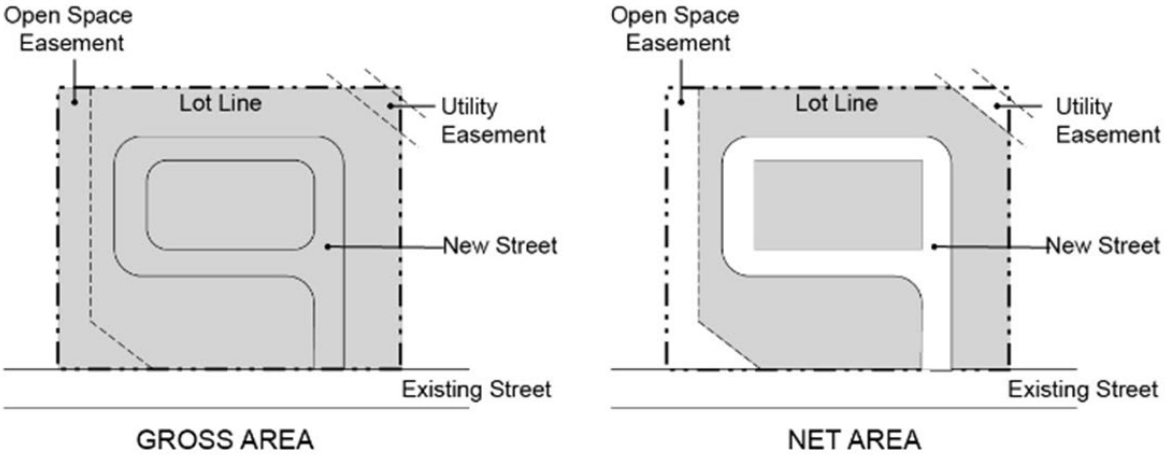
Live/work Unit means an integrated housing unit and working space occupied and utilized by a single household, in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

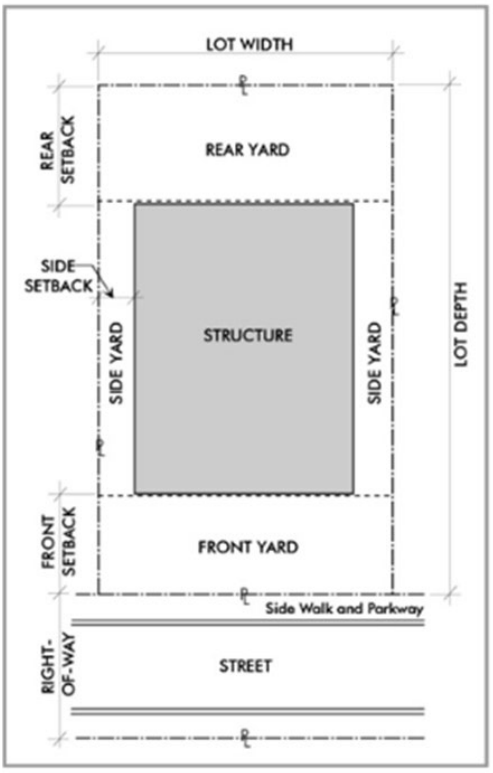
Loading area means an off-street space or berth on the same lot with a building, or group of buildings, designed or used for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Low Barrier Navigation Centers means a low barrier, temporary living facility providing temporary living facilities for homeless individuals and families while offering health services, shelter, and housing.

Lot or Parcel means a recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including this Title. Portions of a Lot or Parcel that are within the public right-of-way and restricted by easement, or similar instrument, to sidewalk, alley, or street uses shall not be considered a part of the Lot or Parcel.

Lot area means the total area within the lot lines of a lot excluding any existing or proposed street, highway, alley right-of-way or other public or private easements where the owner of the property does not have the right to use the entire surface of the land. For density calculations involving State Density Bonus Law projects, see Government Code Section 65915.





Lot coverage, means the percentage of the total lot area covered by enclosed structures, and/or carports, but excluding steps, driveways, walks, terraces and swimming pools.

Lot, corner means a lot situated at the intersection of two or more streets having an angle of intersections of not more than 135 degrees.

Lot, flag means a lot with access to a street by means of a private driveway access easement or parcel of land with a minimum width of 15 feet.

Lot depth means the horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, interior is defined as a lot that shares both rear and side lot lines and is bounded on one side by a street or easement that has been determined is adequate for access and with adjoining lots and is not defined as a corner, reverse corner or through lot.

Lot, key is defined as a lot that has a side lot line that abuts the rear lot line of a reverse corner lot.

Lot line means any line bounding a lot as defined in this section.

Lot line, front means the lot line separating a lot from a public right-of-way. If a lot has more than one street frontage, the front lot line shall extend across the narrowest portion of the lot.

Lot line, interior means a lot line which is common to two abutting lots.

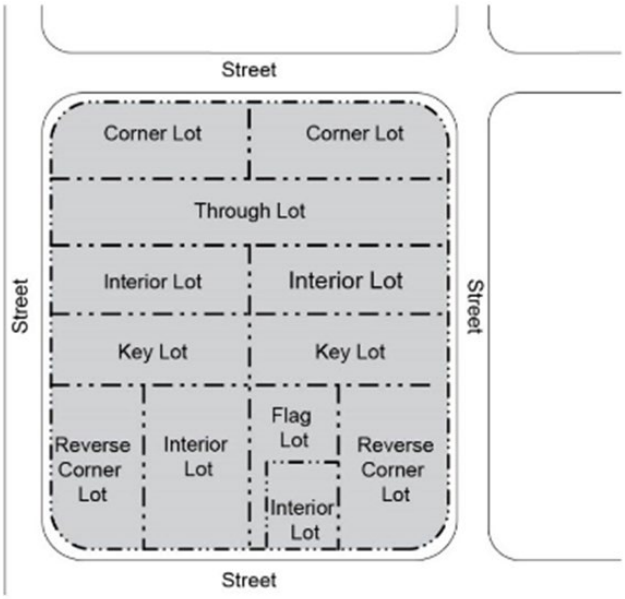
Lot line, rear means a lot line which is opposite and most distant from the front lot line. For an irregular or a triangular shaped lot, the rear lot line shall be an assumed line parallel to and passing through the point of the lot which is at the greatest distance from the front lot line.

Lot line, side means any lot line which is not a front lot line or a rear lot line.

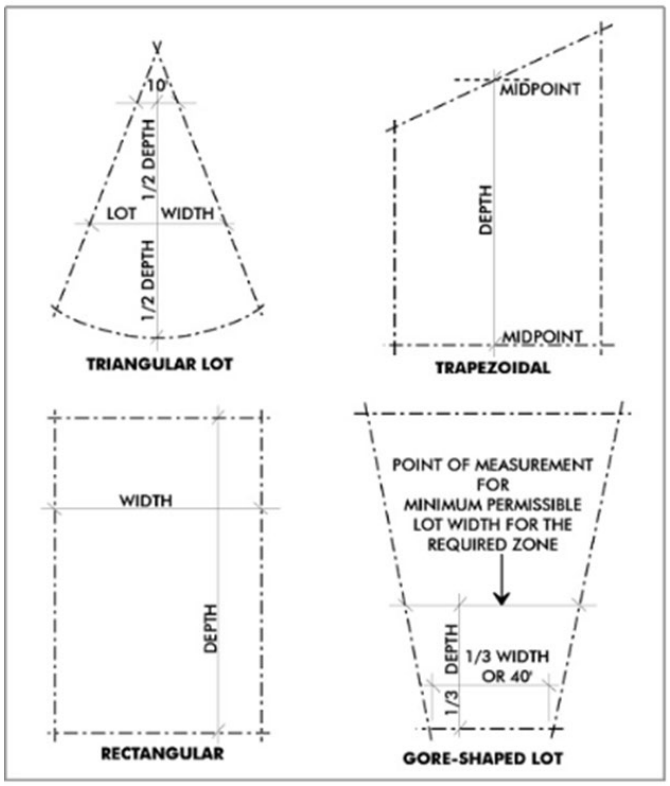
Lot, reverse corner is defined as a corner lot with a side lot line that is substantially a continuation of the front lot line of the key lot that abuts the reversed corner lot.

Lot, through means a lot having frontage on two parallel or approximately parallel streets.

Examples of Lot Types



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



Sec. 106-1180. - "M" Definitions

Mobile home means a structure, transportable in one or more sections, designed or used for human habitation by one family.

Mobile home park means any area or tract of land intended, maintained or designed for the purpose of supplying a location or accommodation for two or more mobile homes including all buildings used or intended to be used as part of the equipment of such facility regardless of whether a charge is made for such use. Not included in this definition are trailer camp, trailer park and similar terms.

Mobile home site means that portion of a mobile home park designated for use or occupancy of one mobile home, including all appurtenant facilities thereon, for the exclusive use of the occupants of the mobile home.

Motel means a building or group of buildings containing rooming units or dwelling units with automobile parking space provided in conjunction therewith, and designed, intended to be used or used primarily for the accommodation of transient automobile travelers.

Sec. 106-1181. - "N" Definitions

Nonconforming Structure means a structure that was legally constructed and which does not conform to current code provisions/standards prescribed for the zoning district in which the structure is located.

Nonconforming Use means a use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of this Title, and which does not conform to current code provisions governing allowable land uses for the zoning district in which the use is located

Sec. 106-1182. - "O" Definitions

Occupancy means the purpose for which land or a structure is used or intended to be used. Change of occupancy does not include a mere change of owners, tenants or proprietors.

Offices include administrative/business, government, media production/post-production, broadcasting and professional offices such as real estate offices, travel agencies, advertising agencies, graphic design, architecture and engineering services, attorneys, accounting services, counseling services, and computer software production and programming, among others. These do not include: medical or dental offices (see "Clinic, dental or medical"); or offices that are incidental and accessory to another business or sales activity that is the primary use.

Open space, *usable* means open space, excluding required yards, which has an average gradient of not more than five percent. Usable open space may include such features as balconies, terraces and roof gardens, which are not ground areas included in the definition of open space.

Open Space, Common means areas of a developed site that are available for active and/or passive recreational use by residents of a multiple-family residential project.

Open Space, Private means an area of a developed site that directly accessible from an individual dwelling unit, which is available for active and/or passive recreational uses by the inhabitants of the dwelling unit, and which is open on top or on at least one side.

Ornamental Feature means a statue, fountain, sculpture or any other similar freestanding decorative element that does not provide shelter and is not a sign, and which serves an aesthetic purpose.

Outdoor Retail Sales and Display means the long-term placement of goods or merchandise not located within an entirely enclosed building and without screening or fencing. Ancillary to a primary.

Outdoor festival means any music festival, dance festival, rock festival or similar musical activity to which both of the following apply:

(1) Attendance by more than 500 persons is desired or may reasonably be expected; and

(2) The festival will be held at any place other than in a permanent building or permanent installation which has been constructed for the purpose of or is so constructed that it can be used for conducting such activities.

Owner means and includes any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, any real property in the city, including all persons shown as owners on the last equalized assessment roll of the county assessor's office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court appointed administrators, conservators, guardians or receivers. An owner of personal property shall be any person who has legal title, charge, control, or possession of, such property.

Sec. 106-1183. - "P" Definitions

Park or playground, public means a publicly owned recreation area and appurtenant facilities.

Parking area means an area, other than a street or alley, available for temporary storage of vehicles in active use regardless of whether such vehicle storage is for remuneration.

Parking space means a readily accessible usable off-street area, not including aisles, driveways, walkways, ramps, loading, maneuvering or work areas, maintained exclusively for the parking of one motor vehicle.

Parking structure means a structure, or portion thereof, within or upon which parking area is located.

Person as used in this chapter, means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization or entity, however formed, as well as

trustees, heirs, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the city.

Personal property means property that is not real property, and includes, without limitation, any appliance, article, device, equipment, item, material, product, substance or vehicle.

Planned development means the planning, construction or implementation and operation of any use or structure, or combination of uses and structures, based upon a comprehensive and complete design or plan treating the entire complex of land, structures and uses as a single project.

Planning department means the city planning division.

Porte Cochere means a roofed structure extending from the entrance of a building over an adjacent driveway, the purpose of which is to shelter a person entering or exiting a vehicle.

Primary Structure means a structure that accommodates the primary use of the site.

Primary Use shall be main purpose for which a site is permitted, developed and occupied, including the activities that are conducted on the site during most of the hours when activities occur.

Premises means the actual space within a building or any area on site, either directly or indirectly supporting alcoholic beverage sales.

Primary single-family dwelling unit means a detached residential dwelling unit constructed on a permanent foundation on a lot zoned for residential uses, which is designed for occupancy as the primary living quarters by one person or one family with independent living facilities that provide for living, sleeping, eating, cooking, and sanitation. The lot on which the primary single-family dwelling unit is located may or may not include a accessory dwelling unit.

Project area means a lot or combination of contiguous lots, whether or not held in the same ownership, which are used or intended to be used for a planned development.

Project grading means any excavation or fill, or combination thereof, necessary and incidental to building construction or other lawful development of the premises.

Public nuisance means anything which is, or likely to become, injurious or detrimental to health, safety or welfare, or is offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any sidewalk, public park, square, building, structure, street or highway. All conditions hereafter enumerated in this chapter, or that otherwise violate or are contrary to any provision of the city code, are public nuisances by definition and declaration, and said enumerated conditions shall not, in any manner, be construed to be exclusive or exhaustive. A public nuisance shall also exist when a person fails to comply with any condition of a city approval, entitlement, license or permit or when an activity on, or use of, real property violates, or is contrary to, any provision or requirement of the city code.

Public utility distribution substation means a facility whereby a public utility company distributes the utility for consumer use.

Sec. 106-1184. - "Q" Definitions

Qualified applicant is a person who has a legal or equitable interest in the real property which is the subject of a proposed development agreement.

Quasipublic use means a use operated by a private nonprofit educational, religious, recreational, charitable or medical institution, the use having the purpose primarily of serving the general public, and including uses such as churches, private schools, universities, private hospitals and youth centers.

Sec. 106-1185. - "R" Definitions

Real property or *premises* means any real property owned by any person and/or any building, structure, or other improvement thereon, or portions thereof. "Real property" or "premises" includes any parkway or

unimproved public easement abutting or adjacent to such real property, whether or not owned by the City of San Fernando.

Reasonable accommodation means any deviation or waiver requested and/or granted from the strict application of various land use, zoning, or building laws, development standards, rules, policies, practices and/or procedures of the city, to individuals with a disability, or developers of housing for people with disabilities, when it is necessary to eliminate barriers to housing opportunities and provide an equal opportunity to use and enjoy a dwelling. Deviations may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; requirements for periodical review by the Director; and such other conditions as the Director may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare.

Applicant means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of land use or zoning provisions of this division.

Individual with a disability means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such impairment; but not including an individual's current, illegal use of a controlled substance, unless an individual has a separate disability.

Fair housing laws mean the "Fair Housing Amendments Act of 1988" (42 U.S.C. § 3601, et seq.), including reasonable accommodation required by 42 U.S.C. § 3604 (f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927 (c)(1) and 12955 (l), as any of these statutory provisions now exist or may be amended from time to time.

Recreational vehicle means a camp car, camper, motor home, travel trailer or similar vehicles, with or without motive power, but not a mobile home.

Replacement means removing an existing support structure and constructing a new support structure of equal height and proportions to the preexisting support structure in order to accommodate co-location.

Residence or *residential* means a dwelling, group quarters, mobile home or other permanent living accommodations, or features pertaining thereto.

Residential structures shall mean and include all structures and premises that are regulated by the California State Housing Law [California Health and Safety Code, Div. 13, Pt. 1.5, § 17910 et seq.], and any future amendments thereto. These include, but are not limited to, apartment houses, hotels, motels, and dwellings, and residential buildings and structures accessory thereto.

Responsible person means any person, whether as an owner as defined in this chapter, or otherwise, that allows, causes, creates, maintains, suffers or permits a public nuisance, or any violation of the city code or county or state law, or regulation thereof, to exist or continue, by any act or the omission of any act or duty. A responsible person shall also include employees, principals, joint venturers, officers, agents, and/or other persons acting in concert with, or at the direction of, and/or with the knowledge and/or consent of the owner and/or occupant of the real property or building or structure thereon in which a public nuisance or violation exists or existed. The actions or inactions of a responsible person's agent, employee, representative or contractor may be attributed to that responsible person.

Restaurant or bona fide public eating place means an establishment engages in the sale of food and beverages for consumption on or off the premises which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on the premises and must comply with all the regulations of the local department of health. Restaurants shall maintain

incidental sale of alcoholic beverages only, and at least one full time cook engaged by the business enterprise to prepare meals for guests on the premises during all permitted hours of operation. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually ordering and obtaining at such time, in good faith, a meal therein.

Retail means the purchase, sale, distribution, delivery or other transaction involving the handling or disposition of any article, substance, commodity or service, for profit or livelihood, direct to the ultimate consumer, including the following:

a. Artisan Shops. Retail stores selling art glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.
b. Building Material Stores. Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, tile, fixtures, nursery stock, lawn and garden supplies. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies to the trade are classified in "Wholesaling
and Distribution." Hardware stores are listed in the definition of "General Retail Stores," even if they sell some building materials.
c. Construction Equipment Sales. Retail establishments selling or renting heavy construction equipment, including cranes, earth-moving equipment, heavy trucks, and the like.
d. Convenience Stores. Retail stores of 3,500 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility.
f. General Retail Stores. Stores and shops selling lines of merchandise not specifically listed under another use classification. Such types of stores and lines of merchandise include:

i. Appliances;
ii. Florists and houseplant stores (indoor);
iii. Antiques;
iv. Furniture and home furnishing;
vi. Grocery stores;
vii. Artists' supplies;
viii. Hardware;
ix. Auto parts (not including repair);
x. Bakeries (retail only);
xi. Hobby materials;
xii. Bicycles; xiii. Jewelry;
xiv. Books;
xv. Luggage and leather goods;
xvi. Cameras and photographic supplies;
xvii. Musical instruments, parts and accessories;
xix. Clothing and accessories;
xx. Newsstands;
xxi. Collectable items sales;
xxii. Orthopedic supplies;
xxiii. Computer and computer equipment;
xxiv. Religious goods;
xxv. Consumer electronics;
xxvi. Small wares;
xxvii. Curio, gift and souvenir shops;
xxviii. Specialty shops;
xxix. Department stores;

xxx. Sporting goods and equipment;
xxxi. Stationery;
xxxii. Drugstores and pharmacies;
xxxiii. Dry goods;
xxxiv. Toys and games;
xxxv. Fabrics and sewing supplies;
xxxvi. Variety stores.

g. Pawn Shops. Retail establishments that accept personal property as collateral for loans, and offer the property for sale to the public. H. Secondhand Stores. Indoor retail establishments that buy and sell used products, including books, clothing, furniture, and household goods. The sale of cars and other used vehicles is included under "Vehicle Sales."

i. Secondhand store any business offering merchandise for sale, where the greater portion of the merchandise is secondhand or used.

j. Shopping Center. A site occupied by a mix of commercial uses that are primarily retail stores, but may also include personal service uses, eating and drinking establishments, or other uses where the businesses share common pedestrian and parking areas.

k. Warehouse Retail. A retail store emphasizing product lines other than groceries, with a sales floor of 40,000 square feet or larger, that typically package and sell products in large quantities or volumes, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

Retirement home means a facility, which offers or provides lodging, with or without meals, primarily for aged persons but does not include any facility defined as a community care facility.

Rummage sale means a sale of donated articles by a church, synagogue, charitable, fraternal or patriotic organization, or public or parochial school.

Sec. 106-1186. - "S" Definitions

Satellite receiving antenna means any dish-shaped antenna designed to receive direct satellite signals.

Satellite receiving antenna diameter means the diameter of a satellite receiving antenna which shall be measured by the line bisecting the dish-shaped antenna extending from the outer edge on one side to the outer edge on the opposite side.

School, private means a private institution of learning which is generally supported by tuition, fee, or donation and which offers instruction in areas of academic, vocational and avocational pursuits, but not including a trade school.

School, public means a publicly owned institution of learning supported primarily by public funds.

School, trade means a school primarily offering instruction in the technical and/or trade skills such as electronic schools, automotive and aircraft technician's schools and similar establishments.

(1) An efficiency dwelling unit, as defined in Section 17958.1 of the California Health and Safety Code.

(2) A new manufactured home, as defined in Section 18007 of the California Health and Safety Code.

Service means an act or any result of useful labor which does not in itself produce a tangible product.

Setback means the shortest horizontal distance, measured at ground level and above, between a building or structure and a lot line or other specified line. (For requirements, see the building lines chart in article IV of this chapter.)

Setback, front yard is defined as the area extending across the full width of the lot between its front lot line and a parallel line 20 feet away from the front lot line.

Sign means any device used for visual communication or attraction including any announcement, declaration, demonstration, illustration, insignia, symbol, name, figure, painting, character, outline, spectacle, delineation, advertising, billboard, signboard, device, appliance or any other thing of similar nature to advertise or promote the

interest of any person or thing, either outdoors or on the face, wall or window of any building, and includes all parts, portions, units and materials composing such, together with the frame, background, support and anchorage therefor.

Sign, business means any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance or any part thereof which has been designed, constructed, created, intended or engineered to have a useful life of 15 years or more, and intended or used to advertise, or to provide data or information in the nature of advertising for any purpose to:

(1) Designate, identify or indicate the name or business of the owner or occupant of the premises upon which the advertising display is located.

(2) Advertise the business conducted, services available or rendered or the goods produced, sold, or available for sale, upon the property where the advertising display has been lawfully erected.

Sign, canopy means a sign attached to the underside of an awning or canopy.

Sign, electronic message center means any sign which is controlled by electronic process or remote control in such a manner that different copy changes are instantaneously displayed on the same lamp bank.

Sign face area means the total surface area computed by drawing intersecting straight lines which form the boundary of the area within which words, letters, figures, symbols or pictures could be placed.

Sign, flashing or scintillating means any sign which by any method or manner of illumination either flashes on or off, winks or blinks with varying light intensity; shows motion or creates the illusion of motion; or revolves in a manner to create the illusion of being on or off. Automatic changing signs such as public service time and temperature signs or electronic message center signs shall not be considered a flashing or scintillating sign.

Sign, freestanding means any sign supported directly on the ground. This definition includes pole signs, ground signs and other signs detached from a building.

Sign, identification means a sign in a residential zone, directing attention to the principal use located upon the premises where the sign is displayed.

Sign, illuminated means any sign designed to emit or brightly reflect artificial light.

Sign, outdoor advertising (billboard) means any sign directing public attention to a business, profession, product or service that is not a principal business, profession, product or service which is sold, manufactured, conducted or offered on the premises where such a sign is erected or maintained.

Sign, painted means a sign painted directly on a building and does not include those signs which are painted onto a piece of wood or other material which is then attached to a building.

Sign, political means a sign stating the name and/or picture of an individual seeking election or appointment of a public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies.

Sign, real estate advertising means an on-site sign offering property for sale, lease or rent which may contain the name, address and/or telephone number of a real estate broker or property owner.

Sign, roof means any sign erected, constructed or placed upon or over a roof of a building and which is wholly or partly supported by any structure located on the roof of such building.

Sign, revolving means a sign or portion thereof which rotates, moves or appears to move in some manner by mechanical, electrical, natural or other means.

Sign, seasonal or special event means a sign used for the purpose of promoting a national or state holiday, Fiesta Days, or County Fair. Other special events may be defined by resolution of the city council.

Sign, supergraphics means a painted design which covers an area greater than ten percent of a wall, building facade, or other structure. A supergraphics is a sign only if it displays or suggests information which identifies or

advertises by name or symbol. Otherwise, supergraphics shall be considered an architectural embellishment subject to approval of the planning commission.

Sign, structure means a structure existing, erected or maintained to serve as a stand, frame or other background for the support or display of signs. This definition is limited to freestanding structures which have the primary purpose of supporting a sign, except that a building or other structure upon which a sign is mounted shall be counted as a sign structure for the purpose of regulating the number of sign structures permitted.

Sign, subdivision directional means an off-site sign used for the purpose of providing travel directions to a subdivision development.

Sign, temporary advertising means a sign displayed for a period not exceeding 45 days directing attention to a business, profession, product or service that is a principal business, profession, product or service on the premises where such sign is erected or maintained.

Sign, wall means any sign posted, painted on, suspended from or otherwise affixed to the wall, parapet wall or roof fascia of any building or structure in an essentially flat position or with the exposed face of the sign in a plane approximately parallel to the plane of such wall, parapet wall or roof fascia, provided that the sign shall not extend more than three feet above the roofline or parapet wall of the building.

Sign, window means a sign, exposed to public view, that is attached to or is intended to be seen in, on or through a window. The display of merchandise shall not be considered a sign.

Single room occupancy unit (SRO) means any building containing five or more guestrooms or units each with a minimum floor area of 200 square feet and a maximum floor area of 350 square feet intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by residents, which is also the primary residence of those residents. These dwelling units shall have kitchen and bathroom facilities. Each dwelling unit is restricted to occupancy by no more than two persons and is offered on a monthly rental basis or longer.

Site means a parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use. Portions of a Site that are within the public right-of-way and restricted by easement, or similar instrument, to sidewalk, alley, or street uses shall not be considered a part of the Site (except for calculations of Gross Lot Area and Density).

Site plan means a rendition of a plan to scale, showing all the uses, yard areas, parking, landscaping, structures and other features existing or proposed on a site. A site plan shall comply with the any applicable city checklist.

Special use permit means an approval of a land use granted and referred to as a special use permit under previous zoning regulations.

Specified anatomical area shall have the meaning as set out in section 106-1022.

Specified sexual activities shall have the meaning as set out in section 106-1022.

Storage means the use of land or structures for the accumulation or holding of goods, merchandise, equipment or material.

Storage, outdoor means the storage outside of an enclosed building for any purpose other than display.

Street means a right-of-way open to or intended to be opened to the public primarily for the movement of vehicles and access to adjacent property. This definition does not include an alley or walkway.

Street, arterial means a street designated as a major or secondary highway on the master plan of highways of the city's general plan.

Street, collector means a street designated as a collector street on the master plan of highways of the city's general plan.

Street, primary means a street designated as a primary street on the master plan of highways of the city's general plan.

Street, private means a street not dedicated for public use.

Street, public means a street dedicated for public use.

Structure means anything constructed or erected which requires location on the ground or which is attached to something having a location on the ground, except outdoor areas such as walks, paved areas, tennis courts, and similar open recreation areas. This definition includes buildings.

Structure height means the vertical distance from the average finished grade to the highest part of the structure.

Support structure means a structure designed to primarily support wireless telecommunications facilities including, but not limited to, monopoles, towers and other freestanding self-supporting structures.

Supportive housing means housing with no limit on the length of stay and that is occupied by a target population as defined by Health and Safety Code Section 53260(d), as the same may be amended from time to time, and that provides a significant level of onsite and offsite services that assist the supportive housing residents in retaining the housing, improving their health status, maximizing their ability to live, and when possible, work in the community. Supportive housing shall be treated under this chapter as a residential use and shall be allowed as a permitted use in zoning districts permitting multiple-family and mixed-use development.

Swap meet means the use, rental, or lease of stalls or areas inside or outside of an enclosed building by vendors offering goods or materials for sale or exchange, not including public fairs, or art exhibits.

Sec. 106-1187. - “T” Definitions

Tap Room means a use associated with, or on the same premises as, a brewery, at which guests may consume and purchase, for on or off premise consumption, the manufacturer’s products and other nonalcoholic beverages or food. Food service is not required.

Tasting Room means a use associated with, or on the same premises as, a winery or distillery, at which guests may consume and purchase, for on or off premise consumption, the manufacturer’s products and other nonalcoholic beverages or food. Food service is not required.

Tobacco Advertising and Promotion:

Advertising see “Alcohol Advertising.”

Advertising Display see “Alcohol Advertising.”

Area which minors frequent means any school, child-care center, youth center, or park.

Child-care center see “Alcohol Advertising.”

Cigar lounge means a private smokers' lounge of an enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products, including but not limited to cigars and pipes.

Park see “Alcohol Advertising.”

Person see “Alcohol Advertising.”

Promotion see “Alcohol Advertising.”

Publicly visible location see “Alcohol Advertising.”

School see “Alcohol Advertising.”

Tobacco product means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, smokeless tobacco, and products prepared from tobacco and designed for smoking or ingestion.

Tobacco shop means a business establishment whose main purpose is the sale of tobacco products, including but not limited to, cigars, pipe tobacco, and smoking accessories.

Vendor-assisted sale means a purchase requiring a direct, face-to-face exchange between the retailer and the customer, in which the vendor has access to the tobacco product, and assists the customer by supplying the product. The customer does not take possession of the product until it is purchased.

Youth center see "Alcohol Advertising."

Townhouse means attached or semidetached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

Trailer means a vehicle without motive power which is designed to be drawn by an automotive vehicle to be used for human habitation or for the transporting of personal property.

Transient means a person who receives lodging at a given location, with or without meals, for a period of not more than 180 days.

Transitional housing means housing operated under program requirements that call for 1) the termination of any assistance to an existing program recipient and 2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six months into the future (Health and Safety Code Section 50675.2(h)). Transitional housing may provide, but not be limited to, meals, counseling, and other services as well as common areas for residents. Transitional housing may be provided under all residential housing types. In all cases, Transitional housing shall be treated as a residential use under this chapter and shall be allowed as a permitted use in zoning districts permitting multiple-family and mixed-use development. Transitional housing shall be subject only to those restrictions that apply to other residential and mixed uses of the same development type located in the same zoning district.

Truck terminal or *truck yard* means a principal use of land for parking, servicing, repairing or storage of trucks in active use.

Two-Unit Development:

Car share means a service through which vehicles are made available for hourly or daily use. Vehicles are typically picked up and dropped off at designated parking locations within the community and are made available to provide flexible access to a vehicle.

Dwelling unit. As used in this section, "dwelling unit" refers to any primary residential unit which is not an accessory dwelling unit as defined in Article VI of this Code or a junior accessory dwelling unit ("junior ADU") as defined in Government Code § 56852.22.

Residential unit or *unit.* As used in this section, "residential unit" or "unit" refers to a dwelling unit, accessory dwelling unit and junior ADU.

Tenant means a person who occupies land or property rented from a landlord.

Two-unit urban residential development means development of no more than two primary dwelling units pursuant to this section xx

Urban lot split. As used in this section, refers to an urban lot split as defined in section 78-182 of the Code.

Sec. 106-1188. - "U" Definitions

Use means the type of activity, occupancy or purpose for which land, buildings, or facilities are arranged, designed or intended to be occupied or maintained.

Use, principal means a use which is not subordinate, incidental or accessory to some other use on the same lot or project area.

Sec. 106-1189. - "V" Definitions

Vacant shall mean real property or any building or structure thereon that is not legally occupied. Factors that may be used to determine whether real property, or building or structures thereon, is vacant include, but shall not be limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers, and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or other debris; the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items consistent with residential and/or commercial furnishings consistent with the permitted uses within the zone of the real property; statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

Variance means a waiver or conditional waiver of specific regulations of this chapter as applied to a specific case and granted by the city in accordance with the provisions set forth in this chapter for variances (see division 7 of article II of this chapter).

Vehicle means any device, by which any person or property may be propelled, moved, or drawn upon a highway or other public right-of-way, and includes all vehicles as defined by the California Vehicle Code, and all future amendments thereto. "Vehicle" does not include devices (i) that are propelled exclusively by human power such as bicycles and wheelchairs, or (ii) those that are used exclusively upon stationary rails or tracks.

Veterinary clinic means any facility providing medical or surgical treatment, clipping, bathing and similar services to dogs, cats and other small animals, but excluding a kennel, animal hospital or other overnight care on a regular basis.

Veterinary hospital means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. The use of the premises as a kennel or a place where animals or pets are boarded for remuneration may be permitted only when incidental to the principal use.

Violation shall mean and include a public nuisance as described or referred to in this chapter, or any condition, activity or use that is caused, allowed to exist, or maintained (whether due to an affirmative act, or inaction) by a responsible person in violation of any other provision, regulation, or requirement of the city code, or any applicable county, state or federal laws or regulations.

Sec. 106-1190. - "W" Definitions

Walls and Fences:

Existing finish grade is defined as the natural or existing grade of the property prior to excavation, construction or grading of undisturbed soil.

Non-view obscuring fence is defined as a fence with view obscuring element between posts or pilasters not exceeding 50 percent of the total surface area of a fence. The area of the pilasters is exempt from the 50 percent calculation.

Warehouse means a building or portion of a building used primarily for the deposit, storage or safekeeping of goods, regardless of whether the goods are offered for sale.

Wine Bar means a bar that specializes in serving wine rather than beer or liquor.

Wireless telecommunications facility means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communication service (PCS), and paging service. A wireless telecommunications facility consists

of one or more antennas on a support structure and any accessory equipment, fences, lighting or other appurtenances. A wireless telecommunications facility does not include any facility that is not used for wireless telecommunication, or radio frequency machines which have an effective radiated power of 100 watts or less.

Accessory equipment means any equipment building, shelter, or cabinet serving or being used in conjunction with a wireless telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, and shelters or other structures associated with the operation of a wireless telecommunications facility or support structure.

Antenna means any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communication services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as any system of wires, poles, rods, discs, reflecting discs, panels, flat panels, dishes, whip antennae, or other similar devices used for the transmission or reception of radio frequency electromagnetic waves. Antennas include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna. The height of all antennas shall include the highest point of all array structures.

Co-location means the placement of more than a single antenna on a telecommunications site or facility, including antennas operated by different wireless telecommunications service providers.

Cell on wheels (COW) means a portable self-contained site that can be moved to a location and set up to provide personal wireless telecommunications services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

Federal Communications Commission (FCC) means the governmental agency responsible for regulating wireless telecommunications in the United States.

Monitoring protocol means an industry accepted radio-frequency radiation measurement protocol used to determine compliance with FCC radio frequency radiation exposure standards in accordance with the National Council on Radiation Protection and Measurements Reports 86 and 119 and consistent with the radio frequency radiation modeling specifications of the most recent edition of the FCC Office of Engineering and Technology's "OET Bulletin 65" (or any superseding reports/standards) which is to be used to measure the emissions and determine radio frequency radiation exposure levels from existing and new telecommunications facilities.

Monopole means a single, freestanding poly-type structure supporting one or more antennas. These structures are sometimes camouflaged to look like palm trees or pine trees. For purposes of this chapter, a monopole is not a tower.

Non-ionizing electromagnetic radiation (NEIR) means radiation from the portion of the electromagnetic spectrum with frequencies of insufficient energy to break chemical bonds, including all frequencies below the ultraviolet range such as visible light and radio frequency radiation.

Replacement means the removing of an existing support structure and constructing a new support structure of equal height and proportions to the preexisting support structure in order to accommodate co-location.

Stealth technology/techniques means camouflaging methods applied to any wireless telecommunications facility such that the wireless telecommunication towers, antennas, and/or other components of the facility in such a manner so as to render it "minimally visible", and so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer. Stealthing may utilize, but does not require, concealment of all components of the wireless facility.

Tower means a mast, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A lattice-type structure, guyed or freestanding, that supports one or more antennas.

Wholesale means sale for resale and not for direct consumption.

Sec. 106-1191. - “Y” Definitions

Yard means any open space on the same lot with a building, provided that the open space is unoccupied and unobstructed from the ground upward, except for encroachments permitted by this chapter.

Yard, front means the space extending the full width of the lot between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone.

Yard, rear means a yard extending across the full width of the lot between a building and the rear lot line.

Yard, required means that portion of a yard which meets the minimum requirements of the zone in which located, and which is in compliance with all other sections of this chapter.

Yard sale means a yard, garage, patio or similar type sale for the purpose of disposing of used personal property.

Yard, side means a yard between a building and the nearest side lot line, extending from the rear of the required front yard to the front of the required rear yard.

Sec. 106-1192. - “Z” Definitions

Zone means a designation or classification of land as shown on the zoning map within which uniform regulations as provided in this chapter shall apply to the use and development of land.

Zoning map means that map specifically referred to in this chapter as the zoning map, which shows the locations of all zones.

(Ord. No. 1270, § 30.010, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1532, §§ 3, 4, 9-3-2002; Ord. No. 1547, § 2, 1-20-2004; Ord. No. 1486, § 1, 12-15-1997; Ord. No. 1586, § 2, 3-16-2009; Ord. No. 1625, § 3, 3-18-2013; Ord. No. U-1666, §§ 5—7, 7-17-2017; Ord. No. 1675, § 1, 5-7-2011)