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## **SIGNS, OUTDOOR ADVERTISING AND ADVERTISING STRUCTURES**

### **§ 155.515 PURPOSE.**

The general purpose of the regulations regarding signs, outdoor advertising and advertising structure set forth in this chapter shall be to minimize hazards and obstructions to traffic and thereby promote traffic safety; to protect persons and property values from damage due to indiscriminate and harmful use of signs, outdoor advertising and advertising structures; and to preserve a pleasing and attractive appearance in all areas of the city and thereby foster orderly development of a high standard.

('64 Code, § 55.00)

### **§ 155.516 COMPLIANCE WITH ZONE REQUIREMENTS.**

No signs, outdoor advertising or advertising structures of any kind shall be erected or located except those permitted in the various zones and in compliance with the provisions of the following sections.

('64 Code, § 55.01) Penalty, see § [10.97](#)

### **§ 155.517 SIGNS NOT REGULATED.**

The provisions and regulations of this chapter shall not apply to the following types of signs:

- (A) Official notices issued by any court, public body or officer.
- (B) Notices posted by any public officer in performance of a public duty, or by any person in giving legal notice.
- (C) Traffic, directional, warning or information signs, or structures, required or authorized by any federal, state, county or city regulation, ordinance or resolution.
- (D) Any signs used for emergency purposes only.
- (E) Permanent memorial or historical signs, plaques or markers.
- (F) Bulletin or announcement boards not over 12 square feet in area per 100 feet of street frontage, related to the structure to which it is appurtenant and located on the premises of public, charitable or religious institutions.
- (G) Identification signs not more than one square foot in area may bear the name, title and address of the occupant on the premises where said sign is located.

('64 Code, § 55.02)

### **§ 155.518 SIGN PERMITS REQUIRED; EXCEPTIONS.**

- (A) To insure compliance with the regulations contained in this chapter, a sign permit shall be required in order to erect, repair, alter, relocate or maintain any sign, outdoor advertising or

advertising structure except as provided in this subchapter. Application for said permit shall be on a form provided by the city and shall be accompanied by a filing fee as set by City Council resolution. A tag issued by the city indicating the sign permit number must be affixed to the sign so as to be readily visible to the Building Inspector.

('64 Code, § 55.03) (Am. Ord. 716, passed 7-23-87)

(B) The following signs, outdoor advertising and advertising structures shall be exempt from the required permit set forth in this subchapter:

(1) Signs, outdoor advertising and advertising structures regulated by the Building Code and for which a valid building permit has been issued.

(2) Temporary architects or builder's signs.

(3) Signs pertaining to the sale, lease or rental of any structure or site when the sign is located on said site.

(4) Direction signs in connection with off-street parking and loading facilities.

(5) Signs of less than four square feet in area.

('64 Code, § 55.04) Penalty, see § [10.97](#)

#### § 155.519 LOCATION OF OUTDOOR ADVERTISING RESTRICTED.

(A) Where this chapter requires a conditional use permit for the use of any premises for outdoor advertising, the Planning Commission shall consider, among other criteria, the standards set forth below.

(B) These standards shall also govern the location of outdoor advertising in any zone where outdoor advertising is a principal permitted use.

(1) Outdoor advertising displays shall not be located closer than 25 feet from buildings on an adjoining property and that at such time as any new buildings are constructed on said adjoining property where an outdoor advertising display would be within 25 feet of the building, said display will become nonconforming; except, where said display is located adjacent to any wall which has no window openings.

(2) Separate outdoor advertising displays, including "V" type structures, shall not be spaced at intervals of less than 900 feet. This distance shall be measured linearly along the adjoining street frontages, including intersecting streets; however, this provision shall not apply to a proposed new outdoor advertising display on part of which is visible from an existing outdoor advertising display on an intersecting street.

(3) Outdoor advertising displays shall not be located within 100 feet of any street intersection, measured from the setback line, unless approved by the Traffic Commission.

(4) Outdoor advertising displays shall not be erected at any location on any street within 250 feet of any property having frontage on said street where said property is zoned for residential purposes, or which is devoted to public or quasi-public, recreational, educational, religious, cultural or administrative uses.

(5) Outdoor advertising displays shall not be located within any required yard; and furthermore, any outdoor advertising displays of more than 500 square feet in area shall be set back one additional foot from the building setback line for each 10 square feet in excess of said 500 square feet of sign area. The maximum required setback shall be 40 feet.

(6) Outdoor advertising displays shall be designed and located in such a manner that they duly respect the rights of other neighboring uses of property. The back of new outdoor advertising displays shall be covered and/or designed to mitigate unsightliness.

(7) Outdoor advertising displays shall be removed from property at such time as the property is developed.

('64 Code, § 55.05) (Am. Ord. 358, passed 7-10-69; Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### **§ 155.520 TEMPORARY ARCHITECT'S OR BUILDER'S SIGNS.**

Temporary signs denoting the architect, engineer, contractor or builder may be erected on the building site of any work under construction, alteration or removal. Such signs shall not require a permit but shall be removed from the site within seven days after completion of the project.

('64 Code, § 55.06) Penalty, see § [10.97](#)

#### **§ 155.521 PORTABLE SIGNS PROHIBITED.**

Portable signs, including A-frame, sandwich boards, poster boards and signs mounted on trailers or motor vehicles which are capable of being carried or readily moved from one spot to another, shall be prohibited in all zones.

('64 Code, § 55.06.1) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### **§ 155.522 SIGNS ON MOTOR VEHICLES PROHIBITED.**

No property in any zone shall be used for the purpose of displaying an advertising sign or structure located upon or fastened to a motor vehicle, nor shall a motor vehicle be parked on any parking area or street for the purpose of displaying an advertising sign or structure.

('64 Code, § 55.06.2) (Am. Ord. 358, passed 7-10-69; Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### **§ 155.523 TRACT SIGNS.**

Temporary signs concerning the original public sale of property in a subdivision tract are permitted in all zones; provided that:

- (A) All such signs must be located on some portion of the land being advertised for sale.
- (B) Each sign shall not exceed a total area of 150 square feet.
- (C) There shall not be more than one such sign for each 500 feet of street frontage in the tract, and a total of not more than 10 such signs.
- (D) Along any street the signs shall be spaced not less than 150 feet from each other.

(E) Such temporary signs may be permitted in required yard setbacks; provided, they are not less than 10 feet from any street property line.

(F) No sign shall exceed a height of 15 feet above the natural grade of the site.

(G) Such signs shall be indirectly lighted and all lights shall be placed so as to not cause undue light or glare on surrounding property or streets.

(H) Signs shall be removed within 30 days after completion of sales activities in connection with the property or tract to which they pertain. To insure said removal, a faithful performance bond sufficient to cover cost of removing and disposing of said signs shall be posted with the city prior to erection of said signs.

('64 Code, § 55.07) Penalty, see § [10.97](#)

### **§ 155.524 SIGNS NEAR FREEWAYS PROHIBITED; EXCEPTIONS.**

(A) No signs, outdoor advertising or advertising structures shall be permitted in any zone within 500 feet of either side of the right-of-way of any freeway except as provided in this subchapter.

('64 Code, § 55.08)

(B) The following types of signs, outdoor advertising and advertising structures shall be permitted along a freeway; provided that all other provisions of this division are met:

(1) Signs which serve only to identify the building upon which the signs are located, the person, firm or corporation occupying the building, the type of business conducted on the premises, or the products manufactured or produced on the premises.

(2) Electronic reader board signs as provided in this division.

(3) Not more than two temporary signs, each not exceeding 16 square feet in area and located a minimum of 50 feet apart, pertaining to the sale, lease or rental of the site or structures on the site. Said sign(s) shall be removed from the site upon occupancy of the site, structure or unit.

('64 Code, § 55.09)

(Am. Ord. 367, passed 12-11-69; Am. Ord. 746, passed 4-13-89) Penalty, see § [10.97](#)

### **§ 155.525 FREESTANDING CENTER SIGNS.**

(A) Development plan approval shall be required for the establishment of freestanding center signs.

(B) In addition to any other conditions which the Planning Commission may impose on the granting of said development plan approval, the following criteria and conditions shall apply:

(1) Freestanding center signs shall only be approved for unified commercial and industrial developments such as shopping centers, business parks and similar developments which are five or more acres in area.

(2) Freestanding center signs shall only be approved in conjunction with the approval of a comprehensive sign program for the entire unified commercial or industrial development served pursuant to § [155.526](#) of this chapter.

(3) The size, area, height, location, and the like, of freestanding center signs shall be subject to the sign development standards and limitations of the underlying zone of the property served, except that freestanding center signs may be approved in excess of the height and area limitations for free standing signs if the height and area of the sign are in proportion to the scale of the development served as determined by the Planning Commission.

('64 Code, § 55.10) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

### **§ 155.526 COMPREHENSIVE SIGN PROGRAM REQUIREMENTS FOR UNIFIED DEVELOPMENTS.**

A comprehensive sign program shall be prepared for approval by the Director of Planning and Development for all unified commercial and industrial developments such as shopping centers, business parks, industrial parks and similar developments which are five or more acres in area. The comprehensive sign program shall specify the design criteria including but not limited to sign area allocation per unit or building and shall show the relationship of the individual signs to the buildings and development as a whole. All signs shall be designed in good taste, have balance and symmetry and be fabricated and installed with high quality workmanship and in accordance with the approved comprehensive sign program.

('64 Code, § 55.11) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

### **§ 155.527 WINDOW DISPLAYS.**

Window signs shall not exceed 25% of the window area of the premises served and shall be subject to the sign limitations of the underlying zone except that window signs exceeding said 25% area limitations may be permitted for special sales events provided that approval is granted by the Director of Planning and Development and that said signs exceeding the area limitations shall be limited to not more than five 14-day periods in any calendar year.

('64 Code, § 55.12) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

### **§ 155.528 MEASUREMENT OF HEIGHT OF SIGNS.**

The height of a sign shall be measured at the highest average ground level within three feet of either side of said sign. In order to allow for variations in topography, the height of a sign may vary an amount not to exceed six inches from the height required by this chapter.

('64 Code, § 55.13) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

### **§ 155.529 DANGEROUS SIGNS PROHIBITED.**

(A) No sign, outdoor advertising or advertising structure shall be permitted which in any way endangers the health or public safety by causing distraction to operators of motor vehicles on streets and highways, or creates a traffic hazard by obstructing vision, or is detrimental or harmful to the use of surrounding properties.

(B) All signs shall be subject to the following limitations as to location, illumination, and color:

(1) No sign shall be located where it would interfere with, obstruct the view of or be confused with any authorized traffic sign.

(2) No sign shall be illuminated in such a way as to cause glare or light to be transmitted in detrimental or harmful concentrations onto adjoining properties or streets.

(3) No sign shall be of such color or lighted with such color as to be confused with or resemble public regulatory signs or signals.

('64 Code, § 55.14) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### **§ 155.530 STREAMER SIGNS.**

Streamers, banners, pennants, whirling devices or similar objects which wave, float, fly, rotate or move in the breeze shall be prohibited in all zones, except that only banners may be permitted for four periods of time, each of which shall not exceed 30 consecutive days and separated by 15 days in any calendar year, for a sales promotion. In addition, new businesses, without any permanent signs, may display a banner for a one time period not to exceed 45 days for the purpose of a temporary business identification. A sign permit in accordance with the provisions of § [155.518](#)(A) shall be obtained for each occurrence. This restriction shall not apply to official national flags or banners announcing public events, or usual Christmas decorations for the period beginning 45 days prior to Christmas, and terminating 10 days after Christmas.

('64 Code, § 55.15) (Am. Ord. 358, passed 7-10-69; Am. Ord. 700, passed 9-11-86; Am. Ord. 1046, passed 10-24-13) Penalty, see § [10.97](#)

#### **§ 155.531 SETBACK OF SIGNS.**

Signs, outdoor advertising, and advertising structures, unless otherwise specified in this chapter, shall not be located in any required front yard nor in any required side yard adjoining a street on a corner lot.

('64 Code, § 55.16) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### **§ 155.532 PROJECTION OF SIGNS OVER PUBLIC WAYS PROHIBITED.**

No sign shall be permitted which projects over the planned street width of any street, highway or other public way.

('64 Code, § 55.17) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### **§ 155.533 MAINTENANCE.**

(A) All signs, outdoor advertising and advertising structures and the ground and/or landscaped area thereunder, shall be kept in good repair and maintained in a neat and orderly manner.

(B) In addition, the following provisions shall apply:

(1) Signs and sign support structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening. They shall be able to safely withstand at all times the wind pressure for which they were originally designed, and in no case less than required by the city's building laws.

(2) Every sign shall be maintained in a clean, safe, and good working condition, including the replacement of defective parts, defaced or broken faces, lighting and other acts required for the maintenance of said sign. The display surfaces shall be kept neatly painted or posted at all times.

(3) Within 60 days after a sign becomes abandoned, said sign shall be removed or the face of said sign shall be removed and replaced with blank panels or shall be painted out. Abandoned signs which are painted on building walls and fascias shall be painted out in a manner such that said building walls and fascias are left a uniform color which is consistent with the rest of the building.

('64 Code, § 55.18) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### § 155.534 MEASUREMENT OF SIGN AREA.

Sign area shall be calculated by measuring the entire area within a single continuous perimeter, including the extreme elements of such sign and any background or wall area or backing constructed, painted or installed as an integral part of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. The area of double-faced signs shall be the area of the larger single face. Both faces of a double-faced sign may be calculated as a single sign area; provided, that the faces are approximately parallel to each other and not more than two feet apart at the farthest point.

('64 Code, § 55.19) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### § 155.535 NONCONFORMING SIGNS.

A sign permit shall be required in order to maintain a nonconforming sign. Where property, which on the effective date of this chapter or of any subsequent amendment thereto, is nonconforming only as to the regulations relating to signs, the use of said property may be continued in the same manner as if the signs were conforming; provided, valid sign permits have been obtained. However, nonconforming signs may not be enlarged or reconstructed and are subject to the termination provisions of nonconforming uses set forth in this chapter.

('64 Code, § 55.20) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### § 155.536 SIGN GUIDELINES.

Sign guidelines established by the Director of Planning and Development shall be considered part of the sign provisions of this chapter as contained herein. The sign guidelines may be changed or modified from time to time as determined necessary by the Director of Planning and Development to promote aesthetically pleasing sign usage in the city.

('64 Code, § 55.21) (Am. Ord. 746, passed 4-13-89)

## LANDSCAPING

### § 155.545 PURPOSE.

The purpose of the landscaping requirements in this chapter shall be to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings in all zones of the city and thus create the necessary atmosphere for the orderly development of a uniformly pleasant community. Landscaping also contributes to the relief of heat, noise and glare through the proper placement of green plants and trees.

('64 Code, § 56.00)

### § 155.546 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**LANDSCAPING.** Some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination or design may include rock and such structural features as fountains, pools art works, screens, walls, fences, or benches, but such objects alone shall not meet the requirements of this subchapter. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner.

('64 Code, § 56.01)

### § 155.547 SCOPE.

Any property on which a building or structure is located or erected or on which a use of land is established, including any outdoor use, shall be required to provide landscaping in accordance with the provisions of this section.

('64 Code, § 56.02) (Am. Ord. 700, passed 9-11-86)

### § 155.548 SPRINKLER SYSTEM REQUIRED.

Landscaped areas shall be provided with a suitable, fixed, permanent and automatically controlled method for watering and sprinkling of plants. This operating sprinkler system shall consist of an electrical time clock, control valves, and piped water lines terminating in an appropriate number of sprinklers to insure proper watering periods and to provide water for all plants within the landscaped area. Sprinklers used to satisfy the requirements of this section shall be spaced to assure complete coverage of all landscaped areas.

('64 Code, § 56.02.1) (Am. Ord. 358, passed 7-10-69; Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

### § 155.549 MAINTENANCE.

Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This is meant to include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.

('64 Code, § 56.03) (Am. Ord. 358, passed 7-10-69) Penalty, see § [10.97](#)

### § 155.550 SCREENING REQUIREMENTS.



Where landscaped screening is required, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, screening shall consist of mature shrubs and shall be maintained at a height of from four to six feet.

('64 Code, § 56.04) Penalty, see § [10.97](#)

#### **§ 155.551 LANDSCAPING BETWEEN WALL AND PROPERTY LINE.**

Any open area between a fence or wall and adjacent property line shall be maintained in a neat and orderly manner.

('64 Code, § 56.05) Penalty, see § [10.97](#)

#### **§ 155.552 DANGEROUS LANDSCAPING PROHIBITED.**

No landscaping shall be permitted which in any way endangers the health or public safety by creating a traffic hazard by obstructing vision or which is detrimental or harmful to the use of surrounding property.

('64 Code, § 56.05.1) (Am. Ord. 358, passed 7-10-69) Penalty, see § [10.97](#)

#### **§ 155.553 PLOT PLAN REQUIRED.**

Where landscaping is required in this chapter, a plot plan showing the proposed landscape development, watering system and use of the property shall be submitted to the Department of Planning and Development. The same plot plan used to show parking layout or other requirements for the issuance of a building permit or planning approval may be used, provided all proposed landscaping is adequately detailed on said plot plan. The Director of Planning and Development may disapprove such plans if he determines that they are not consistent with the purposes of this chapter.

('64 Code, § 56.06) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.554 MINIMUM DIMENSIONS.**

The minimum inside width of any required landscaped area, or any form of fixed planter box used to satisfy required landscaping, shall be three feet, unless otherwise specified in this chapter.

('64 Code, § 56.07) (Am. Ord. 358, passed 7-10-69) Penalty, see § [10.97](#)

#### **§ 155.555 NONCONFORMING STATUS.**

Any use of property, which on the effective date of this chapter or any subsequent amendment thereto is nonconforming only as to the regulations relating to landscaping, may be continued in the same manner as if the landscaping was conforming. However, such use may not be increased in intensity except in accordance with the requirements of this chapter, and any landscaping which may exist in the locations specified by this chapter shall not be reduced unless suitable substitutions are made, which would meet the requirements of this chapter.

('64 Code, § 56.08) Penalty, see § [10.97](#)

### § 155.556 LANDSCAPING REQUIRED FOR MORE INTENSIVE USE.

When the intensity of use of any premises is increased through the addition of 25% or more to the floor area or developed lot area, that portion of the premises shall provide the required landscaping in accordance with the provisions of this chapter. When the intensity of use is increased 60% or more, landscaping as required by this chapter shall be provided on the entire developed portion of the property.

('64 Code, § 56.09) Penalty, see § [10.97](#)

### § 155.557 TEMPORARY WAIVER OF REQUIRED LANDSCAPING.

The Planning Commission may grant a temporary waiver of any of the landscaping provisions of this chapter where the following conditions exist:

(A) Where the surrounding properties are predominantly undeveloped or are predominantly nonconforming with respect to the landscaping provisions of this chapter; and

(B) Where the street is not yet completely improved and where the proposed landscaping is proposed for the area which would be disturbed by the widening and improvement of the street; and

(C) Where the applicant agrees by signed affidavit to install the required landscaping when the above conditions no longer apply or at such other time as the Commission may designate.

('64 Code, § 56.10) (Am. Ord. 358, passed 7-10-69)

### § 155.558 DECORATIVE GROUND COVERS.

The use of decorative rocks, boulders, gravel, redwood bark, and other similar material for ground cover in landscaped areas shall not exceed 10% of the required landscaping. Moreover, such materials shall not be installed in the parkway or front yard setback areas of the property, except that large boulders may be installed in the front yard setback areas, provided further that the boulders do not impair sight visibility of traffic flow in the area.

('64 Code, § 56.11) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

### § 155.559 LANDSCAPE GUIDELINES.

Landscape guidelines established by the Director of Planning and Development shall be considered part of the landscape provisions of this chapter as contained herein. The guidelines may be modified from time to time as determined necessary by the Director of Planning and Development to promote aesthetically pleasing landscape usage in the city.

('64 Code, § 56.12) (Am. Ord. 746, passed 4-13-89)

## **PLANNED STREET WIDTHS AND BUILDING SETBACK LINES**

### § 155.570 PURPOSE.

The establishment of planned street widths and building setback lines is necessary in order to insure that there will be adequate amounts of light and air, to provide adequate visibility when entering or leaving the streets, to provide a proper setting for buildings away from the noise and

fumes of traffic and to provide space for landscaping both now and in the future when all streets and highways have been widened to their ultimate width.

('64 Code, § 57.00)

#### **§ 155.571 DETERMINATION OF STREET WIDTHS.**

The Planning Commission, after a study and report from the Director of Public Works and the Department of Planning and Development, may recommend the planned width of any street, existing or proposed. The Commission's action shall be in the form of a resolution, a copy of which shall be forwarded to the City Council.

('64 Code, § 57.01) (Am. Ord. 510, passed 6-24-75)

#### **§ 155.572 COUNCIL ACTION.**

The City Council may approve the Commission's recommendation, or it may request the Planning Commission to hold a public hearing on the matter of the proposed planned street width of any street or group of streets, or it may hold a public hearing on the matter itself. The Council's action in establishing the planned street width shall be final and the width determined shall be used in calculating the required yards and building setback lines set forth in this chapter.

('64 Code, § 57.02)

#### **§ 155.573 MEASUREMENT AND ESTABLISHMENT OF BUILDING SETBACK LINES.**

(A) Building setback lines shall be measured from the street centerline and include one-half of the planned street width plus the yard requirements of the zone in which the property is located. The planned street width shall include appropriate corner cut-offs at street intersections.

('64 Code, § 57.03)

(B) Building setback lines are hereby established on all streets of the city in accordance with the following:

(1) On all property adjacent to any street shown on the street and highway section of the master plan of the city, building setback lines shall include one-half of the planned street width as shown on said master plan, plus corner cut-offs, plus the yard requirements for the zone in which said property is located.

(2) On all property adjacent to any street where the planned width has been determined by other official action, building setback lines shall include one-half of the total planned width plus corner cut-offs, plus the yard requirements for the zone in which said property is located.

(3) On all property adjacent to a street upon which the planned street width has not been determined, a temporary building setback line shall include a distance of 30 feet from the centerline of said street plus corner cut-offs, plus the yard requirements for the zone in which said property is located.

('64 Code, § 57.04)

(Am. Ord. 358, passed 7-10-69) Penalty, see § [10.97](#)

### § 155.574 PROHIBITION OF BUILDING WITHIN SETBACK LINES.

No structure or building or any portion thereof shall be erected on any property within the building setback lines except as provided in this chapter.

('64 Code, § 57.05) Penalty, see § [10.97](#)

### § 155.575 REQUIREMENT.

(A) Except in the A-1 and R-1 Zones, no newly erected or enlarged building or structure shall be used or occupied, and the Building Inspector shall deny final public utility connections to any such building or structure, and shall deny the certificate of occupancy therefor, until the one-half of the street which is located on the same side of the center of the street as such lot has been dedicated and improved for the full width of the lot so as to meet the standards for such street as provided in § [155.580](#), or such dedication and improvement have been assured to the satisfaction of the City Engineer and the City Attorney, respectively, as hereinafter provided in § [155.578](#).

(B) In those cases where only a small portion of a larger parcel of land is being utilized, the requirement for dedication and improvement of the abutting street shall apply only to the portion of the property being utilized, as shown on the plot plan submitted for approval in accordance with the requirements of the city's Building Code and zoning regulations. The amount of right-of-way to be dedicated shall be determined in accordance with §§ [155.570](#) through [155.574](#).

('64 Code, § 57.06) (Ord. 337, passed 7-11-68) Penalty, see § [10.97](#)

### § 155.576 EXCEPTIONS.

The requirements of § [155.575](#) shall be modified in accordance with the following exceptions:

(A) The maximum area of land required to be dedicated shall not exceed 25% of the area of any such lot or land in contiguous ownership as shown in the official records of the County Recorder's Office on the effective date of §§ [155.575](#) through [155.583](#).

(B) Additional street improvements shall not be required where the property in question abuts a street which is already improved with standard street improvements as hereinafter defined. In such cases, however, dedication of right-of-way in accordance with the provisions of § [155.577](#) shall be required.

(C) The provisions of § [155.575](#) shall not apply to the construction of one single-family dwelling unit with customary accessory buildings when erected on a lot in accordance with the provisions of this chapter.

(D) The provisions of § [155.575](#) shall not apply to the construction of additions and accessory buildings incidental to a residential building legally existing on the lot, provided that no additional dwelling units or guest rooms are created.

(E) The provisions of § [155.575](#) shall not apply to the construction of additions and accessory buildings incidental to other than a residential building existing on the lot on the effective date of §§ [155.575](#) through [155.583](#), provided that the total cumulative floor area of all such additions and accessory buildings shall not exceed 500 square feet.

('64 Code, § 57.07) (Ord. 337, passed 7-11-68)

### § 155.577 DEDICATION PROCEDURE.

(A) Any person required to dedicate land by the provisions of this subchapter shall present to the City Engineer a deed granting an easement for a public street and appurtenant purposes, properly executed by all parties in interest, including beneficiaries and trustees of deeds of trust, in a form approved by the City Attorney. The deed shall be recorded by the city upon its approval by the City Engineer and the City Attorney.

(B) For the purposes of subchapter, dedication shall be deemed to have been satisfactorily completed when the City Engineer and the City Attorney accept for recordation the easement deed provided for herein. When such acceptance has taken place, the City Engineer shall notify the Building Department thereof.

('64 Code, § 57.08) (Ord. 337, passed 7-11-68)

### § 155.578 IMPROVEMENT PROCEDURE.

(A) Any person required to make improvements by the provisions of this subchapter shall make and complete the same to the satisfaction of the City Engineer, or if the City Engineer shall determine that it is not practical to construct said improvements, the applicant shall file with the City Engineer a bond and undertaking, or other security, in a form approved by the City Attorney, in such amount as the City Engineer shall estimate and determine to be necessary to complete all of the improvements required. Said undertaking shall be in recordable form, approved by the City Attorney, shall be binding upon and shall run with the land, and shall provide that the applicant or his successors in interest shall commence the improvements within 60 days after written notice from the City Engineer to do so, and shall thereafter diligently and continuously prosecute such improvements to completion. The applicant shall provide to the City Engineer such engineering studies, plans, surveys and other data, at the expense of the applicant, as the City Engineer may require, in order to make the estimate and determination of the bond amount.

(B) Such bond may be either a cash bond, a bond executed by a company authorized to act as a surety in this state, or other security. The bond shall be payable to the city and be conditioned upon the faithful performance of any and all work required to be done, and that should such work not be done or completed within the time specified, the city may, at its election, cause the same to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof. The bond shall be executed by all record owners of the lot as principal, and if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the state.

(C) Whenever the owner elects to deposit a cash bond, the city is authorized, in the event of any default on his part, to use any or all of the deposit money to cause all of the required work to be done or completed, and for payment of all costs and expenses therefor. Any money remaining shall be refunded to the owner. Any deficiency shall be paid by the owner within 10 days after billing by the city is mailed to the owner.

(D) When a substantial portion of the required improvements has been completed to the satisfaction of the City Engineer and the completion of the remaining improvements is delayed due to conditions, determined by the City Engineer, to be beyond the owner's control, the City

Engineer may accept the completed portion and consent to a proportionate reduction of the cash or surety bond in an amount estimated and determined by the City Engineer to be adequate to assure the completion of the required improvements remaining to be made.

(E) Whenever a surety bond has been filed in compliance with this section, the city is authorized, in the event of any default on the part of the principal, to enforce collection, under such bond, for any and all damages sustained by the city, including attorneys fees and court costs in an amount to be fixed by the court, by reason of any failure on the part of the principal faithfully and properly to do or complete the required improvements, and, in addition, may cause all of the required work to be done or completed, and the surety upon the bond shall be firmly bound for the payment of all necessary costs thereof.

(F) The term of the bond shall begin on the date of the acceptance by the City Engineer of the cash or his acceptance of the filing of the surety bond, and shall end upon the date of the completion to the satisfaction of the City Engineer of all improvements required to be made. The fact of such completion shall be endorsed by a statement thereof signed by the City Engineer, and the deposit shall be returned to the owner, or the surety bond may be exonerated, at any time thereafter.

(G) For purposes of this section, improvement shall be considered as satisfactorily assured when the City Engineer accepts the cash or surety bond provided for herein or the improvements required to be made have been completed to his satisfaction. When the City Engineer accepts the bond or the work has been completed to his satisfaction, he shall notify the Building Department.

(H) Where a cash or surety bond is accepted by the City Engineer, such cash deposit shall be returned, or the surety bond shall be exonerated, as the case may be, upon the written request of the applicant or his successor in interest, if the City Engineer does not give the notice to proceed in accordance with division (A) of this section within 10 years from the date of his acceptance of the cash or surety bond. In such event, the undertaking given by the applicant shall also be released and the applicant and his successors in interest shall have no further responsibility for compliance with the provisions of §§ [155.575](#) through [155.583](#).

('64 Code, § 57.09) (Ord. 337, passed 7-11-68)

### **§ 155.579 ISSUANCE OF CERTIFICATES OF OCCUPANCY AFTER CERTIFICATION OF DEDICATION AND IMPROVEMENT.**

When all dedication and improvements required by this subchapter have been completed or satisfactorily assured, the Building Inspector shall approve final public utility connections and the certificate of occupancy.

('64 Code, § 57.10) (Ord. 337, passed 7-11-68)

### **§ 155.580 IMPROVEMENT STANDARDS.**

The public streets to be improved shall be constructed and improved in accordance with the following standards insofar as such is practical and will not create an undue hardship:

(A) Street requirements:

(1) Major highways shall be dedicated to a minimum width of 100 feet, with roadway, sidewalk and parkway widths in accordance with standard city specifications as approved by the City Engineer. Improvements to the highway shall include curb and gutter, paving, sidewalks, street lights, wheel chair ramps, and graded parkway.

(2) Secondary highways shall be dedicated to a width of 80 feet, with roadway, sidewalk and parkway widths in accordance with standard city specifications as approved by the City Engineer. Improvements to the highway shall include curb and gutter, paving, sidewalks, street lights, wheel chair ramps, and graded parkway.

(3) Industrial streets shall be dedicated to a width of 64 feet, with roadway, sidewalk and parkway widths in accordance with standard city specifications as approved by the City Engineer. Improvements to the highway shall include curb and gutter, paving, sidewalks, street lights, wheel chair ramps, and graded parkway.

(4) Through collector streets shall be dedicated to a width of 64 feet, with roadway, sidewalk and parkway widths in accordance with standard city specifications as approved by the City Engineer. Improvements to the highway shall include curb and gutter, paving, sidewalks, street lights, wheel chair ramps, and graded parkway.

(5) Local residential streets shall be dedicated to a width of 60 feet, with roadway, sidewalk and parkway widths in accordance with standard city specifications as approved by the City Engineer. Improvements to the highway shall include curb and gutter, paving, sidewalks, street lights, wheel chair ramps, and graded parkway.

(6) In addition, each intersection shall be dedicated so as to provide a corner radius or a cut corner, and such dedication shall be improved, all in accordance with standard city specifications as approved by the City Engineer for such intersection.

(B) All improvements required to be made by the provisions of § [155.575](#) shall be done in accordance with the applicable then-existing provisions of the Department of Public Works standards and specifications.

(C) The City Engineer may approve and allow such variations and deviations from the aforesaid requirements as he determines are made necessary by the conditions of the terrain and the existing improvements contiguous to the property involved.

(D) The City Manager may waive the requirement of sidewalk construction in connection with the construction of buildings used for commercial or industrial purposes when the City Manager finds that the building is not along a route travelled by pedestrians to schools, churches or stores.

('64 Code, § 57.11) (Ord. 337, passed 7-11-68; Am. Ord. 563, passed 8-9-79) Penalty, see § [10.97](#)

#### § 155.581 APPEAL.

(A) Any person required to dedicate land or make improvements under the provisions of this subchapter may appeal any determination made by the City Engineer in the enforcement or administration of the provisions of such sections to the City Council.

(B) Such an appeal shall be in writing; shall state in clear and concise language the grounds therefor; and shall be filed with the City Clerk within 10 days of the date of the City Engineer's action which is appealed from. Within 10 days from the date of the filing of such an appeal, the City Engineer shall transmit all relevant information in his files and his report and recommendation thereon to the City Council.

(C) The City Clerk shall give to the applicant at least five days notice, by prepaid first class mail, of the date, place and time of the meeting at which the City Council will consider said appeal. At such meeting, the applicant shall be given a reasonable opportunity to be heard in support of his appeal.

(D) The City Council may make such modifications in the requirements of §§ [155.575](#) through [155.583](#) or may grant such waivers or modifications of the determinations which are appealed to them as they shall determine are required to prevent any unreasonable hardship under the facts of each case so long as each such modification or waiver is in conformity with the general spirit and intent of the requirements of such sections. The City Council shall make and enter into the minutes a finding as to the factors constituting said unreasonable hardship.

('64 Code, § 57.12) (Ord. 337, passed 7-11-68)

#### **§ 155.582 CITY ENGINEER TO DETERMINE STREET ALIGNMENT.**

Whenever uncertainty exists as to the proper application of the provisions of §§ [155.575](#) through [155.583](#) in the matter of street alignment, the City Engineer shall determine their application in conformity with the spirit and intent of such sections.

('64 Code, § 57.13) (Ord. 337, passed 7-11-68)

#### **§ 155.583 WRITTEN NOTIFICATION TO PERMIT APPLICANTS REQUIRED.**

When the City Engineer determines that the provisions of §§ [155.575](#) through [155.583](#) are applicable to any building permit application, he shall inform the permit applicant of his determination of the specific requirements of such sections which he determines to be applicable thereto and of the availability and procedure for appeal of his determination to the City Council.

('64 Code, § 57.14) (Ord. 337, passed 7-11-68)

### **ZONING CERTIFICATION**

#### **§ 155.595 PURPOSE.**

The purpose of zoning certification is to insure that all provisions and requirements of this chapter are fulfilled.

('64 Code, § 59.00)

#### **§ 155.596 WHEN REQUIRED.**

Zoning certification shall be required:

- (A) Before any building permit is issued.
- (B) Before any use of improved or unimproved property is established.



- (C) Before any use of improved or unimproved property is changed to another use.
- (D) Before any occupancy is changed to any other occupancy.
- (E) Before any license or permit concerning the use of property is issued or granted by the city.

(F) Notwithstanding any other provisions of this code, adult businesses, as defined in § [125.02](#) of [Chapter 125](#), shall not be required to obtain a zoning certification. Such businesses shall proceed under the licensing requirements of [Chapter 125](#).

('64 Code, § 59.01) (Am. Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07)

#### § 155.597 APPLICATION.

Application shall be made by the property owner or his authorized agent and shall be on a form prescribed by the city. In those cases involving the proposed use or development of property, the application shall be accompanied by a plot plan accurately drawn and showing the location of all existing and proposed structures, improvements and uses. The plot plan necessary for the issuance of a building permit may be used for the purpose of this chapter; provided, that all required information is set forth on said plot plan.

('64 Code, § 59.02)

#### § 155.598 DETERMINATION.

Zoning certification shall be promptly made when it has been determined that all the requirements of this chapter are met or are being met. Once made, zoning certification shall be valid only so long as the use established shall be in conformance with the requirements of this chapter.

('64 Code, § 59.03)

## ADULT BUSINESSES

#### § 155.600 PURPOSE.

It is the purpose and intent of §§ [155.600](#) *et seq.* of this chapter to regulate the operations of adult businesses, which tend to have judicially recognized adverse secondary effects on the community, including, but not limited to, increases in crime in the vicinity of adult businesses; decreases in property values in the vicinity of adult businesses; increases in vacancies in residential areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses while at the same time protecting the First Amendment rights of those individuals who desire to own, operate or patronize adult businesses.

(Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07)

#### § 155.601 DEFINITIONS.

The words and phrases included in §§ [155.600](#) through [155.605](#) of this chapter shall employ the definitions found in § [125.02](#), entitled "Adult Business Licenses and Operating Regulations," unless it is clearly apparent from the context that another meaning is intended. In addition to those definitions set forth in § [125.02](#), the following definitions shall apply to §§ [155.602](#), [155.633](#) and [155.649](#).

**PARK.** A city park so designated on the General Plan or zoning map of the city.

**SCHOOL.** Any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the Cal. Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

(Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-1-11-07)

#### § 155.602 LOCATION OF ADULT BUSINESSES.

(A) Adult businesses, as defined in § [125.02](#), shall be:

(1) Located exclusively in the C-4, Community Commercial Zone;

(2) Distanced 500 feet from any residentially zoned property which includes the city's R-1 Single-Family Residential and R-3 Multiple-Family Residential Zones. The distance between the adult use and the residentially zoned property shall be measured from the closest exterior wall of the adult use and the nearest property line included within the residential zone, along a straight line extended between the two points, without regard to intervening structures;

(3) Distanced 500 feet from a school or a park, as those terms are defined in § [155.601](#). The distance between the adult use and the school or park shall be measured from the closest exterior wall of the adult use and the nearest property line of the school or park, along a straight line extended between the two points, without regard to intervening structures; and

(4) Distanced 1,000 feet from any other adult business, as defined in § [125.02](#). The distance between adult businesses shall be measured from the closest exterior wall of each adult use along a straight line extended between the two points, without regard to intervening structures.

(B) Any person violating or causing the violation of any of these locational provisions regulating adult business shall be subject to the remedies of § [155.605](#).

(C) The requirements of divisions (A) and (B) of this section shall be in addition to any other relevant provisions.

(Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07) Penalty, see § [10.97](#)

#### § 155.603 AMORTIZATION SCHEDULE.

(A) Any adult business which does not conform to the locational criteria set forth in § [155.602](#) shall be regarded as a nonconforming use which may be continued for a period not to

exceed one year from the effective date of this chapter, unless an extension has been approved in accordance with the provisions of § [155.604](#).

(B) Any adult business located in any territory annexed to the city shall comply with the provisions of this chapter. If such use is found to be nonconforming to this chapter at the time of annexation, the amortization schedules provided in this section shall begin on the effective date of said annexation.

(C) The City Manager shall cause official notification to be sent to the legal property owner of record as it appears on the county tax roll by U.S. registered mail, stating the nonconforming status of such adult business on the property at least 120 days prior to the expiration of the amortization period. Failure to give notice of the expiration of the amortization period shall not be grounds to prevent an action seeking declaratory and/or injunctive relief against the owner of the business. If notice of the expiration of the amortization period is not given, any application for an extension of the amortization period, pursuant to § [155.604](#), shall not be denied on the grounds that it is untimely. If the operator of such business is different from that of the legal property owner, additional notification shall be sent to the business operator by U.S. registered mail.

(D) No legal nonconforming adult business shall expand, enlarge, or modify the area, space or volume occupied or devoted to such nonconforming use, or relocate or convert into another adult use without first securing an adult business regulatory license from the City Manager in accordance with [Chapter 125](#).

(E) Should any legal nonconforming adult business cease operation for a period exceeding six consecutive months within the amortization schedule provided in this section, said use shall be deemed to forfeit its legal nonconforming status and shall not be continued or reopened at said location.

(F) Upon the conclusion of the amortization schedule specified in this section and/or any extension granted pursuant to § [155.604](#), any legal nonconforming adult business shall cease all business operation and shall remove all signs, advertising and displays relating to said business within 15 days of city notification.

(Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07) Penalty, see § [10.97](#)

#### **§ 155.604 EXTENSIONS TO AMORTIZATION SCHEDULE.**

(A) The owner or operator of a nonconforming adult business use may file an application with the City Clerk for an extension of the amortization period described in § [155.603](#). In order to secure an extension of time, the owner must submit to the City Clerk a written request for such extension at least 90 days but no more than 180 days prior to the expiration of the amortization provision. No application for extension received after that date shall be considered, except as provided in § [155.604](#)(C). Such written request shall state:

(1) Whether the owner or operator of the adult business has timely applied for an adult business regulatory license under [Chapter 125](#), whether such license has been denied, and, if the license has been denied, on what grounds it was denied;

(2) Whether a previous extension has been requested and granted, as well as the date of the previous request; and

(3) The efforts that will be made to conform by the conclusion of the extended period.

(B) Within 28 days of receipt of the completed application, the City Manager shall set the matter for a public hearing with notice of such hearing to be made by the City Manager pursuant to Cal. Government Code §§ 65091 and 65905.

(C) The matter shall be heard by the Director of Planning and Development or his or her designee (hereinafter "Hearing Officer") which may include a third party hearing officer (e.g. a retired judge). The Hearing Officer shall render a written decision on the application for an extension of the amortization period within four city business days of the public hearing required by this section. The failure of the Hearing Officer to render any decision within the time frames established in any part of this section shall be deemed to constitute an approval allowing for a one-year extension.

(D) Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the city of the pending application. Extensions of time sought by applicants shall not be considered delay on the part of the city or constitute failure by the city to provide for prompt decisions on applications.

(E) In rendering its decision to grant or deny the extension, the Hearing Officer shall determine whether the adult business has been provided with a reasonable amortization period commensurate with the financial investment involved. If the Hearing Officer determines that the amortization period is not reasonable, it shall prescribe an amortization period that is commensurate with the financial investment involved. The burden shall be on the applicant to establish that an extension should be granted. The Hearing Officer shall consider the following facts in making its determination:

(1) The amount of the adult business owner's financial investment, excluding goodwill, in the existing adult business through the date of passage and approval of this subchapter;

(2) The amount of such investment that has been or will be realized through the effective date;

(3) The life expectancy of the existing adult business;

(4) Whether any such structures have depreciated below a reasonable salvageable value, taking into consideration the applicable Internal Revenue Service depreciation schedules;

(5) The existence or nonexistence of obligations pursuant to any lease, sublease and/or extensions to that lease or sublease, as well as any contingency clauses therein permitting termination of such lease;

(6) The cost of relocating the business to a site conforming with the provisions of this chapter;

(7) The ability of the business and/or landowner to change the use to a conforming use;

(8) The date upon which the property owner and/or business operator received notice of the nonconforming status of the use and the amortization requirements; and

(9) The effects on the health, safety and welfare of surrounding businesses and uses if an extension is granted, including any prior incidents of illicit sexual activity at the adult facility.

(F) The Hearing Officer's decision shall be in writing, and shall be hand delivered or sent by certified mail to the applicant, and shall be noticed in accordance with the provisions of this code.

(G) Amortization extensions that are granted shall specify a certain date for closure, and shall not be valid for operation at any other location. If the Hearing Officer grants the application, the applicant may continue operation until the date specified for closure in the written order granting the amortization extension.

(H) The decision of the Hearing Officer shall be final and subject to judicial review pursuant to Cal. Code of Civil Procedure § 1094.8. Any applicant or license holder whose license has been denied pursuant to this section shall be afforded prompt judicial review of that decision as provided by Cal. Code of Civil Procedure § 1094.8. Notice of the Hearing Officer's decision and findings shall include citation to Cal. Code of Civil Procedure § 1094.8.

(Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07)

### § 155.605 VIOLATIONS.

(A) Any person operating or causing the operation of an adult business in any parcel in which the amortization or grace period has expired and either: (a) no application for an extension has been filed or granted; or (b) no application for an adult business regulatory license under [Chapter 125](#) has been filed or granted, or any person violating or causing the violation of any of the locational provisions regulating adult business shall be subject to license revocation/suspension pursuant to § [125.07](#), a fine of not more than \$1,000.00 pursuant to Cal. Government Code §§ 36900 and 36901, and any and all other civil remedies. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

(B) In addition to the remedies set forth in § [155.605](#)(A), any violation of any of the locational and/or amortization provisions regulating adult businesses is hereby declared to constitute a public nuisance.

(Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07) Penalty, see § [10.97](#)

## MISCELLANEOUS USES

### § 155.610 PURPOSE.

Certain miscellaneous uses are of such nature as to warrant special consideration in order to insure that they will not adversely affect surrounding properties nor disrupt the orderly development of the community. The requirements set forth in this subchapter are those deemed necessary to insure compatibility and harmony with surrounding uses, to foster high standards of development, and to carry on the purpose and intent of this chapter. Any regulations or requirements set forth in this subchapter shall be in addition to those set forth in other articles of this chapter as well as any other applicable ordinances or regulations.

('64 Code, § 60.00)

### § 155.611 ACCESSORY BUILDINGS.

The location and use of accessory buildings shall be governed by the following regulations:

(A) *Attachments to main building restricted.*

(1) An accessory building which encroaches on any part of a required yard or open space shall not be attached to any main building.

(2) An accessory building which conforms to all of the yard and open space requirements established for a main building may be attached to a main building; provided, such attachment is by means of a foundation, wall or roof conforming to all provisions of the Building Code.

(B) *Use restricted.* An accessory building shall not be used for any purpose not permitted in the zone in which said accessory building is located.

('64 Code, § 60.01) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

### § 155.612 [RESERVED]

### § 155.613 AIRPORTS, HELIPORTS AND LANDING STRIPS.

(A) A conditional use permit shall be required for the establishment or enlargement of any airport, heliport or landing strip.

(B) In studying a request for such uses, the Planning Commission shall consider, among other criteria, the following:

(1) *Size and location of site.* The adequacy of the size and location of the site in relationship to other nearby uses shall be considered, particularly in regard to possible future expansion.

(2) *Performance standards.* The ability of the applicant to maintain operating conditions which will conform with the performance standards set forth in this chapter, with particular reference to noise limitations.

(3) *Safety precautions.* The techniques to be employed to protect the landing and take-off approach zones, to insure safe operations and to minimize potential accidents.

(4) *General welfare.* The effect of the proposed use on the welfare of the surrounding area and the community in general.

('64 Code, § 60.02) Penalty, see § [10.97](#)

### § 155.614 AMUSEMENT ARCADES.

(A) A conditional use permit shall be required for the establishment of an amusement arcade or business establishing five or more coin-operated games on the premises in the C-4 Community Commercial Zone. However, the establishment of adult arcades, as defined in § [125.02](#) shall be governed solely by §§ [155.600](#) through [155.605](#) of this chapter and [Chapter 125](#).

(B) In addition to any other condition which the Planning Commission may impose on the granting of said conditional use permit, the following criteria and conditions shall apply:

(1) Amusements arcades shall not be established in conjunction with gasoline stations, liquor stores or businesses engaged in the sale of liquor, tobacco products and drug paraphernalia.

(2) Amusements arcades shall provide security personnel licensed by the state if determined necessary to provide security and control of loitering, rowdiness or unlawful conduct.

(3) Amusements arcades shall provide adequate facilities for bicycle parking/storage in close proximity and safely located not to conflict with pedestrian or off-street parking, if determined necessary.

('64 Code, § 60.02.5) (Am. Ord. 700, passed 9-11-86; Am. Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07) Penalty, see § [10.97](#)

***Cross-reference:***

*Business regulations and permits, see [Ch. 110](#)*

**§ 155.615 ANIMALS.**

Any animal which causes excessive noise, odor or other disturbing elements detrimental to the use of surrounding property shall not be permitted in any zone.

('64 Code, § 60.03) Penalty, see § [10.97](#)

***Cross-reference:***

*Animals and fowl, see [Ch. 92](#)*

**§ 155.616 ANIMAL POUNDS AND KENNELS.**

(A) A conditional use permit shall be required for the establishment or enlargement of any kennel or animal pound.

(B) In studying a request for such uses, the Planning Commission shall consider among other criteria, the following:

- (1) Proximity to residential, schools, park and similar uses.
- (2) The effect on nearby properties and uses.
- (3) The frequency of removing accumulated manure.
- (4) Provisions for the control of insects and odors.
- (5) Adequate drainage facilities for the site.
- (6) Maintenance of fences, equipment, buildings and structures.

('64 Code, § 60.04) (Am. Ord. 358, passed 7-10-69) Penalty, see § [10.97](#)

***Cross-reference:***

*Animals and fowl, see [Ch. 92](#)*

**§ 155.617 BINGO PARLORS AND GAME ROOMS.**

Bingo parlors and game rooms shall only be established in the C-4 Zone after a valid conditional use permit has first been granted or conditionally granted, except, that said subject uses may be allowed in the C-4 Zone and other zones without a conditional use permit provided all of the following conditions are met:

(A) The subject uses shall be clearly incidental to a permitted public facility, church, mobile home park or club use, including service clubs, veterans organizations, lodges and other similar non-profit organizations and on the same premises as such use. For purposes of this section, the subject uses shall not qualify as incidental to another use if conducted on more than two days during each week.

(B) A sufficient number of off-street parking spaces shall be provided on the same premises as the subject uses to accommodate all vehicles generated by said subject uses.

(C) The subject uses shall be subject to the approval of the Fire Department and shall be in accordance with all other applicable regulations.

(D) The subject uses shall be conducted in such a manner as to not adversely affect surrounding properties and uses.

('64 Code, § 60.04.1) (Am. Ord. 568, passed 10-25-79) Penalty, see § [10.97](#)

***Cross-reference:***

*Business regulations and permits, see [Ch. 110](#)*

*Bingo games, see [Ch. 111](#)*

**§ 155.618 CEMETERIES, CREMATORIES, MAUSOLEUMS AND COLUMBARIUMS.**

(A) No cemetery, crematory, mausoleum or columbarium shall be established or enlarged unless a valid conditional use permit has first been granted by the city. The Commission may require that the application for said conditional use permit include maps, names and addresses, and the like, for an area within a radius of 2,000 feet of the exterior boundaries of the cemetery and such other information as it deems necessary. The required information may include proof of financial ability to develop and maintain the proposed cemetery, statement of plans for perpetual care of cemetery, and the like. The Commission may also require an additional filing fee based on an estimate of the cost involved in processing said application.

(B) In approving a conditional use permit for a cemetery, the Commission shall give due consideration to, among other things, proper access to minimize traffic congestion and adequate screening from adjoining properties.

('64 Code, § 60.05) Penalty, see § [10.97](#)

**§ 155.619 CHILD CARE NURSERIES.**

Where this chapter requires a conditional use permit for the establishment of a child care nursery, the Planning Commission shall consider the following criteria:



(A) *Off-street parking.* One off-street parking space shall be provided for each two employees working at any one time. These spaces shall be in addition to any spaces required for any other use occupying the same building or premises.

(B) *Off-street loading.* Wherever possible, an area for the loading and unloading of children shall be provided on the site and laid out in such a manner as to provide for forward travel of vehicles both on entering and leaving the site.

(C) *Outdoor play area.* An outdoor play area shall be provided with approximately 200 square feet of area per child. The play area shall be enclosed by a masonry wall or ornamental fence not less than six feet in height. An outdoor play area shall not occupy a required front yard but may occupy a required side or rear yard.

(D) *Other requirements.* All of the requirements of the state or any other licensing agencies having jurisdiction over such uses shall be met.

('64 Code, § 60.06) Penalty, see § [10.97](#)

#### **§ 155.620 CHRISTMAS TREE SALES.**

(A) The sale of Christmas trees and wreaths shall be permitted in any zone and shall be exempt from the property development standards of this chapter.

(B) Such use shall comply with the following conditions:

(1) That authorization for such use has first been granted by the City Council.

(2) That such sales shall be conducted only from December 1 to December 25, inclusive.

(3) That the operation be conducted in such a manner as to not adversely affect surrounding properties.

(4) That the premises used for such sales shall be cleaned up and restored to a neat and orderly condition by December 31 of that year.

('64 Code, § 60.07) Penalty, see § [10.97](#)

#### **§ 155.621 WRECKING YARDS, SALVAGE YARDS AND SIMILAR USES.**

(A) Premises used for the wrecking or dismantling of automobiles or other vehicles, salvage yards, scrap yards, junk yards and similar uses shall require a conditional use permit. The parking or storage of vehicles to be wrecked or dismantled or the storage of salvage, scrap or similar items, shall be considered a part of operations covered by the provisions of this section, and subject to all the requirements thereof.

(B) In addition to any other requirements which may be imposed on the granting of said conditional use permit, the following standards and requirements shall apply unless otherwise specifically set forth and itemized in said permit:

(1) The premises shall be maintained in a neat and orderly manner.

(2) All improvements shall be maintained in a good state of repair.

(3) No burning of combustible materials shall be permitted on the premises, unless in accordance with the requirements of the Los Angeles County Air Pollution Control District.

(4) No unsanitary conditions shall be allowed to exist.

(5) All requirements of the Fire Prevention Officer shall be met.

(6) The area shall be entirely enclosed, except for normal gateways needed for access purposes, with a wall or fence. Said wall or fence shall comply with the following requirements:

(a) Uniform height, a minimum of eight feet.

(b) Constructed of solid material such as masonry, metal or wood. Such material shall be new or of a quality acceptable to the Building Inspector.

(c) Except for masonry walls, all fences shall be painted a uniform neutral color and maintained in a neat and orderly condition.

(d) If the establishment fronts on a public street, or is within 150 feet of a public street, a solid masonry wall shall be required on the street frontage, except for the gate which may be of chain-link or other construction.

(7) No autos or materials shall be piled higher than the fence.

(8) No autos or other equipment shall be parked overnight except within the enclosed area.

(9) Paved off-street parking facilities shall be provided for customer parking, the number of spaces to be determined by the Planning Commission.

(10) If the enclosure is set back from a public street, access to the enclosure shall be by means of a paved driveway a minimum of 12 feet in width.

(11) No signs shall be placed on the sides or rear of the property where adjoining private property. No signs shall be painted on the surface of fences or walls.

(12) All operations and activities shall comply with all applicable laws, ordinances and regulations.

(13) A plot plan accurately drawn to scale and acceptable to the Director of Planning and Development shall be filed with the Planning Department showing the following information:

(a) The dimensions of the entire property.

(b) The dimensions of the enclosed area.

(c) Location of the fences and walls.

(d) Off-street parking for customers and employees.

(e) The layout of the area within the enclosure showing storage areas, dismantling area, access aisles, office, location and size of signs, and the like.

(f) The name, address and telephone number of the property owner, and the name, address and telephone number of the operator if different than the owner.

(14) The operator shall file a signed affidavit with the city that he is aware and accepts all the conditions imposed on the operation, and that he is aware that if any of the conditions are violated, or if any other law, ordinance or regulation is violated, the authorization to continue his operation shall become null and void.

('64 Code, § 60.32) (Am. Ord. 510, passed 12-9-75) Penalty, see § [10.97](#)

***Cross-reference:***

*Business regulation and permits, see [Ch. 110](#)*

**§ 155.622 CLUBS, LODGES AND SIMILAR ORGANIZATIONS.**

Premises used for the meeting place and related facilities of any club, lodge, fraternal order, or similar organization shall comply with the following regulations:

(A) Where such uses are located in or adjoining a residential zone, all buildings except accessory buildings shall be located not less than 20 feet from any side or rear lot line adjoining such residential zone.

(B) If such uses are located in a zone which does not permit commercial uses, there shall be no external evidence of any commercial activity. Any retail sales on the premises shall be for members or guests only and shall be carried on as an activity which is minor and incidental to the major functions of the organization.

(C) Wherever possible, such uses shall be located on major or secondary highways in order to provide adequate access.

(D) Off-street parking facilities shall be sufficient to provide for all parking needs of such organizations and other users of the premises. The organizations themselves shall take adequate steps to insure that their members and other users of the premises do not occupy street parking which would interfere with movement of traffic or with the use of nearby properties.

('64 Code, § 60.09) Penalty, see § [10.97](#)

**§ 155.623 CONSTRUCTION BUILDINGS, TEMPORARY.**

Temporary structures for the housing of tools and equipment or supervisory offices in connection with major construction works or tract construction may be established and maintained on the premises of the project during the construction period, subject to the following provisions:

(A) Such structures shall be erected and located in a manner which will not endanger any persons or property.

(B) Such structures shall only be permitted for the duration of the construction project, and in no case shall the time exceed one year unless the Planning Commission grants an extension of time.

('64 Code, § 60.10) Penalty, see § [10.97](#)

**§ 155.624 DAIRIES, ANIMAL FEED LOTS AND ANIMAL SALES YARDS.**

(A) A conditional use permit shall be required for the establishment or enlargement of a dairy or an animal feed lot or animal sales lot.

(B) In establishing the requirements for such uses, the Planning Commission shall consider, among other criteria, the following:

(1) Standards of density of animals per site area.

(2) The frequency of removing accumulated manure.

(3) Provisions for insect control.

(4) Adequate drainage facilities for the site.

(5) Frequency of painting or whitewashing fences, equipment, buildings and other structures.

(6) The effect on nearby properties and uses.

('64 Code, § 60.11) Penalty, see § [10.97](#)

#### **§ 155.625 DAY CARE; LARGE FAMILY.**

(A) An administrative large family day care use permit, reviewed and issued by the Director of Planning and Development, shall be required for the establishment, operation and maintenance of a large family day care use in the R-1 and R-3 Zones. The large family day care use permit application fee shall be \$100, with an annual \$50 renewal/reconsideration fee. The permit review process, including notification and public hearing (if requested), shall be conducted as provided by Cal. Health and Safety Code § 1597.46.

(B) The following criteria shall be considered for the granting of a large family day care use permit to operate a large family day care use:

(1) Provision of one additional on-site parking space for each nonresident employee that drives a vehicle to the day care facility.

(2) Traffic generated in the vicinity of a large family day care use should not increase by more than 25% of current traffic load patterns unless otherwise approved by the City Engineer.

(3) Loading and unloading (pick-up and drop-off) areas serving the use shall be provided upon the subject site whenever possible.

(4) A large family day care facility cannot be located within 500 linear feet of an existing large family day care facility unless the applicant can demonstrate that the concentration of said uses within 500 feet will not adversely affect traffic congestion or circulation in the vicinity. The minimum allowable distance shall be 300 linear feet.

(5) Noise levels generated by a large family day care use shall be consistent with the requirements of the noise standards contained in this chapter.

(6) A large family day care facility shall be operated in compliance with the fire and life safety standards promulgated by the State Fire Marshall specifically for large family day care facilities.

('64 Code, § 60.11.5) (Am. Ord. 827, passed 7-29-93) Penalty, see § [10.97](#)

## **§ 155.625.1 RESIDENTIAL DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES.**

### **(A) Intent.**

(1) In enacting this section, it is the intent of the city to encourage the development of affordable housing to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the city's housing element of the General Plan. The provisions of this section is intended to facilitate the construction of residential developments that will be long lasting, quality places to live, and compatible with surrounding land uses and residential neighborhoods. This section provides incentives for the production of housing for very low-, lower-, and moderate-income households and senior citizen housing in accordance with Cal. Government Code §§ 65915 through 65917.

(2) The regulations and procedures set forth in this section shall be publicized by the city and shall apply throughout the city. Sections of the California Government Code referenced in this section and application forms for complying with this section, shall be available to the public.

**(B) Definitions.** For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADDITIONAL INCENTIVES.** The regulatory concessions and incentives as specified in Cal. Government Code § 65915(k) to include, but not be limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the housing development, and any other regulatory incentive which would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus.

**AFFORDABLE.** Housing units offered at an affordable rent or affordable sales price.

**AFFORDABLE RENT.** Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low- and lower-income households, not exceeding the following calculations:

(a) Very low-income: 50% of the area median income for Los Angeles County, adjusted for household size appropriate for the unit, multiplied by 30% and divided by 12.

(b) Lower-income: 60% of the area median income for Los Angeles County, adjusted for household size appropriate for the unit, multiplied by 30% and divided by 12.

**AFFORDABLE SALES PRICE.** A sales price at which very low- or lower-income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

**CHILDCARE FACILITY.** A child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school age childcare centers.

**DENSITY BONUS.** A minimum density increase over the otherwise maximum allowable residential density.

**DENSITY BONUS HOUSING AGREEMENT.** A legally binding agreement between a developer and the city to ensure that the requirements of this chapter are satisfied. The agreement, among other things, shall establish the number of target units, their size, location, terms and conditions of affordability, and production schedule. See division (J) of this section.

**DENSITY BONUS UNITS.** Those residential units granted pursuant to the provisions of this section which exceed the maximum allowable residential density for the development site.

**EQUIVALENT FINANCIAL INCENTIVE.** A monetary contribution, based upon a land cost per dwelling unit savings that would otherwise result from a density bonus or additional incentive(s).

**HOUSEHOLD SIZE.** The number of persons assumed, as detailed in the table below, in determining the affordable rent or affordable sales price of target units, unless the housing development is subject to different assumptions imposed by other government regulations.

<i>Housing Unit Type</i>	<i>Assumed Persons Per Housing Unit</i>	
	<i>Non-Senior Units</i>	<i>Senior Units</i>
SRO (residential hotel) unit	75% of 1 person	75% of 1 person
0 bedroom (studio)	1 person	1 person
1 bedroom	2 persons	1 person
2 bedrooms	3 persons	2 persons

**HOUSING COST.** The sum of actual or projected monthly payments for all of the following associated with for-sale target units, principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities.

**HOUSING DEVELOPMENT.** Construction projects consisting of five or more residential units, including single-family, multi-family, and mobile homes for sale or rent.

**LOWER-INCOME HOUSEHOLD.** Households whose income does not exceed the lower income limits applicable to Los Angeles County, as published and periodically updated by the state's Department of Housing and Community Development pursuant to Cal. Health and Safety Code § 50079.5.

**MAXIMUM ALLOWABLE RESIDENTIAL DENSITY.** The maximum number of residential units permitted by the city's General Plan and Zoning Ordinance on the project site at the time of application, excluding the provisions of this section. If the housing development is within a planned development overlay zone, the maximum residential density shall be determined on the basis of the General Plan and the maximum density of the underlying zoning district.

**MODERATE-INCOME HOUSEHOLD.** Households whose income does not exceed the moderate-income limits applicable to Los Angeles County, as published and periodically updated by the state's Department of Housing and Community Development pursuant to Cal. Health and Safety Code § 50093.

**NON-RESTRICTED UNITS.** All units within a housing development excluding the target units.

**QUALIFIED HOUSING DEVELOPMENT.** A housing development in which the applicant agrees to provide the following:

(a) At least 5% of the total units of the housing development as target units affordable to very low-income households;

(b) At least 10% of the total units of the housing development as target units affordable to lower-income households;

(c) At least 10% of the total units in a common interest development, as defined in Cal. Civil Code § 1351, as target units affordable to moderate-income households, provided that all units in the development are offered to the public for sale subject to the equity sharing and restrictions specified in Cal. Government Code § 65915(c)(2); or

(d) Senior citizen housing.

**QUALIFYING RESIDENT.** Senior citizens or other persons eligible to reside in a senior citizen housing.

**SENIOR CITIZEN HOUSING.** A senior citizen housing development as defined in Cal. Civil Code §§ 51.3 and 51.12, or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Cal. Civil Code §§ 798.76 or 799.5.

**TARGET UNIT.** A dwelling unit in a housing development which will be reserved for sale or rent to, and affordable to, very low-, lower-income or moderate-income households, and qualifying residents, so as to qualify for a density bonus and additional incentives pursuant to this section.

**VERY LOW-INCOME HOUSEHOLD.** Households whose income does not exceed the very low-income limits applicable to Los Angeles County, as published and periodically updated by the state's Department of Housing and Community Development pursuant Cal. Health and Safety Code § 50105.

(C) *Density bonus.*

(1) This section describes the minimum density bonus, which shall be provided, at the request of an applicant of a qualified housing development when that applicant agrees to provide the following:

(a) At least 5% of the total units of the housing development as target units affordable to very low-income households;

(b) At least 10% of the total units of the housing development as target units affordable to lower-income households;

(c) At least 10% of the total units in a common interest development, as defined in Cal. Civil Code § 1351, as target units affordable to moderate-income households, provided that all units in the development are offered to the public for sale subject to the equity sharing and restrictions specified in Cal. Government Code § 65915(c)(2); or

(d) Senior citizen housing.

(2) For purposes of calculating the amount of density bonus, the applicant who requests a density bonus pursuant to this chapter shall elect whether the bonus shall be awarded on the basis of (C)(1)(a), (b), (c), or (d) above.

(3) In determining the minimum number of density bonus units to be granted to a housing development in a residential district pursuant to above division (C)(1), the maximum allowable residential density for the site shall be multiplied by a density bonus percentage. The density bonus percentage is determined according to the percentage of units in the housing development provided as target units affordable to very low-income households, lower-income households, and moderate-income households if a common interest development, or the housing development's status as senior citizen housing. The density bonus percentages for very low-income households, lower-income households, and moderate-income households if a common interest development are as shown below in Tables A through C, and the density bonus percentages for senior citizen housing are set forth in (C)(4) below.

<i>Table A: Very Low Income Units</i>	
<i>Percentage of Very Low-Income Units</i>	<i>Density Bonus Percentage</i>
5	22.0
6	22.5
7	25.0
8	27.5
9	30.0
10	32.5
11	35.0

<i>Table B: Lower-Income Units</i>	
<i>Percentage of Very Low-Income Units</i>	<i>Density Bonus Percentage</i>
10	20.0
11	21.5



12	23.0
13	24.5
14	26.0
15	27.5
16	29.0
17	30.5
18	32.0
19	33.5
20	35.0

<i>Table C: Moderate-Income Common Interest Development</i>	
<i>Common Interest Development Percentage of Moderate-Income Units</i>	<i>Density Bonus Percentage</i>

10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21

27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(4) For senior citizen housing, the density bonus shall be 20% of the number of senior housing units.

(5) The density bonus units shall not be included when determining the total number of target units in the housing development. When calculating the number of permitted density bonus units, any fractions of units shall be rounded to the next larger integer.

(6) The granting of a density bonus shall not be interpreted, in or of itself, to require a General Plan amendment, change of zone, or other discretionary approval.

(7) Each housing development meeting the criteria of above division (C)(1) is entitled to only one bonus density and may not combine density bonuses from more than one category listed above in division (C)(1).

(8) The applicant may elect to accept a lesser density bonus percentage than what is shown in the above tables. If the applicant elects to accept a lesser density bonus percentage, no reduction will be allowed in the number of target units required.

*(D) Target unit requirements.*

(1) Target units should be constructed concurrently with non-restricted units unless both the city and applicant agree within the density bonus housing agreement to an alternative scheduled for development.

(2) Target units shall remain restricted and affordable to the designated group for a period of 30 years (or longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program).

(3) In determining the maximum affordable rent or affordable sales price of target units the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:

<i>Housing Unit Type</i>	<i>Assumed Persons Per Housing Unit</i>	
	<i>Non-Senior Units</i>	<i>Senior Units</i>
SRO (residential hotel) unit	75% of 1 person	75% of 1 person
0 bedroom (studio)	1 person	1 person
1 bedroom	2 persons	1 person
2 bedrooms	3 persons	2 persons

(4) Target units shall be built on-site and, when practical, be reasonably dispersed within the housing development. Where feasible, the number of bedrooms in the target units should be equivalent to the bedroom mix of the non-target units of the housing development; except that the applicant may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development standards, except those which may be modified as provided by this section.

(5) Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative site. Where the applicant and the city form such an agreement, the resulting linked developments shall be considered a single housing development for purposes of this section. Under these circumstances, the applicant shall be subject to the same requirements of this section for the target units to be provided on the alternative site.

(6) A density bonus housing agreement shall be made a condition of the discretionary planning permits (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits, and the like) for all housing developments provided a density bonus or a development incentive pursuant to this section. The agreement shall be recorded as a restriction on the parcel or parcels on which the target units will be constructed. The density bonus agreements shall be consistent with division (J) of this section. In the event that the applicant enters into an inclusionary or other regulatory agreement with the city, then a separate density bonus housing agreement shall not be required.

(E) *Senior citizen housing development standards.* The following development standards apply to senior citizen housing that qualifies the applicant for a density bonus pursuant to this section, except if otherwise reduced/revised at the request of the applicant and approved by the city as an additional incentive(s) pursuant to division (F) of this section.

(1) Minimum floor area per dwelling unit:

- (a) Zero-bedroom: 400 sq. ft.
- (b) One-bedroom: 450 sq. ft.
- (c) Two-bedroom: 600 sq. ft.

(2) Minimum building facilities and features:

- (a) Laundry facilities: one washer and dryer per five dwelling units or fraction thereof.
- (b) Elevator(s): required for two plus story buildings, number dependent on design.
- (c) Lounge, lobby and group recreation facilities, including kitchen and bathrooms: 20 sq. ft. per dwelling unit.
- (d) Private storage space in interior or exterior of units in addition to clothes closets: 150 cu. ft. per dwelling unit.
- (e) Twenty four hour medical, security, and smoke detector alarm system to central location required in each unit.
- (f) Grab bars installed per standards of Cal. Administrative Code Title 24 required in all bathrooms.
- (g) Handrails required in all public hallways.

(3) Minimum open space:

- (a) Private open space per unit, in a patio or balcony: 60 sq. ft.
- (b) Common open space per unit with minimum 15 feet dimension: 125 sq.ft.

(F) *Additional incentives.*

(1) This section includes the provision for providing additional incentives as specified in Cal. Government Code § 65915(d), (e) and (h) for qualified housing developments. An applicant may request specific incentives pursuant to this section only when the housing development is eligible for a density bonus pursuant to division (C) of this section.

(2) *By right parking incentives.*

(a) Qualified housing developments shall be granted the following maximum parking standards listed below, inclusive of handicapped and guest parking, which shall apply to the entire development, not just the restricted target units, when requested by the project applicant.

1. Studio and one bedroom dwelling units: one on-site parking space.
2. Two to three bedroom dwelling units: two on-site parking spaces.
3. Four or more bedroom dwelling units: two and one-half on-site parking spaces.

(b) If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. For purposes of the above division (F)(1), this parking

may be provided through tandem parking or uncovered parking, but not through on-street parking.

(3) *By right additional incentives.* In addition to by right parking incentives identified in the above division (F)(1), qualified housing developments shall be granted one, two or three additional incentives as follows:

(a) For qualified housing developments with target units affordable to very low-income households:

1. One additional incentive if 5% of the units (not including the density bonus units) are target units affordable to very low-income households.

2. Two additional incentives if 10% of the units (not including the density bonus units) are target units affordable to very low-income households.

3. Three additional incentives if 15% of the units (not including the density bonus units) are target units affordable to very low-income households.

(b) For qualified housing developments with target units affordable to lower-income households:

1. One additional incentive if 10% of the units (not including the density bonus units) are target units affordable to lower-income households.

2. Two additional incentives if 20% of the units (not including the density bonus units) are target units affordable for lower-income households.

3. Three additional incentives if 30% of the units (not including the density bonus units) are target units affordable to lower-income households.

(c) For qualified housing developments in a common interest development with target units affordable to moderate-income households:

1. One incentive if 10% of the units (not including the density bonus units) are target units affordable to moderate-income households.

2. Two additional incentives if 20% of the units (not including the density bonus units) are target units affordable for moderate-income households.

3. Three additional incentives if 30% of the units (not including the density bonus units) are target units affordable to moderate-income households.

(4) *Other concession or incentives.* An applicant of a qualified housing development may also submit a proposal for other concessions or incentives necessary to make the development economically feasible and to accommodate the density bonus and additional incentives otherwise permitted by this section. The need for other additional incentives will vary for different housing developments and shall be determined on a case-by-case basis. The applicant shall provide evidence that the proposed concessions and incentives result in identifiable, financially sufficient, and actual cost reduction. A proposal for concessions or incentives pursuant to this division shall neither reduce nor increase the number of additional incentives the applicant is

otherwise entitled to pursuant to the above divisions (2) and (3). Concessions or incentives proposed pursuant to this division may include, but are not limited to, any of the following:

(a) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with § 18901) of Division 13 of the Cal. Health and Safety Code. These may include, but are not limited to, one or more of the following:

1. Reduced minimum lot sizes and/or dimensions.
2. Reduced minimum lot setbacks.
3. Reduced minimum outdoor and/or private outdoor living area.
4. Increased maximum lot coverage.
5. Increased maximum building height and/or stories.
6. Reduced on site-parking standards, including the number or size of spaces and covered parking requirements.
7. Reduced minimum building separation requirements.
8. Reduced street standards; e.g. reduced minimum street widths.
9. Minimum floor area requirements.
10. Location of walls/fences in setbacks.
11. Exterior noise standards for second and third story balconies.

(b) Approval of mixed-use zoning in conjunction with the qualified housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the qualified housing development will be located.

(c) Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient, and actual cost reductions or avoidance.

(5) The city may approve or deny the additional incentive(s) requested by the applicant pursuant to division (F)(4) of this section in its sole and absolute discretion.

(6) The granting of an additional incentive(s) pursuant to this section shall not be interpreted to require a General Plan amendment, a change of zone, or other discretionary approval.

(7) *Equivalent financial incentive.* The city may offer an equivalent financial incentive in lieu of granting a density bonus and/or a development incentive(s). The value of the equivalent financial incentive shall be equal to at least the land cost per dwelling unit savings that would result from a density bonus and must contribute significantly to the economic feasibility of providing the target units pursuant to this section.

(G) *Qualified housing developments with childcare facilities.*

(1) A qualified housing development that includes a childcare facility, which will be located on the premises of, as part of, or adjacent to, the housing development, is eligible for either of the following:

(a) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.

(b) One additional incentive to that otherwise allowed pursuant to division (F) of this section that contributes significantly to the economic feasibility of the construction of the childcare facility.

(2) If an additional density bonus or development incentive is granted pursuant to this section, the following conditions of approval are required of the development:

(a) The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable pursuant to division (D) of this section.

(b) Of the children who attend the childcare facility, the number children of the very low-, lower- and moderate-income households shall equal a percentage that is equal to or greater than the percentage of target units in the housing development for very low-, lower-, or moderate-income households.

(3) Notwithstanding any provisions of this section, the city shall not be required to grant the additional density bonus or addition development incentive if it finds, based upon substantial evidence, that the city has adequate childcare facilities.

(H) (1) *Donation of land for very low-income units.*

(2) An applicant for a tentative parcel map, parcel map, or other residential development project, that donates land to the city is eligible for a density bonus above the otherwise maximum allowable residential density for the applicant's development project, if all of the following conditions are met:

(a) The applicant donates and transfers the land to the city or a housing developer approved by the city no later than the date of approval of the final subdivision map, parcel map, or residential development application for the applicant's project.

(b) The developable acreage and zoning classification of the land transferred are sufficient to permit construction of units affordable to very low-income households in an amount that is equal to 10% or more of the number of residential units in the applicant's project.

(c) The land transferred is at least one acre in size or is of sufficient size to permit development of at least 40 target units, has the appropriate General Plan designation, is appropriately zoned for residential development at the density of no less than 30 units per acre, and is or will be served by adequate public facilities and infrastructure.

(d) The land transferred shall have, no later than the date the land is transferred, all of the permits and approvals that are necessary for the development of the very low-income housing units on the transferred land, other than architectural review and building permits.

(e) The land transferred and the target units shall be subject to a deed restriction ensuring continued affordability and restricted use of the target units consistent with the requirements set forth in division (J)(3) of this section.

(f) The land transferred is within the boundary of the residential development, or if the city agrees, within one-quarter mile of the boundary of the applicant's project.

(g) The proposed source of funding for the very low-income residential units is identified before the land is transferred.

(h) The bonus density mandated by this section is in addition to a density bonus to which the applicant may otherwise be entitled for a qualified housing development pursuant to division (C), up to a maximum combined density bonus of 35% if an applicant requests a bonus density pursuant to this section and division (C). The density bonus provided by this section is determined by the number of units affordable to very low-income households on the transferred land that is equal to a percentage of the number of units in the applicant's project. When the number of target units is equal to 10% or more of units in the applicant's project before the density bonus, the maximum allowable residential density of the applicant's project is multiplied by the density bonus percentage shown below in Table 155.625.1(H).

<i>Table 155.625.1(H) Density Bonus for Land Transferred for Very Low-Income Units</i>	
<i>Percentage of Units in Applicant's Project Equal to Number of Very Low-Income Units on Transferred Land</i>	
<i>Density Bonus Percentage</i>	
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28



24	29
25	30
26	31
27	32
28	33
29	34
30	35

(I) *Application process.*

(1) An application for a density bonus and additional incentives pursuant to this section shall be processed concurrently with any other application(s) required for the housing development.

(2) *Preliminary plan and pre-application meeting.* An applicant proposing a housing development pursuant to this section may submit a preliminary plan prior to submittal of any formal request for approval of a qualified housing development. Applicants are encouraged to schedule a pre-application conference with the Director of Planning, or designated staff, to discuss and identify potential application issues, and for early feedback and guidance on the means for complying with this section. No charge shall be required for the pre-application conference. The preliminary plan shall be made on forms provided by the Planning and Development Department and shall include the following information:

(a) A brief description of the proposed housing development, including the number of units, target units, density bonus units proposed, and additional incentive(s) requested.

(b) The zoning and General Plan designations and assessors parcel number(s) of the project site.

(c) A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.

(3) Residential density bonus application and filing fee.

(a) *Filing.* Application for a density bonus and additional incentives for a qualified housing development shall be made on forms provided by the Planning and Development Department. The application shall include such plans as may reasonably be required for a complete understanding of the proposal.

(b) *Reapplication.* A person may not file and the Planning and Development Department shall not accept an application which is the same, or substantially the same, as an application on which final action has been taken by the city within 12 months prior to the date of said application, unless accepted by a motion of the City Council.

(c) *Filing fee.* The filing fee shall be established by resolution of the City Council and paid at the time the application is submitted.

(4) *Application review.*

(a) Upon receipt of an application for a density bonus and additional incentives, city staff shall review the application and inform the applicant as to the completeness of the submittal, of additional materials required, if any, and project issues of concern. City staff shall also inform applicant of the procedures for compliance with this section.

(b) *Public hearings.* When an application for a density bonus and additional incentives is deemed complete, the matter shall be set for public hearings to be held by the Planning Commission and City Council. Notices of the hearings shall be given pursuant to Cal. Government Code § 65091. Notices shall include the dates, times, and places of the public hearings. Also included shall be a general explanation of the matter to be considered and a general description of the location of the subject property as specified in Cal. Government Code § 65094. Notices shall be sent no less than ten days prior to any action taken on the application. Signs, at least eight inches by ten inches, shall be posted on the subject property setting forth substantially the same information included in the mailed notice. There shall be a minimum of two such signs on the subject property. Said signs shall be posted at least ten days prior to the public hearings.

(c) Prior to the public hearing by the Planning Commission, city staff shall inform the applicant that the requested development incentive(s) shall be recommended for approval with the proposed housing development or, if city staff believes that one of the findings for City Council denial of the request can be made pursuant to division (6)(b) below, that alternative or modified incentives pursuant to division (F) of this section shall be recommended in lieu for the requested incentives, or recommended for denial. If alternative or modified incentives are recommended, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentive(s).

(5) *Planning Commission review.*

(a) The Planning Commission shall investigate the facts bearing on each case to determine if the proposed housing development, density bonus, and additional incentives requested by the applicant are consistent with the intent and purpose of this section, and shall accordingly recommend approval of the application with conditions, or recommend denial of the application if any one of findings for City Council denial of the application can be made pursuant to division (I)(7) below.

(b) The Planning Commission shall announce its findings by formal resolution. Said resolution shall recite the recommendation of the Commission and set forth the recommended conditions of approval. The Planning Commission's recommendation shall be filed with the City Council, and a copy shall be mailed to the applicant.

(6) *City Council approval.*

(a) Final approval or disapproval of an application for a density bonus and additional incentive(s) requested by the applicant for a qualified housing development shall be made by the City Council. Before taking final action, the City Council shall consider the recommendation of the Planning Commission on the application.

(b) The City Council shall grant the density bonus and additional incentive(s) requested by the applicant unless the Council makes a written finding, based on substantial evidence, of any of the following:

1. The additional incentive(s) is not required in order to provide affordable housing costs, as defined in Cal. Health and Safety Code § 50052.5, or affordable rents for the target units to be set as specified in division (D) of this section.

2. The additional incentive(s) would have a specific adverse impact upon the public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact with rendering the development unaffordable to low- and moderate-income households. For purposes of this division, 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, as they existed on the date the application was deemed complete. Inconsistency with the city's Zoning Ordinance, or General Plan land use designation, shall not constitute a specific adverse impact upon the public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources.

3. The incentive(s) would be contrary to state or federal law.

*(7) Conditions of approval.*

(a) In reviewing an application for a density bonus and additional incentive(s), the Planning Commission shall recommend, and the City Council shall impose in approving an application, such conditions deemed necessary to ensure implementation and compliance with this chapter.

(b) Approval of an application for a density bonus and additional incentive(s) shall require execution of a density bonus housing agreement pursuant to division (J) of this section to ensure the continued affordability and restricted use of target units during the restricted period in accordance with division (D) of this section.

*(J) Density bonus housing agreement.*

(1) Applicants requesting a density bonus and additional incentive(s) pursuant to this section shall agree to enter into a density bonus housing agreement with the city. A density bonus housing agreement shall be made a condition of approval for all discretionary city approvals related to the housing development (i.e., tentative maps, parcel maps, planned unit developments, conditional use permits). The terms of the draft agreement shall be reviewed and revised as appropriate by the Director of Planning, who shall formulate a recommendation to the City Council for final approval. Following execution of the agreement by all parties, the completed density bonus housing agreement, or memorandum thereof, the agreement shall be recorded and the conditions therefrom filed on the parcel or parcels designated for the construction of the target units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The density bonus housing agreement shall be binding to all future owners and successors in interest.

(2) The density bonus housing agreement shall include at least the following:

(a) The total number of units approved for the housing development, including the number of target units.

(b) A description of the household income group or qualifying residents to be accommodated by the target units as outlined in division (C) of this section.

(c) The location, unit sizes (square feet), and number of bedrooms of the target units.

(d) Tenure of use restrictions for target units of at least 30 years, in accordance with division (D) of this section.

(e) Schedule for completion and occupancy of target units.

(f) Description of the development incentive(s) or equivalent financial incentives being provided by the city.

(g) A description of remedies for breach of the agreement by either party (the city may identify tenants or qualified purchasers as third party beneficiaries under the agreement).

(h) Other provisions to ensure implementation and compliance with this section.

(3) The density bonus housing agreement shall also include provisions to ensure the continued affordability and restricted use of target units during the restricted period as follows:

(a) Rents for target units that qualified the housing development for a density bonus shall be set at an affordable rent as defined in the Cal. Health and Safety Code § 50053.

(b) Owner-occupied target units shall be available at an affordable housing cost as defined in the Cal. Health and Safety Code § 50052.5.

(c) The initial occupants of moderate-income target units in common interest development, which qualified the housing development for a bonus density, shall be persons and families of moderate-income, as defined the Cal. Health and Safety Code § 50093.

(d) Units in senior citizen housing that qualified for a density bonus shall be occupied by qualifying residents during the use restriction period.

(e) The initial owner/occupant of each owner-occupied target unit shall execute an instrument or agreement approved by the city restricting the sale of the target unit in during the applicable use restriction period in accordance with this section. Such instrument or agreement shall be recorded against the parcel containing the target unit, and shall contain such provisions as the city may require in order to ensure continued compliance with this section and the state's density bonus law.

(f) The city shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity sharing agreement:

1. Upon resale, the seller of 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.

2. For purposes of this division, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance.

3. For purposes of this division, the city's proportional share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the unit at the time of initial sale.

(g) In the case of rental target units, the density bonus housing agreement shall provide for the following provisions governing the use of target units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining target units for qualified tenants.

2. Provisions requiring owners to verify tenant incomes, when applicable, and maintain books and records to demonstrate compliance with this section.

3. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income, when applicable, of each person occupying a target unit, and the bedroom size and monthly rent or cost of the target unit occupied by such person.

(Ord. 1048, passed 12-12-13)

**§ 155.626 DUMPS, DISPOSAL SITES, BORROW PITS AND SIMILAR USES.**

(A) A conditional use permit shall be required for the establishment or enlargement of a dump, disposal site, land-fill project, gravel pit, or similar excavation or fill operation.

(B) In addition to any other requirements which the Planning Commission may impose on the granting of said conditional use permit, the following standards and requirements shall apply unless otherwise specifically set forth and itemized in said permit:

(1) All operations shall be conducted in accordance with the performance standards specified in this chapter.

(2) No excavation or stacking or stockpiling of material shall be permitted nearer than 50 feet to the boundary of an adjoining property or to a public street.

(3) No excavation shall be made with a cut steeper than one horizontal to one vertical, nor shall fills be made with slope steeper than two horizontal to one vertical, except as follows:

(a) Slopes less steep may be required if there is evidence that conditions necessitate such slopes for stability or safety.

(b) Steeper slopes may be permitted; provided, that a written report is submitted by a competent soil engineer or geologist stating that he has investigated the proposed operation, made adequate tests and calculations, resulting in his conclusion as to the degree of cut and/or fill slopes which may be constructed without endangering the safety of persons or property.

(4) Such uses shall be enclosed along the exterior boundaries by a fence of the type and height prescribed by the Commission.

(5) Whenever such uses are terminated, all buildings, structures (except fences) and equipment shall be entirely removed from the premises and all stockpiles shall be removed or leveled within one year after such termination unless an extension of time is granted by the Planning Commission. Sites shall be restored to a neat and orderly condition immediately upon termination of such uses.

(6) Every owner or operator before commencing operation of such uses shall be insured to the extent of \$100,000 against liability in tort arising from such use conducted, or carried on under or by virtue of, any law or ordinance or condition imposed by the Commission, and such insurance shall be kept in full force and effect during the period of such use.

(7) The Planning Commission may impose additional requirements, such as planting and landscaping in accordance with approved plans; improvement of access roads; designation of areas in which work may be done; provisions for controlling dust; limitations on the hours of operation; precautions which must be taken to promote safe traffic movements in and around the site; posting of a good and sufficient bond to insure compliance with the conditional use permit; and any other conditions deemed necessary to protect the public health, safety, comfort, convenience or general welfare.

('64 Code, § 60.12) Penalty, see § [10.97](#)

#### **§ 155.627 MINOR EXCAVATIONS AND GRADING EXEMPT.**

The following shall be exempt from the requirement of a conditional use permit:

(A) Excavations for a swimming pool, or for the foundations or basement of any building for which a building permit has been issued.

(B) Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than 10 feet in vertical height, or when less than 1,000 cubic yards of earth are removed from the premises.

(C) Grading in a subdivision which has been approved by the city.

('64 Code, § 60.13)

#### **§ 155.628 SALE OR SERVICE OF ALCOHOLIC BEVERAGES.**

(A) A conditional use permit shall be required for the establishment, continuation or enlargement of any retail, commercial, wholesale, warehousing or manufacturing business engaged in the sale, storage or manufacture of any type of alcoholic beverage meant for on or off-site consumption.

(B) In establishing the requirements for such uses, the Planning Commission and City Council shall consider, among other criteria, the following:

(1) Conformance with parking regulations.

(2) Control of vehicle traffic and circulation.

(3) Hours and days of operation.

(4) Security and/or law enforcement plans.

(5) Proximity to sensitive and/or incompatible land uses, such as schools, religious facilities, recreational or other public facilities attended or utilized by minors.

(6) Proximity to other alcoholic beverage use to prevent the incompatible and undesirable concentration of such uses in an area.

- (7) Control of noise, including noise mitigation measures.
- (8) Control of littering, including litter mitigation measures.
- (9) Property maintenance.

(10) Control of public nuisance activities, including but not limited to disturbance of the peace, illegal controlled substances activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, curfew violation, sale of alcoholic beverage to a minor, lewd conduct, or excessive police incident responses resulting from the use.

('64 Code, § 60.13.5) (Am. Ord. 834, passed 2-24-94) Penalty, see § [10.97](#)

***Cross-reference:***

*Conditional use permit required, see § [155.723](#)*

**§ 155.629 SALE OR SERVICE OF ALCOHOLIC BEVERAGES; EXEMPTIONS.**

The requirements of § [155.628](#) do not apply to any premises which are exempted from compliance with such requirements pursuant to the provisions of Cal. Bus. and Prof. Code § 23790.

('64 Code, § 60.13.6) (Am. Ord. 858, passed 7-13-95)

**§ 155.629.1 EMERGENCY SHELTER FACILITIES.**

(A) *Purpose and intent.* The overall design, construction, appearance, operation and maintenance of the emergency shelter facility should provide an environment that is safe, secure, functional, and appropriate to the surrounding community.

(B) *Development standards.* The shelter shall comply with all development standards of the zoning district in which it is located except as modified by these special regulations.

(C) *Maximum number of persons/beds.* The shelter shall contain a maximum of 74 beds and serve no more than 74 people per night. An emergency shelter containing more than 74 beds and serving more than 74 people per night shall be subject to a conditional use permit as outlined in §§ [155.710](#) through [155.722](#) of this Code.

(D) *Parking requirement.* One space per employee, plus one space per five beds.

(E) *Management standards.* The emergency shelter shall meet the following management standards.

(1) No more than one shelter shall be permitted within a radius of 300 feet from another such shelter;

(2) No resident can stay more than 180 nights per calendar year.

(3) Hours of operation: the shelter may only operate between 5:00 p.m. and 8:00 a.m. daily. Clients shall vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night.

(4) The shelter shall provide the following mandatory facilities: a separate intake area of a minimum of 250 square feet, office areas for administrative purposes, restrooms, and general storage.

(5) Adequate outdoor lighting shall be provided for security purposes. Lighting shall be stationary permanent, directed away from adjacent properties and public rights-of-way, and of intensity compatible with and similar to the surrounding area.

(6) Bike rack parking shall also be provided.

(7) The facility may provide the following services in a designated area separate from sleeping areas:

(a) A recreational area either inside or outside the shelter.

(b) A counseling center for job placement, educational, health care, legal, or mental health services.

(c) Laundry facilities to serve the number of clients at the shelter.

(d) Kitchen for the preparation of meals.

(e) Or similar services geared to homeless clients.

(8) Facility management shall include the following:

(a) On-site management and on-site security shall be provided during all hours when the shelter is in operation.

(b) The facility shall have a written management plan which includes at a minimum: provisions for staff training; neighborhood outreach; screening of residents; eligibility and admission procedures; operating schedule; rules regarding smoking, access to the facility, visitors, and guests; and a written policy outlining the consequences of rules violations or infractions.

(c) Facility shall be designed and rules in place to avoid loitering on or adjacent to the site by patrons.

(d) The facility shall clearly post written eligibility and admission policies and procedures as well as dates, times, and services available.

(9) The facility shall conform to and maintain all applicable state and local building codes, fire codes, occupancy standards and other relevant codes and regulations and permits.

(10) The facility shall maintain staffing levels consistent with industry standards.

(11) The facility shall be maintained in a safe and sanitary condition.

(Ord. 1050, passed 12-12-13)

 **§ 155.630 EXPLOSIVES.**



No explosives or explosive materials shall be manufactured, assembled, stored or transported within the city unless said uses or activities are in compliance with all applicable laws, ordinances and regulations.

('64 Code, § 60.14) Penalty, see § [10.97](#)

#### **§ 155.631 FIREWORKS SALES.**

The retail sale of fireworks shall not be a permitted use in any zone.

('64 Code, § 60.15) Penalty, see § [10.97](#)

#### ***Cross-reference:***

*Fireworks, see §§ [93.20](#) through 93.33*

#### **§ 155.632 FLAMMABLE LIQUID STORAGE.**

No flammable liquid may be stored unless and until said storage is found to be in compliance with the California Fire Prevention Code and approved by the Fire Department of the city.

('64 Code, § 60.16) Penalty, see § [10.97](#)

#### **§ 155.633 FORTUNE-TELLING.**

(A) Fortune-telling uses shall only be located in the C-4 Community Commercial Zone, and only after a valid business regulatory permit has first been issued.

(B) Fortune-telling uses shall not be located in the following locations:

(1) Within 1,000 feet of another such business.

(2) Within 500 feet of any property upon which is located a school or a park, as those terms are defined in § [155.601](#).

(C) Fortune-telling uses shall not use loudspeakers or sound equipment which can be heard by the public from public and/or semi-public areas.

('64 Code, § 60.16.5) (Am. Ord. 852, passed 7-13-95; Am. Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07) Penalty, see § [10.97](#)

#### ***Cross-reference:***

*Conditional use permit required, see § [155.723](#)*

#### **§ 155.634 GOLF DRIVING RANGE.**

(A) A conditional use permit shall be required for the establishment or enlargement of a golf driving range.

(B) In addition to any other requirements which the Planning Commission may impose on the granting of said conditional use permit, the following standards and requirements shall apply unless otherwise specifically set forth and itemized in said permit:

(1) One off-street parking space shall be provided for each 15 linear feet of driving line.

(2) Said use shall be located on a site adjacent to a major or secondary highway as shown on the master plan of the city.

(3) Lights used to illuminate the premises shall be so arranged as to reflect the light away from surrounding properties and from adjoining streets.

(4) Fencing shall be installed to prevent golf balls from causing damage to surrounding properties.

('64 Code, § 60.17) Penalty, see § [10.97](#)

### § 155.635 HOME OCCUPATIONS.

(A) The term **HOME OCCUPATIONS** applies only to such uses in the residential zones which may be conducted within a residential dwelling without in any way changing the appearance or condition of the residence. Such uses which consist solely of a business phone and/or mailing address shall only require approval by the Director of Planning and Development, except that cottage food operations may be permitted as specified in § [155.635.1](#); all other such uses shall require Planning Commission approval. Before granting approval, the Director of Planning and Development and the Commission shall be satisfied that all of the requirements set forth below are met.

(B) Approval by the Director of Planning and Development and the Commission may be conditioned upon any other requirements deemed necessary to preserve the residential character of the area and carry out the intent of this chapter.

(1) No employment of help other than members of the resident family.

(2) No use of material or mechanical equipment not recognized as being part of reasonable household uses.

(3) The use shall not generate pedestrian or vehicular traffic.

(4) No storage of materials or supplies outdoors and no use of commercial vehicles for delivery of materials to or from the premises.

(5) No signs or advertising shall be permitted on the premises.

(6) In no way shall the appearance of the building be so altered, or the home occupation be so conducted as to cause the premises to deviate from its residential character, either by color, materials or construction, or by lighting signs, sounds, or noises, vibrations, and the like.

(7) There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.

(8) The use shall not be a category of industrial homework which is prohibited by state law.

(9) That if the use is a category of industrial homework which is not prohibited by state law, evidence shall be submitted that a valid and existing license and permit has been issued to the employer and industrial homeworker (applicant) respectively by the State Division of Industrial Welfare or other appropriate regulatory agency governing the use.

(10) That if the use requires a license or permit by any other public agency having jurisdiction by law, evidence shall be submitted that a valid license or permit has been issued to the applicant by such public agency.

(11) The applicant shall sign an affidavit that he or she is aware of and agrees to all of the requirements and conditions under which approval of the home occupation is given, and that if any of said requirements or conditions are violated, the approval shall become null and void.

('64 Code, § 60.18) (Am. Ord. 700, passed 9-11-86; Am. Ord. 1081, passed 1-26-17) Penalty, see § [10.97](#)

### § 155.635.1 COTTAGE FOOD OPERATIONS.

(A) The term **COTTAGE FOOD OPERATIONS**, as defined in § [155.003](#), applies only to such uses in residential zones which may be conducted within a residential dwelling without in any way changing the appearance or condition of the residence. Such uses shall require approval of a cottage food operations permit by the Director of Planning or his/her designee. Before granting approval, the Director of Planning or his/her designee shall be satisfied that all the requirements set forth below are met.

(1) All cottage food operations must comply with the requirements of the Los Angeles County Environmental Health Division and the California Department of Public Health. Applicants must first obtain a Cottage Food Operations Class A or Class B Permit from the County prior to submitting an application for a cottage food operations permit under this chapter. A copy of the valid county Class A or Class B permit must be furnished to the city along with the application for a cottage food operations permit.

(2) The cottage food operation shall at all times be conducted in compliance with all conditions and limitations set forth within this chapter, Cal. Health and Safety Code §§ 113758 and 114365, and all other applicable state and county laws, regulations, and requirements.

(3) Cottage food operations must at all times comply with the restrictions on gross annual sales as set forth in Cal. Health and Safety Code § 113758. Cottage food operator must at all times maintain applicable tax returns or other proof of gross annual sales for the cottage food operation, and must promptly provide such documentation to city officials upon request.

(4) Cottage food operations shall not be:

(a) Located within 300 feet of the property line of any single-family home where another approved cottage food operation is located; or

(b) Located within the same building of an apartment complex or other multi-family housing development (i.e. condominiums or townhomes) where another approved cottage food operation exists.

(5) Cottage food operations shall occupy no more of a residence than the lesser of:

(a) Thirty percent of the floor area of the dwelling, including the garage area; or

(b) The area permitted by county permit.

(6) The cottage food operation shall be conducted by the cottage food operator within the dwelling where the cottage food operator resides as their primary residence. Said dwelling shall be a legally established dwelling.

(7) Only foods defined as “non-potentially hazardous” are approved for preparation by cottage food operations. A list of approved cottage food categories is maintained by the California Department of Public Health and is provide on their website, which will be subject to change. Products containing alcohol or marijuana is prohibited.

(8) Cottage food operations shall not have more than one full-time equivalent employee, paid or unpaid, in addition to any family or household members that reside within the dwelling.

(9) Any direct sales of cottage food products to customers from a dwelling unit, if applicable, shall be by prior appointment only and limited to one customer per hour per day. All sales activities shall occur inside the residence and must be between the hours of 8:00 a.m. and 6:00 p.m. On-site consumption of cottage food products by customers is prohibited.

(10) All commercial deliveries related to the cottage food operation shall be limited to no more than one per day, between the hours of 9:00 a.m. and 5:00 p.m. Additionally, delivery vehicles shall not be heavier than 6,000 lbs. in gross vehicle weight.

(11) All cottage food operations shall provide a site plan which confirms that the following parking and loading requirements are met:

(a) For single-family homes, parking spaces in the property garage or carport and driveway shall be available for the actual parking demand created by the use, including parking for the applicant's own vehicles, and a parking space for one non-resident employee (if applicable).

(b) For apartments or other multi-family developments, the cottage food operator's designated space(s) shall be available for the actual parking demand created by the use, including parking for the applicant's own vehicles, and a parking space for one non-resident employee (if applicable). On-site parking, in an apartment complex or other multi-family residence, requires prior approval in writing from the property owner, landlord, homeowners association, or property manager.

(c) On-street parking, except on street days where street sweeping occurs, may be temporarily used for persons picking-up and/or delivering materials for the cottage food operation.

(d) Deliveries and customer visitations to the cottage food operation may not unreasonably interfere with the free flow of traffic in the residential zone. Additionally, the cottage food operator is responsible for ensuring that delivery and/or customer vehicles do not remain idle during visitations.

(e) Commercial vehicles may not be kept permanently on the site or in the near vicinity to the cottage food operation.

(12) Cottage food operations may not create noise levels in excess of the permitted noise levels established for the applicable zone in which the cottage food operation is located.

(13) No exterior alterations may be made to the dwelling unit for the purposes of use by the cottage food operation that would alter the residential character of the dwelling.

(14) No signage or advertisement identifying the cottage food operation shall be permitted at the premises.

(15) In addition to a cottage food operations permit, cottage food operations must obtain all applicable permits, licenses, and certificates required for the operation of a business under the city's municipal code.

(16) Additional conditions relating to concentration, traffic control, parking and noise control may be imposed as deemed necessary by the Director of Planning.

(B) The Director of Planning or his/her designee may administratively revoke a cottage food operation permit if any of the following applies:

(1) The cottage food operation has become detrimental to public health, safety, welfare, or character of a neighborhood, or constitutes a hazard or nuisance to pedestrian or vehicular circulation or parking;

(2) The cottage food operation has been issued a notice of violation by the Los Angeles County Environmental Health Division and the violation is not corrected within the period noted within the notice;

(3) The cottage food operation is in violation of this chapter, a condition of the cottage food operations permit, or any other applicable state or county law, regulation, or requirement; or

(4) An expansion or relocation of a cottage food operation without an amendment of the cottage food operations permit.

(C) A cottage food operations permit issued in accordance with the provisions set forth within this section shall not be transferred, assigned, or used by any person other than the permittee, nor shall said use be used at any location other than the one for which the permit is granted.

(Ord. 1081, passed 1-26-17)

### § 155.636 OIL AND GAS PRODUCTION.

The exploration for, drilling, development, production, storing and removal of oil and gas shall be exempt from the property development standards set forth in this chapter, but shall comply with the following requirements:

(A) All operations shall comply with the provisions of the City Oil Code, the Fire Prevention Ordinance, air pollution regulations and all other applicable ordinances and regulations.

(B) No oil or gas well drilled after the effective date of this chapter shall be located within 80 feet of the centerline of any major highway, or 70 feet of the centerline of any secondary highway, or 60 feet of the centerline of any other public street.

(C) All structures and storage facilities other than oil and gas wells shall comply with the front yard setback in the zone in which they are located.

(D) Where a conditional use permit is required by this chapter for such uses, the Planning Commission shall study each request, and shall apply such limitations and regulations as are deemed necessary according to the circumstances involved in the specific request. Among other things, the Planning Commission may require, but is not limited to, the following: soundproofing and other noise control measures; limitation on the hours of operations; height, location, appearance and condition of maintenance of equipment; fencing and landscaping; and reasonable time limit for utilization of the privileges granted by the conditional use permit.

('64 Code, § 60.19) Penalty, see § [10.97](#)

### § 155.637 MINI-WAREHOUSES.

(A) Mini-warehouses shall be permitted in the M-1 and M-2 Zones only after a valid conditional use permit has first been issued.

(B) In addition to any other conditions which may be imposed on the granting of such conditional use permit, the following conditions shall apply:

- (1) Mini-warehouses shall not occupy frontage on a freeway, major or secondary highway.
- (2) Mini-warehouses shall not be located within 1,000 feet of a residential zone, commercial zone, school or park.
- (3) Mini-warehouses shall not exceed two acres in size.
- (4) The exterior walls of all mini-warehouses shall be constructed of masonry or concrete.
- (5) Setbacks and landscaping greater than that required by other provisions of this chapter may be required if deemed necessary by the Planning Commission to make such facilities compatible with existing or prospective developments in the area.
- (6) No part of the facility shall be converted to other usage unless and until proper approval has been given by the Planning Commission and by the City Council.
- (7) There shall be no outdoor storage unless it is completely screened from view from adjoining streets or adjoining properties.
- (8) Plans shall meet the requirements of the Fire Department as to adequate fire protection.
- (9) There shall be no uses or storage of materials not permitted by the type of structure or classification of occupancy as specified in the Building Code and Fire Code.
- (10) The required access aisles shall not be used for storage purposes.
- (11) No areas designated for off-street parking shall be used for storage of vehicles or other material unless an agreement acceptable to the city has first been filed with the city. The city may require that such agreement be recorded in the office of the County Recorder.

('64 Code, § 60.19.3) (Am. Ord. 468, passed 10-10-74) Penalty, see § [10.97](#)

### § 155.638 MORTUARIES AND FUNERAL HOMES.

(A) A conditional use permit shall be required for the establishment or enlargement of a mortuary or funeral home.

(B) In establishing the requirements for such uses, the Planning Commission shall consider, among other criteria, the following:

(1) Wherever possible, such uses should be located on a major or secondary highway.

(2) Such uses should be so located as not to inhibit or deter proper development of nearby properties.

(3) The site should be of ample size to allow for the makeup of funeral processions as well as to provide the required off-street parking and loading facilities and landscaping as set forth in this chapter.

(4) The design for vehicular access to and from the site should conform to accepted traffic engineering practices so as to minimize traffic congestion on the adjoining streets.

('64 Code, § 60.20) Penalty, see § [10.97](#)

#### **§ 155.639 OPEN STORAGE YARDS.**

A conditional use permit shall be required for the establishment of any open storage yard except that a conditional use permit shall not be granted where the premises fronts on a freeway or on a major or secondary highway or where the premises exceeds an area of one acre or where such uses would be incompatible with or have an adverse effect on existing or proposed development in the adjacent area; however, a conditional use permit may otherwise be issued for open storage yards on property composed of filled land which cannot be better utilized for other industrial uses.

('64 Code, § 60.20.1) (Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### **§ 155.640 PARKING AREAS; USE OF FOR SPECIAL EVENTS.**

Parking areas in any zone may be used for intermittent or temporary special events in accordance with the following requirements:

(A) Authorization for use of the parking area for the special event shall first be granted by the City Council.

(B) The Council may impose such conditions on its approval as are deemed necessary in the public interest.

(C) Approval of the owner or operator of the parking area shall also be required.

(D) The event shall be conducted in such a manner as to not adversely affect surrounding properties and uses.

('64 Code, § 60.21) Penalty, see § [10.97](#)

#### **§ 155.641 RADIO AND TELEVISION ANTENNAE, TOWERS AND TRANSMITTERS; SATELLITE ANTENNAE LESS THAN TWO FEET IN DIAMETER.**

Radio and television antennae, towers, transmitters, and satellite antennae less than two feet in diameter may be erected and used as accessory structures to any of the principal permitted uses in any zone, in accordance with the following:

- (A) Such structures shall not be used for any commercial purpose if located in a residential zone.
- (B) Such structures shall not exceed the building height limitations of the particular zone in which they are located.
- (C) Planning Commission approval shall be required in any residential zone for any such structure extending to any height greater than 15 feet above the roof of the residence.
- (D) Such structures thereof shall not encroach upon any required yard and open space.
- (E) Such structures shall comply with the requirements of the Building Code, and be erected and maintained in a safe manner so as to not endanger any persons or property.
- (F) This section shall not be applicable to satellite receiving antennae two feet or more in diameter, but shall be applicable to all smaller receiving antennae.

('64 Code, § 60.22) (Am. Ord. 706, passed 12-24-86) Penalty, see § [10.97](#)

#### **§ 155.642 RIDING ACADEMIES AND PUBLIC STABLES.**

- (A) A conditional use permit shall be required for the establishment or enlargement of a riding academy or a public stable.
- (B) In establishing the requirements for such uses, the Planning Commission shall consider, among other criteria, the following:
  - (1) Standards of density of animals per site area.
  - (2) The frequency of removing accumulated manure.
  - (3) Adequate control of dust, noise and odors.
  - (4) Provisions for insect control.
  - (5) Adequate drainage of the site.
  - (6) Adequate off-street parking.
  - (7) The location of the site in relation to surrounding land uses.
  - (8) Provision of public toilets and sanitary facilities.

('64 Code, § 60.23) Penalty, see § [10.97](#)

#### **§ 155.643 SALES PROMOTIONAL USES; TEMPORARY.**

Subject to the approval of the Director of Planning and Development, temporary use of required off-street parking areas or other areas for sales promotional activities such as carnivals, amusement rides and similar activities shall be allowed in any zone; provided, that said activities shall be limited to not more than four five-day periods in any calendar year.



('64 Code, § 60.23.1) (Am. Ord. 358, passed 7-10-69; Am. Ord. 501, passed 6-24-75) Penalty, see § [10.97](#)

## § 155.644 ACCESSORY DWELLING UNITS.

(A) *Intent.* In enacting this section, it is the intent of the city to encourage the provision of accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Accessory dwelling units provide housing for extended family members, students, the elderly in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create accessory dwelling units can benefit from added income, and an increased sense of security. Allowing accessory dwelling units in residential zones provides needed additional rental housing. This section provides the requirements for the establishment of accessory dwelling units consistent with Cal. Government Code § 65852.2.

(B) *Administrative review.* All accessory dwelling unit applications shall be approved by the Director of Planning and Development and a permit issued within 120 days upon presentation of an application to build an accessory dwelling unit if the plans conform to the standards and criteria provided in division (C) of this section.

(C) *Accessory dwelling unit standards.* The following standards and criteria shall apply to the creation of an accessory dwelling unit:

(1) The accessory dwelling unit shall be allowed only on a lot or parcel in the R-1, Single-Family Residential Zone which is developed only with an existing detached single-family dwelling, or in the R-3, Multiple-Family Residential Zone which is developed with an existing residential dwelling.

(2) There shall not be more than one accessory dwelling unit per lot or parcel, except that no accessory dwelling unit shall be allowed on any lot or parcel where a guest house or residential facility as defined in Cal. Health and Safety Code § 1502(a)(1) serving six or fewer persons exists.

(3) An accessory dwelling unit that conforms to the development standards of this section is deemed to be an accessory use and/or structure and will not be considered to exceed the allowable density for the lot upon which it is located.

(4) The lot or parcel proposed for the accessory dwelling unit must contain a minimum area of 5,000 square feet.

(5) The accessory dwelling unit may be attached to or located within the living area of the primary dwelling, or detached from the primary dwelling.

(a) The maximum floor area for an attached accessory dwelling unit shall not exceed 50% of the existing habitable area of the primary residence, not to exceed 640 square feet.

(b) The maximum floor area for a detached accessory dwelling unit shall not exceed 640 square feet and shall not exceed one bedroom.

(6) (a) The accessory dwelling unit shall comply with all of the property development standards applicable to the specific zone in which it is located.

(b) No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit constructed above a garage.

(7) The accessory dwelling unit shall comply with all building, safety, fire and health codes, and all other applicable laws and regulations. Accessory dwelling units are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.

(8) The accessory dwelling unit shall be designed to be architecturally compatible with the primary dwelling. A site plan, elevations and floor plan depicting said architectural compatibility shall be submitted to the Director of Planning and Development for review and approval prior to the issuance of any building permits.

(9) To maintain the residential character of the neighborhood, there shall not be more than one exterior entrance on the front or on any street-facing side of the accessory dwelling unit. Additionally, no exterior stairway shall be located on the front or on any street-facing side of the accessory dwelling unit. No passageway shall be required in conjunction with construction of an accessory dwelling unit.

(10) Manufactured housing is allowed in compliance with the provisions herein; however, mobile homes, trailers and recreational vehicles shall not be used as accessory dwelling units.

(11) In addition to all other required off-street parking, parking requirements for accessory dwelling units shall not exceed one space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway. Parking may also be located in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that such parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the city. No parking shall be required for an accessory dwelling unit in any of the following instances:

(a) The accessory dwelling unit is located within one-half mile of public transit.

(b) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(c) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(e) When there is a car share vehicle located within one block of the accessory dwelling unit.

(12) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the city requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as enclosed or covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.

(13) The owner of the property on which the accessory dwelling unit is located shall reside in either of the dwelling units on the property as his/her/their principal residence. This is a

perpetual requirement that runs with the land, and a restrictive covenant establishing this requirement shall be recorded prior to occupancy of the accessory dwelling unit.

(14) The accessory dwelling unit may be rented for terms of at least 30 days or more, but shall not be sold or owned separately from the primary dwelling.

(15) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(a) For attached units or units located within the living area of the existing dwelling and located within a single-family zone, the city shall not require the applicant to install a new or separate utility connection between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(b) For detached units or units within multi-family zones, the city may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system based upon either its size or the number of its plumbing fixtures, and may not exceed the reasonable cost of providing the water or sewer service.

(16) The provisions of this section shall not apply to any accessory dwelling units for which the city issued conditional use permits prior to the effective date of this section.

(17) The accessory dwelling unit shall only be allowed if a determination is made by the City Engineer that adequate infrastructure capacity is available to serve the accessory dwelling unit, including but not limited to, sewer, water and traffic capacity.

(18) A deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.

('64 Code, § 60.23.2) (Am. Ord. 634, passed 7-28-83; Am. Ord. 821, passed 2-25-93; Am. Ord. 938, passed 8-28-03; Am. Ord. 1084, passed 3-23-17) Penalty, see § [10.97](#)

#### § 155.644.1 JUNIOR ACCESSORY DWELLING UNITS.

(A) *Intent.* In enacting this section, it is the intent of the city to support the conversion or repurposing of an existing bedroom(s) into an additional dwelling unit within a single-family dwelling to:

- (1) More efficiently use and expand the existing housing stock;
- (2) Promote opportunities for house sharing, particularly among the age-in-place senior population; and
- (3) Expand affordable rental housing in the community.

(B) *Administrative review.* All junior accessory dwelling unit applications shall be approved by the Director of Planning and Development and a permit issued within 120 days upon presentation of an application to provide a junior accessory dwelling unit if the plans conform to the standards and criteria provided in division (D) of this section.

(C) *Junior accessory dwelling unit standards.* The following standards and criteria shall apply to the creation of a junior accessory dwelling unit:

(1) A maximum of one junior accessory dwelling unit shall be permitted per residential lot containing a single-family dwelling. Junior accessory dwelling units are not required to meet the density requirements of the general plan or zoning ordinance.

(2) The property owner shall occupy either the main single-family dwelling or the junior accessory dwelling unit.

(3) The junior accessory dwelling unit may be rented for terms of at least 30 days or more, but shall not be sold or owned separately from the single-family dwelling.

(4) The junior accessory dwelling unit must be created within the existing walls of an existing single-family dwelling and must include the conversion of an existing bedroom(s) and ancillary spaces.

(5) The junior accessory dwelling unit shall not exceed 500 square feet in size.

(6) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the single-family home with an interior entry to the main living room. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

(7) The junior accessory dwelling unit shall include a food preparation area, requiring and limited to the following components:

(a) A sink with a maximum width and length dimensions of 16 inches and a maximum waste line diameter of 1.5 inches;

(b) A cooking facility with appliances that do not require electrical service greater than 120 volts or natural or propane gas; and

(c) A food preparation counter and storage cabinets which do not exceed six feet in length.

(8) No additional off-street parking is required beyond that required for the main single-family dwelling. The main single-family dwelling must meet the current off-street parking standard in effect at the time the junior accessory dwelling unit is approved.

(9) Utility service. A separate water connection or meter, and a separate sewer service connection are not required for a junior accessory dwelling unit. Water and sewer service for the junior accessory dwelling unit is shared with the main single-family dwelling unit.

(10) Prior to obtaining a building permit for the junior accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.

(Ord. 1084, passed 3-23-17)

**§ 155.645 SATELLITE ANTENNAE MORE THAN TWO FEET IN DIAMETER.**

The use of satellite antennas more than two feet in diameter shall conform to the following standards:

(A) *Agricultural and residential zones.*

(1) Ground mounted satellite antennas are permitted in the agricultural and residential zones provided such antennas do not extend to a height greater than 15 feet or more measured from the ground of the lot and that the main supporting element of the antennas are not located in a required yard setback area, except that such antennas may encroach into the required rear yard setback area a maximum distance of 10 feet.

(2) Satellite antennas shall not be mounted on the roof of the main dwelling unit, or on the roof of a two story accessory structure, or on the walls of any building or structure in the agricultural and residential zones except that satellite antennas may be mounted on the roof of a multi-family building in the R-3 Zone provided such antennae are not highly visible from the public streets in the area or are suitably enclosed by a screen or structure that is architecturally compatible with the building and that a satellite antennae may be located on the roof of an accessory structure in the R-1 Zone provided that the overall height of the said antenna does not exceed 15 feet measured from the ground of the lot.

(B) *Commercial, industrial and public facilities zones.*

(1) Ground mounted satellite antennae are permitted in the commercial, industrial and public facilities zones provided such antennae are not located between a building and the public street, nor within 50 feet of a public street, are not located in a required yard setback area, are not highly visible from any adjacent public streets, and do not exceed a maximum height of 15 feet.

(2) Roof mounted satellite antennae are permitted in the commercial, industrial and public facilities zones provided such antennae are not highly visible from adjacent public streets or residential areas.

(C) *Buffer Parking Zone.* Satellite antennae two feet or more in diameter are not permitted in the BP Zone.

(D) *General requirements.*

(1) All ground mounted satellite antennae shall be placed adjacent to the main or accessory structures or other appropriate solid background in order to minimize the visual impact of the antennae.

(2) No advertising material of any type shall be allowed on any satellite antennae and no antennae shall have a bright, shining or glare reflective finish.

(3) Satellite antennae shall not be approved where they are highly visible from adjacent public streets. Whenever determined necessary by the Director of Planning and Development, satellite antennae shall be screened from view of adjacent properties and public streets by decorative fencing, walls, landscaping or other suitable material in a manner aesthetically harmonious with the architecture and landscaping of the area, but which does not impair the reception of the antenna.

(4) The height of a satellite antennae shall be measured at the highest average ground level within a three foot radius of the antenna. To allow for variations in topography, the height may vary an amount not to exceed six inches from the height of the average ground level.

(5) Such structures shall comply with the requirements of the Building Code, and be erected and maintained in a safe manner so as to not endanger any persons or property.

(6) Such structures shall not be used for any commercial purpose if located in a residential zone.

(7) Development ban approval by the Planning Commission shall be required for the use of two or more satellite antennae on a lot or parcel to assure proper attention is given to the siting, appearance, and the like, of the said antennae.

(8) Satellite antennae two feet or more in diameter shall require a permit from the Department of Planning and Development to assure compliance with the criteria, standards and the purpose and intent of this section.

('64 Code, § 60.23.3) (Ord. 706, passed 12-24-86) Penalty, see § [10.97](#)

### **§ 155.646 SEISMIC AND GEOPHYSICAL EXPLORATORY OPERATIONS.**

Provided that all temporary seismic and geophysical operations, including temporary geophysical core holes, are conducted pursuant to the provisions of the City Oil Code and the Fire Prevention Ordinance and all other applicable ordinances and regulations, it is not the intent that this chapter shall apply to such temporary geophysical and seismic operations.

('64 Code, § 60.24)

### **§ 155.647 SERVICE STATIONS.**

(A) The definition of an "automobile service station" in § [155.003](#) of this chapter is further set forth and limited to the following operations.

(B) A service station conducting activities or operations of a heavier nature than the following shall be classified as a "repair garage."

(1) Tire sale, repair and servicing, but no recapping.

(2) Radiator cleaning and flushing.

(3) Washing and polishing; provided, that the area used for such purposes does not exceed 500 square feet; and provided, that there be no mechanical washing or steam cleaning.

(4) Greasing and lubrication not to exceed three racks or pits; all greasing and lubrication to be done indoors.

(5) Minor servicing and replacement of carburetors, fuel pumps, fuel lines, spark plugs and batteries (passenger car, panel and pick-up trucks only).

(6) Emergency wiring repairs.

(7) Relining and adjusting brakes (passenger car, panel and pick-up trucks only).

(8) Replacement of water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, windshield wipers and other minor accessories.

('64 Code, § 60.25)

## § 155.648 STORAGE OF EXPLOSIVES, FIREARMS AND AMMUNITION.

(A) A conditional use permit shall be required for the establishment of a storage or retail use involving explosives, firearms or ammunition pursuant to § [155.243](#) of this chapter.

(B) In addition to any other conditions which may be imposed by the Planning Commission on the granting of said conditional use permit, the following shall apply:

(1) A security and safety plan shall be submitted to the city for approval and shall be implemented prior to occupancy of the building.

(2) The storage of explosives, firearms or ammunition shall not occur within 1,000 feet of any property zoned for or occupied by residential, schools, parks and religious land uses.

(3) Retail sales in connection with storage of explosives, firearms or ammunition shall be prohibited with the exception of retail sales as specified in § [155.243\(N\)](#).

(4) The storage of explosives, firearms or ammunition shall comply with the following additional Building and Fire Code requirements.

(a) *Ammunition.*

1. *Storage of ammunition.*

a. Amounts not exceeding 500 pounds may be stored in a safe and secured location.

b. Amounts in excess of 500 pounds shall be stored in a location and in a manner approved by the City's Fire Chief.

c. Not more than 1,000 pounds may be stored in a basement equipped with automatic sprinklers.

d. Over 5,000 pounds shall be stored in a room of one hour fire resistive construction. Door openings thereon shall be protected by one hour fire assemblies. Such rooms shall be equipped with an automatic sprinkler system.

2. *Separation.* Ammunition shall be separated from flammable liquids, flammable solids, and oxidizing materials by one hour fire resistive separation or by a distance of not less than 25 feet.

3. *Approval.* Ammunition shall not be stored with Class A or Class B explosives unless the storage facility is approved by the City's Fire Chief.

(b) *Fire protection.* Portable fire extinguishers shall be provided as required by § [10.301](#) of the Uniform Fire Code wherever fireworks, smokeless powder, small arms ammunition or small arms primers are stored, manufactured, or handled.

('64 Code, § 60.25.1) (Ord. 732, passed 6-9-88; Am. Ord. 1077, passed 12-22-16) Penalty, see § [10.97](#)

## § 155.649 TATTOO PARLORS.

(A) Tattoo parlor uses shall only be located in the C-4 Community Commercial Zone, and only after a valid business regulatory permit has first been issued.

(B) Tattoo parlor uses shall not be located in the following locations:

(1) Within 1,000 feet of another such business.

(2) Within 1,000 feet of any property upon which is located a school or a park, as those terms are defined in § [155.601](#).

(C) Tattoo parlor uses shall not use loudspeakers or sound equipment which can be heard by the public from public and/or semi-public areas.

(Ord. 870, passed 6-13-96; Am. Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07) Penalty, see § [10.97](#)

***Cross-reference:***

*Conditional use permit required, see § [155.723](#)*

**§ 155.650 TENTS.**

(A) Tents shall not be used for commercial or industrial purposes.

(B) However, tents may be used for places of public assembly in connection with permitted uses in the agricultural, industrial, commercial and public use facilities zones, provided the following conditions are satisfied:

(1) The Director of Planning and Development shall determine that the proposed use shall not be detrimental to surrounding properties or persons nor to the community in general.

(2) Adequate vehicular access and off-street parking shall be provided. A plot plan showing such access and parking shall be subject to approval of the Director of Planning and Development.

(3) Noise, dust and other objectionable elements shall be adequately controlled.

(4) Said use shall not be located closer than 300 feet from an agricultural or residential zone, school or park, nor 50 feet from the building setback along a dedicated street.

(5) Such use shall not exceed six days in any calendar year.

(6) Said use shall be subject to the approval of the Fire Department and Building Department and shall meet the requirements of all other applicable regulations.

(7) Within seven days after the tent use ceases, the property shall be restored to a neat, orderly and sanitary condition.

('64 Code, § 60.25.5) (Am. Ord. 358, passed 7-10-69; Am. Ord. 501, passed 6-24-75; Ord. 732, passed 6-9-88) Penalty, see § [10.97](#)

***Cross-reference:***

*Junk dealers, see §§ [110.01](#) - [110.30](#)*

**§ 155.651 THEATERS, DRIVE-IN.**



(A) A conditional use permit shall be required for the establishment or enlargement of a drive-in theater.

(B) In addition to any other requirements which the Planning Commission may impose on the granting of said conditional use permit, the following standards and requirements shall apply unless specifically set forth and itemized in said permit:

(1) Ingress and egress for any site shall be directly to or from a major or secondary highway.

(2) In order to minimize traffic congestion, reservoir off-street standing space or side service road space shall be provided at any entrance between the ticket gates and highway sufficient to accommodate vehicles in an amount equal to at least 20% of the vehicle capacity of the theater.

(3) Any area of the site accessible to vehicles shall be surfaced in accordance with the standards prescribed for parking areas in this chapter.

(4) Any picture screen less than 500 feet from a major or secondary highway shall be so located or shielded that the picture surface cannot be viewed from such highway.

(5) The site shall be enclosed by a wall, solid fence or compact evergreen hedge at least six feet high.

('64 Code, § 60.26) Penalty, see § [10.97](#)

#### § 155.652 TRACT OFFICES, TEMPORARY.

Temporary real estate offices may be located in any new subdivision in any zone in accordance with the following:

(A) Such offices shall be used only for the purpose of conducting the sale of lots and improvements in the tract within which such office is located and for property management within said tract.

(B) Not more than two such offices shall be permitted in any one tract.

(C) All such offices shall be maintained in a neat and orderly manner and shall be adequately painted and kept in a good state of repair.

(D) All such offices shall be removed within 30 days from the date of the completion of sales activities in connection with the subdivision within which such office is located.

(E) In the event sales activity within the tract continues for a period of more than two years, Planning Commission approval shall be required to permit use of the temporary tract offices for a longer period.

('64 Code, § 60.27) Penalty, see § [10.97](#)

#### § 155.653 TRAILERS; USE.

Trailers shall not be used for living or sleeping purposes nor for other uses except as follows:

(A) Where such facilities are located in a licensed trailer park, for use as an office or for living or sleeping purposes.

(B) Where a temporary permit has been issued for a period of six months, with one extension possible, for use while construction is in progress.

(C) Where development plan approval has been granted by the Planning Commission for the temporary use of such facilities by a caretaker, custodian or night watchman.

(D) Where development plan approval has been granted by the Planning Commission for the temporary use of such facilities in the A-1, PF, M-1 and M-2 Zones as offices or for other uses permitted in said zones, except that development plan approval shall not be required where such facilities are located so as to be totally concealed from view from a public street or more than 150 feet from the planned street width line along any public street and where approval has been granted by the Director of Planning and Development. Approval by the Planning Commission and Director of Planning and Development may be conditioned upon any requirement deemed necessary to insure that such facilities will not be detrimental to persons or property and will not adversely affect the city in general.

('64 Code, § 60.28) (Am. Ord. 358, passed 7-10-69; Am. Ord. 700, passed 9-11-86) Penalty, see § [10.97](#)

#### **§ 155.654 TRAILER STORAGE.**

A trailer not used for living or sleeping purposes may be parked or stored on any premises in any zone, owned or occupied by the owner of said trailer, except as follows:

(A) A trailer shall not be parked or stored in any required front yard, or side yard adjoining a street.

(B) In a residential zone, a trailer shall not be parked or stored in any area between the front property line and the front of the residence, and in the case of a corner lot, said trailer shall not be parked or stored in any area between the side property line adjoining the street and the side of the residence.

('64 Code, § 60.29) Penalty, see § [10.97](#)

#### **§ 155.655 TRAILER PARKS.**

(A) A conditional use permit shall be required for the establishment or enlargement of a trailer park.

(B) In addition to any other requirements which the Planning Commission may impose on the granting of said conditional use permit, the following standards and requirements shall apply unless specifically set forth and itemized in said permit:

(1) The minimum size for a trailer park shall be five acres.

(2) At least 80% of the sites in a trailer park shall be not less than 2,000 square feet in area. The remainder of the sites in the trailer park shall be not less than 1,500 square feet in area. Said minimum area shall be exclusive of off-street parking areas.

(3) Each trailer site shall have a minimum frontage width of 30 feet facing on a roadway.

(4) Yard areas shall be required in accordance with the following:

(a) A yard of 10 feet shall be required on each trailer site adjacent to any roadway or off-street parking area.

(b) A yard of 10 feet shall be required on each trailer site adjacent to any exterior boundary of the trailer park.

(c) A yard of five feet shall be required adjacent to any other boundary of a trailer site.

(d) No trailer, cabana, ramada, awning, windbreak, storage unit, carport or other structure may be located within a required yard area on a trailer site.

(5) The boundaries of each trailer site shall be clearly, distinctly and permanently outlined.

(6) In no event shall the occupied area of a trailer site exceed 75% of the total site area. The area shall be deemed to be occupied when covered or occupied by a trailer, cabana, ramada, awning, closet, cupboard, unoccupied travel trailer, or any other stored vehicle or structure or combination thereof.

(7) The trailer park shall be completely surrounded by a masonry wall not less than six feet in height, except for points of ingress and egress from dedicated public streets.

(8) Trees, shrubs, grass or other forms of landscaping shall be provided in sufficient quantities to insure a residential-like appearance.

(9) Off-street parking shall be provided in accordance with the provisions of this chapter.

(10) Minimum access requirements within a trailer park shall be as follows:

(a) When trailer sites are constructed at a 90° angle from a roadway, the roadway width shall be a minimum of 25 feet.

(b) When trailer sites are constructed at a 60° angle from a roadway, the roadway width shall be a minimum of 22 feet.

(c) When trailer sites are constructed at a 45° angle from a roadway, the roadway width shall be a minimum of 20 feet.

(d) Parking shall not be permitted on any roadway less than 35 feet in width; except, that when sites exist on only one side of the roadway, parallel parking may be permitted on one side; provided, the roadway is not less than 28 feet in width.

(e) No obstruction of any kind shall be erected, placed or maintained on or about a trailer site that would impede the movement of a trailer from a site to an adjacent roadway.

(f) The minimum standards for surfacing and maintenance of roadways and parking areas within trailer parks shall be the same as that specified in this chapter for off-street parking areas.

(11) There shall be at least one central area within each trailer park set aside for recreational use. This recreational area shall have a minimum size of 200 square feet per trailer site. The recreational area shall be landscaped and maintained for use of the trailer occupants.

(12) Public sewer connections shall be required in every trailer park. A lateral sanitary sewer connection shall be provided to each trailer site. Each trailer occupying a trailer site shall be equipped with a flush toilet property connected with the public sewer system.

(13) Auxiliary toilet facilities, baths or showers and clothes washing and drying facilities shall be provided in each trailer park. The size and location of such facilities shall be adequate to meet the needs of the residents of the trailer park.

(14) All driveways and walkways shall be lighted at night with electric lamps of not less than 25 watts each, spaced at intervals of not more than 100 feet.

(15) An electrical outlet supplying at least 110 volts shall be provided for each trailer site.

(16) It shall be the responsibility of the owner or operator of a trailer park to maintain the entire park in a neat and orderly manner. All installations required by this chapter shall be maintained in a good state of repair.

(17) Each trailer park shall maintain an office in a permanent building. The owner or operator of every trailer park shall maintain in a conspicuous location in said office a copy of the plot plan of the trailer park. Said plot plan shall be the same as that approved by the city in connection with the granting of the conditional use permit. The plot plan shall show in detail the following items:

(a) All trailer sites completely dimensioned and designated by name or number.

(b) All public streets adjacent to the trailer park.

(c) The location, width and type of construction of all roadways and off-street parking areas within the trailer park.

(d) The location of all trailer park buildings, laundry and drying areas, recreation facilities and landscaped areas.

(e) All required yard spaces.

(f) Fire hydrant locations and size of outlet connections.

('64 Code, § 60.30) Penalty, see § [10.97](#)

### § 155.655.1 TRUCK DRIVING SCHOOL FACILITIES.

A conditional use permit shall be required for the establishment, maintenance and operation of a truck driving school as defined in § [155.003](#) of this chapter. Truck driving schools shall satisfy the following requirements:

(A) Provide classroom facilities within an enclosed building where students are provided classroom instruction and training. The classroom facilities shall include adequate bathroom facilities for students, faculty and staff. All building facilities for the truck driving school shall be in accordance with the requirements of the Building and Fire Codes of the city, and other applicable federal, state and county and local regulations.

(B) Any truck driving instruction performed on any streets or highways shall be conducted on a fully improved street or highway in accordance with all federal and state laws. All truck

driving instruction not performed on streets or highways shall be conducted within the subject property.

(C) The truck driving school shall satisfy the parking requirements for training schools as set forth in this chapter. The required parking for the school shall not encroach upon the required parking area for other uses or buildings on the property.

(D) The truck driving school and the instructors shall obtain all required licenses or certifications by the State of California for such schools.

(Ord. 911, passed 7-13-00)

#### **§ 155.656 TRUCKING; TRANSIT AND TRANSPORTATION FACILITIES.**

(A) A conditional use permit shall be required for the establishment or enlargement of any trucking, transit or transportation facility, including facilities for repair and storage, except where such uses are listed as permitted uses in this chapter and except where such uses are incidental to a permitted use, servicing only such permitted use and located on the same premises as such permitted use.

(B) For the purposes of this section, the loading or unloading of vehicles from railroad sidings and the storage or servicing of such vehicles shall be deemed to be a "transportation facility" and such use shall not be deemed to be incidental to a permitted use, where such permitted use consists of facilities related to the transportation of such vehicles to the site.

(C) Because of the extensive effect of trucking, transit and transportation facilities on surrounding properties, on city streets and highways and on the economic well being and physical growth of the community, conditional use permits shall not be issued where the premises fronts on a freeway or on a major or secondary highway or where the premises exceeds an area of two acres; except, however, permits may be issued for trucking, transit and transportation facilities on a site composed of filled land which cannot be better utilized for other industrial use; and except, that permits may be issued for the expansion of an existing trucking, transit or transportation facility; provided, that such expansion is contiguous and does not exceed an area of one acre; and provided, the total facility, including the expansion, does not exceed an area of four acres.

(D) Truck driving schools.

('64 Code, § 60.30.1) (Am. Ord. 358, passed 7-10-69; Am. Ord. 438, passed 6-28-73; Am. Ord. 446, passed 12-13-73; Am. Ord. 911, passed 7-13-00) Penalty, see § [10.97](#)

#### **§ 155.657 TRUCK SERVICE AND REPAIR FACILITIES.**

Premises used for the servicing, repair or maintenance of trucks, truck trailers or truck tractors shall comply with the following requirements:

(A) No trucks, truck trailers or truck tractors shall be parked or stored on the adjoining public street.

(B) The portion of the premises used for parking or storage or maneuvering of vehicles shall be surfaced in such a manner as to not produce dust or mud which might be transported to adjoining properties or to adjoining streets.

(C) The premises shall not be used for the accumulation or storage of dismantled truck trailer or engine parts.

(D) Where necessary in the opinion of the Director of Planning and Development screening shall be provided for those portions of the premises where vehicles are parked.

('64 Code, § 60.30.2) (Am. Ord. 446, passed 12-13-73) Penalty, see § [10.97](#)

#### **§ 155.658 USED VEHICLE SALES LOTS.**

(A) Premises used for the sale of used vehicles where such operation normally constitutes the storage of five or more vehicles at any one time, shall be improved in accordance with the following requirements of division (B) of this section.

(B) Where the sale of used vehicles is subordinate and incidental to another use, the requirements of this chapter for said other use shall also apply. The sale of used vehicles in connection with an auto wrecking or salvage use shall be restricted to those vehicles which have not been acquired for dismantling purposes and which are in compliance with the regulations of the Department of Motor Vehicles of the state and any other applicable regulations.

(1) The lot area for sales, repair, parking or storage of vehicles shall be paved. Said paving shall consist of suitable base material, topped with hard, durable plant mix asphaltic paving at least two inches thick after compaction, or portland cement paving at least three inches thick. The surface shall be graded and drained so as to dispose of all surface water. Drainage shall be taken to the curb or gutter and away from adjoining properties. Such drainage shall not be allowed across the surface of a public sidewalk or driveway unless approval has first been granted from the Director of Public Works.

(2) Any mechanical repair work or body and fender work shall be conducted within an enclosure.

(3) Any lights used for illuminating the sales lot shall be directed away from adjoining properties and public streets.

(4) Parking barriers sufficient to insure that no portion of the vehicles stored on the premises shall extend over the property line shall be erected along the perimeter of the sales area.

(5) The sales lot shall be maintained in a good state of housekeeping.

(6) All signs, including pennants, banners, and the like, shall comply with the requirements of this chapter.

('64 Code, § 60.31) (Am. Ord. 358, passed 7-10-69) Penalty, see § [10.97](#)

#### **§ 155.659 REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS.**

(A) *Purpose and applicability:*

(1) *Purpose.* The purpose of this section is to establish a procedure for disabled persons, or their representatives, to request a reasonable accommodation from the city's zoning laws, building codes, and land use regulations, policies, and procedures to provide disabled persons with an opportunity to use and enjoy housing equal to that of non-disabled persons.

(2) *Who may apply.* A request for a reasonable accommodation may be made by any disabled person, his or her representative, or a developer or provider of housing for disabled persons, when the application of a zoning law, building code provision, or other land use regulation, policy, or practice acts as a barrier to a disabled person's equal opportunity to use and enjoy housing.

(3) *What can be requested.* A request for a reasonable accommodation may include a modification to or exception from the rules, standards, or practices for the siting, development, or use of housing or housing related facilities, in order to allow a disabled person an equal opportunity to use and enjoy housing in accordance with the fair housing laws. Requests for a reasonable accommodation shall be made in the manner prescribed by this section.

(B) *Reviewing authority:*

(1) A request for a reasonable accommodation shall be reviewed by the Director of Planning or the Director's designee, unless it is related to a discretionary land use application for the same site area that requires review by the Planning Commission, in which case the Planning Commission shall be the reviewing authority. The Director of Planning may, in his or her discretion, refer applications to the Planning Commission for consideration.

(2) *Variance not required.* Where the improvements or modifications approved through a request for a reasonable accommodation would otherwise require a variance, a variance shall not be required.

(C) *Review procedure:*

(1) *Director review.* The Director, or designee, shall consider an application and issue a written determination. At least ten calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and adjacent property owners that the city will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation.

(2) *Planning Commission review.* The processing procedures for the discretionary land use application before the Planning Commission shall govern the processing of the request for a reasonable accommodation. If the reasonable accommodation is referred to the Planning Commission by the Director and there is no other discretionary application, then the Planning Commission shall hold a public hearing within 45 days after the application is deemed complete and shall issue a written determination within 60 calendar days after such public hearing. Written notice of a hearing to consider the application shall be mailed ten calendar days prior to the meeting to the applicant and adjacent property owners.

(3) *Ability to require additional information.* If the reviewing authority believes that additional information is necessary to reach a determination on any request for a reasonable accommodation, then the reviewing authority may request further information from the applicant. The reviewing authority's request shall specify in detail the requested information. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant fully responds to the request for information. If an individual needs assistance in submitting the application for a reasonable accommodation, the

city shall provide assistance to ensure that the process is accessible. The applicant and the city may agree at any time to extend the time period(s) set forth in this section.

(D) *Application submittal.* Notwithstanding any other requirements of this section, a request for a reasonable accommodation shall be made on a form supplied by the Planning and Development Department and shall include the following information:

- (1) The applicant's or representative's name, mailing address, daytime phone number, and email address, if applicable;
- (2) The address of the property for which the request is being made;
- (3) The specific code section, regulation, procedure, or policy of the city from which relief is sought;
- (4) A site plan or illustrative drawing showing the proposed accommodation, if applicable;
- (5) An explanation of why the specified code section, regulation, procedure, or policy is denying, or will deny a disabled person equal opportunity to use and enjoy the dwelling;
- (6) The basis for the claim that the fair housing laws apply to the applicant and evidence satisfactory to the city supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;
- (7) A detailed explanation of why the accommodation is reasonable and necessary to afford the disabled person an equal opportunity to use and enjoy the dwelling; and
- (8) Any other information required to make the findings required by division (E) of this section consistent with the fair housing laws.
- (9) A reasonable accommodation does not affect or negate an individual's obligation to comply with other applicable regulations that are not the subject of the requested accommodation.
- (10) No application fee shall be required to process an application for a request for a reasonable accommodation pursuant to this section. However, application fees shall be required for any concurrent development application and any other permits that may be required to construct or otherwise implement the reasonable accommodation.
- (11) While a request for a reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(E) (1) *Findings and conditions of approval.*

(2) *Required findings.* The reasonable accommodation shall be approved, with or without conditions, if the reviewing authority finds, based upon all of the evidence presented, that all of the following findings can be made:

- (a) The dwelling that is the subject of the request for reasonable accommodation will be occupied by a disabled person;



(b) The requested accommodation is necessary to provide a disabled person with an equal opportunity to use and enjoy a dwelling;

(c) The requested accommodation will not impose an undue financial or administrative burden on the city, as defined in the fair housing laws; and

(d) The requested accommodation will not require a fundamental alteration to the city's zoning or building laws, policies, and/or procedures, as defined in the fair housing laws. In considering whether the accommodation would require such a fundamental alteration, the reviewing authority may consider, among other factors:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;

2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;

3. Whether the requested accommodation would substantially undermine any express purpose of either the city's General Plan or an applicable specific plan; and

4. Whether the requested accommodation would create an institutionalized environment due to the number of, and distance between, facilities that are similar in nature or operation.

(F) *Decision.*

(1) The reviewing authority's written decision shall set forth the findings and any conditions of approval. The decision and notice of the right to appeal shall be mailed to the applicant, and to any person having provided written comment on the application. The approval of a reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this section or the General Plan, or are appropriate to protect the public health, safety, or welfare. The reviewing authority may approve an alternative reasonable accommodation that provides the applicant an opportunity to use and enjoy a dwelling equivalent to that provided by the specific accommodation requested by the applicant, where such alternative accommodation would reduce impacts to neighboring properties or the surrounding area. The written decision of the reviewing authority shall be final, unless appealed or ordered for Council review in the manner set forth in § [155.865](#) of this Code.

(2) Prior to the issuance of any permits related to an approved reasonable accommodation, the applicant, or property owner if different, shall record a covenant in the County Recorder's Office, in a form approved by the City Attorney, acknowledging and agreeing to comply with the terms and conditions of the approved reasonable accommodation. A reasonable accommodation is granted to an individual(s) and shall not run with the land, unless the Director of Planning finds, at the time of approval of the accommodation, that the modification is physically integrated with the structure and cannot feasibly be removed or altered.

(G) *Expiration and discontinuance.*

(1) *Expiration.* Any reasonable accommodation approved in accordance with the terms of this section shall expire within 12 months from the effective date of the approval, or at an alternative time specified in the approval, unless:

(a) A building permit has been issued and construction has commenced;

- (b) The right granted by the accommodation has been exercised; or
- (c) A time extension has been granted by the Director of Planning.

(2) *Discontinuance.* A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days. In addition, if the disabled person for whom the reasonable accommodation was granted vacates the residence, the reasonable accommodation shall remain in effect only if: (i) the Director of Planning determined pursuant to division (F) that the reasonable accommodation shall run with the land, or (ii) another disabled person who requires the accommodation to have an equal opportunity to use and enjoy the dwelling now occupies the dwelling. The Director may request that the person seeking to retain the accommodation provide documentation that the occupants are disabled persons and the existing accommodation is necessary for them to have an equal opportunity to use and enjoy the dwelling. Failure to provide such documentation within ten days of the date of a request by the city shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.

(H) *Revocation or modification.*

(1) If the Director determines that evidence could be presented to the Planning Commission that may support grounds for revocation or modification of an approved reasonable accommodation, and the director believes that the Planning Commission may find that such evidence is adequate to support revocation or modification of the reasonable accommodation, then the Director may initiate a revocation proceeding before the Planning Commission.

(2) Upon initiation of a revocation proceeding, the Planning Commission shall hold a public hearing regarding the possible revocation or modification of the reasonable accommodation. Notice of such hearing shall be provided in the same manner as the notice required to be provided in division (C). The Planning Commission, after such hearing, may revoke or modify the reasonable accommodation if the Planning Commission determines that:

(a) There has been a change in the disabled person's use of the property or need for the reasonable accommodation that negates the basis for the approval of the reasonable accommodation;

(b) The application, or other information presented to the city in conjunction with the request for a reasonable accommodation, included false information; or

(c) Any of the conditions or terms of such approval are violated, or any law or ordinance is violated in connection therewith.

(3) Upon revocation of the reasonable accommodation, the property shall be brought into compliance with any zoning regulation or other laws, policies, or procedures from which a deviation was granted in order to allow the reasonable accommodation.

(Ord. 1049, passed 12-12-13)

## VARIANCES

§ 155.670 AUTHORIZATION.

The Planning Commission shall have the authority, subject to the procedures set forth in this chapter, to grant variances from any provision of this chapter relating to the use and development of land when it is found that the strict and literal interpretation of such provisions would cause undue difficulties and unnecessary hardships inconsistent with the intent and general purpose of this chapter.

('64 Code, § 70.00)

#### **§ 155.671 PURPOSE AND LIMITATIONS.**

The sole purpose of a variance shall be to insure that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. No variance shall be granted which would have the effect of granting a special privilege not shared by other properties in the same vicinity and zone. However, the Planning Commission shall have the authority to grant a variance to permit the exploration for, drilling for and production of oil and gas in accordance with the provisions of this chapter.

('64 Code, § 70.01)

#### **§ 155.672 APPLICATION AND FEE.**

Application for a variance shall be made by the property owner, or his authorized agent, to the Planning Commission on a form provided for that purpose by the city, and shall be accompanied by a filing fee as set by City Council resolution, no part of which is refundable unless the application is withdrawn prior to publication of the notice of the public hearing. In the event of said withdrawal, the Council shall determine the amount of fee to be refunded.

('64 Code, § 70.02) (Ord. 716, passed 7-23-87)

#### **§ 155.673 ACCOMPANYING MAPS AND DATA.**

An application for a variance shall be accompanied by maps showing the subject property as well as the surrounding area, plot plans of the subject property showing all existing and proposed buildings and uses, a list of names and addresses of all surrounding property owners as set forth in [§ 155.860](#) of this chapter, and any other data required by the Director of Planning and Development to adequately present the application to the Commission.

('64 Code, § 70.03) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.674 PUBLIC HEARING.**

The Director of Planning and Development shall set the request for a variance for a public hearing before the Planning Commission in the manner specified in §§ [155.860](#) through [155.866](#) of this chapter.

('64 Code, § 70.04) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.675 REQUIRED SHOWING BY THE APPLICANT.**

Before any variance shall be granted, the Planning Commission shall satisfy itself that the applicant has shown that all of the following conditions apply:

(A) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone.

(B) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in question.

(C) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity.

(D) That the granting of such variance will not adversely affect the master plan of the city.

('64 Code, § 70.05)

### **§ 155.676 VARIANCE FOR DRILLING AND PRODUCTION OF OIL AND GAS.**

(A) The Planning Commission shall have the authority to grant a variance to permit the exploration for, drilling for and production of oil and gas without the required showing by the applicant as set forth in this chapter.

(B) However, the Commission shall satisfy itself that the following conditions apply:

(1) That it appears probable that there is oil or gas underneath the property under consideration or under adjacent property which cannot be otherwise reasonably extracted.

(2) That the granting of the variance will not be materially detrimental to the property of other persons located in the same vicinity, nor be detrimental to the public welfare of the community.

('64 Code, § 70.06)

### **§ 155.677 COMMISSION'S ACTION.**

Within 45 days after completion of the public hearing, the Commission shall take action on a request for a variances unless an extension of time has been agreed to by the applicant. The Commission may grant, conditionally grant or deny a variance based on the evidence submitted and its own study and knowledge of the circumstances.

('64 Code, § 70.07)

### **§ 155.678 CONDITIONAL APPROVAL.**

The Commission may grant a variance subject to such conditions as the Commission finds are warranted by the circumstances involved. Said conditions may include the dedication and development of streets adjoining the property and other improvements. All such conditions shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, use and maintenance of all land and structures within the development.

('64 Code, § 70.08)

### **§ 155.679 FINDINGS.**

The Planning Commission shall announce its findings by resolution, and said resolution shall contain the facts and reasons which, in the opinion of the Planning Commission, make the granting of the variance necessary to carry out the general purpose of this chapter. The resolution shall set forth those conditions necessary to insure that granting the variance will not adversely affect the surrounding properties nor the general welfare of the community.

('64 Code, § 70.09)

#### § 155.680 NOTICE OF DECISION.

Not later than 10 days following the Planning Commission's action in granting or denying the variance, a copy of the resolution shall be mailed to the applicant at the address shown on the application form and to any other person requesting a copy. A copy of said resolution shall also be forwarded to the City Council.

('64 Code, § 70.10)

#### § 155.681 APPEAL AND EFFECTIVE DATE.

The provisions of § [155.865](#) of this chapter regarding appeal of the Commission's action and the effective date of approval shall apply.

('64 Code, § 70.11)

#### § 155.682 EXPIRATION.

Unless otherwise specified in the action granting a variance, said variance which has not been utilized within 12 months of the effective date, shall be null and void. Also the abandonment or nonuse of a variance for a period of 12 consecutive months shall terminate said variance, and any privileges granted thereunder shall become null and void.

('64 Code, § 70.12)

## MODIFICATIONS

#### § 155.690 AUTHORIZATION.

When it is found that a strict or literal interpretation of the property development standards set forth in this chapter would cause undue difficulties and unnecessary hardships inconsistent with the purpose and intent of this chapter, the Planning Commission shall have the authority, in accordance with the procedures of this subchapter, to grant modifications from the requirements of said property development standards.

('64 Code, § 71.00)

#### § 155.691 PURPOSE AND LIMITATIONS.

The purpose of the modification procedure shall be to insure that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. It shall also be the purpose of the modification procedure to allow under certain circumstances the modification of property development standards in the residential zones in order to allow flexibility in increasing the liveability of dwelling units. It shall also be the purpose of the modification procedure to allow temporary

modification of development standards under certain circumstances, where hardships would be created to require immediate compliance. No modification shall be granted which would allow a use not permitted in the zone in which the modification is requested.

('64 Code, § 71.01) (Am. Ord. 358, passed 7-10-69)

#### **§ 155.692 APPLICATION AND FEE.**

Application for a modification shall be made to the Planning Commission by the property owner or his authorized agent on a form provided for that purpose by the city, and shall be accompanied by a filing fee as set by City Council resolution, no part of which is refundable.

('64 Code, § 71.02) (Ord. 716, passed 7-23-87)

#### **§ 155.693 ACCOMPANYING MAPS AND DATA.**

An application for a modification shall be accompanied by plot plans showing the subject property and any other maps or data required by the Director of Planning and Development to adequately present the application to the Commission.

('64 Code, § 71.03) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.694 REQUIRED SHOWING BY APPLICANT IN RESIDENTIAL ZONES.**

(A) In order to allow flexibility in enlarging and increasing the liveability of dwelling units, the applicant requesting modification of property development standards in the residential zones shall be exempt from the requirements of §§ [155.695](#) and [155.696](#).

(B) Said applicant shall be required to show that the following conditions apply:

(1) That the modification is needed to allow the property to be utilized in a more beneficial manner.

(2) That the modification, if granted, would not be detrimental to the public welfare or to the property of others in the area.

('64 Code, § 71.04) (Am. Ord. 358, passed 7-10-69)

#### **§ 155.695 REQUIRED SHOWING BY APPLICANT IN NONRESIDENTIAL ZONES.**

Before any modification shall be granted, the Planning Commission shall satisfy itself that the applicant has shown that all of the following conditions apply:

(A) That the granting of the modification would not grant special privileges to the applicant not enjoyed by other property owners in the area.

(B) That the subject property cannot be used in a reasonable manner under the existing regulations.

(C) That the hardship involved is due to unusual or unique circumstances.

(D) That the modifications, if granted, would not be detrimental to other persons or properties in the area nor be detrimental to the community in general.

('64 Code, § 71.04.1) (Am. Ord. 358, passed 7-10-69)

### **§ 155.696 COMMISSION'S CONSIDERATION.**

In addition to the required showing by the applicant, the Commission shall take into consideration the following factors in making its determination as to whether or not there are practical difficulties or hardships involved:

- (A) That there are particular physical circumstances due to the shape or condition of the property which result in a hardship under the existing regulations, as distinguished from a mere inconvenience.
- (B) That the purpose of the modification is not based exclusively on the financial advantage to the owner.
- (C) That the alleged difficulties were not created by any person presently having an interest in the property.
- (D) That the conditions involved are not generally applicable to most of the surrounding properties.
- (E) That the requested modification would not diminish property values in the neighborhood.
- (F) That the proposed modification will not increase congestion or endanger the public safety.

('64 Code, § 71.05)

### **§ 155.697 EXCEPTIONS TO REQUIRED SHOWING BY APPLICANT FOR TEMPORARY MODIFICATION.**

In order to alleviate hardship that might be caused due to the requirement of immediate compliance with property development standards, the applicant for temporary modification of development standards shall be exempt from the requirements of §§ [155.694](#) or [155.695](#) and [155.696](#), but shall be required to show that the following conditions apply:

- (A) That there are hardships involved with immediate compliance with certain property development standards.
- (B) That the modification, if granted, would not be detrimental to the public welfare or to the property of others in the area.

('64 Code, § 71.05.1) (Am. Ord. 358, passed 7-10-69)

### **§ 155.698 COMMISSION'S ACTION.**

The Commission may grant, conditionally grant or deny a modification based on the evidence submitted and its own study and knowledge of the circumstances.

('64 Code, § 71.06)

### **§ 155.699 CONDITIONAL APPROVAL.**

The Commission may grant a modification subject to such conditions as the Commission finds are warranted by the circumstances involved. Said conditions may include the dedication and development of streets adjoining the property and other improvements. All such conditions shall

be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, use and maintenance of all land and structures within the development.

('64 Code, § 71.07)

#### **§ 155.700 NOTICE OF DECISION.**

Not later than 10 days following the Planning Commission's action in granting or denying the modification, a letter setting forth the Commission's action shall be mailed to the applicant at the address shown on the application form and to any other person requesting a copy. A copy of said letter shall also be forwarded to the City Council.

('64 Code, § 71.08)

#### **§ 155.701 APPEAL AND EFFECTIVE DATE.**

The provisions of § [155.865](#) regarding appeal of the Commission's action and the effective date of approval shall apply.

('64 Code, § 71.09)

#### **§ 155.702 EXPIRATION.**

Unless otherwise specified in the action granting a modification, said modification which has not been utilized within 12 months from the effective date shall be null and void. Also the abandonment or nonuse of a modification for any period of 12 consecutive months shall terminate said modification and any privileges granted thereunder shall become null and void. However, an extension of time may be granted by Commission or Council action.

('64 Code, § 71.10)

### **CONDITIONAL USE PERMITS**

#### **§ 155.710 AUTHORIZATION.**

The Planning Commission shall have the authority, subject to the procedures set forth in this subchapter, to grant a conditional use permit whenever it finds that the granting of said permit is consistent with the requirements, intent and purpose of this chapter.

('64 Code, § 72.00)

#### **§ 155.711 PURPOSE AND LIMITATIONS.**

The purpose of the conditional use permit is to allow proper integration of uses into the community which may only be suitable in specific locations, or only if such uses are designed or constructed in a particular manner on the site, and under certain conditions. A conditional use permit may be granted only for uses listed as conditional uses in the various zones, and for such other uses as are set forth in other provisions of this chapter as requiring said permit.

('64 Code, § 72.01)

#### **§ 155.712 APPLICATION AND FEE.**



Application for a conditional use permit shall be made by the property owner or his authorized agent, to the Planning Commission, on a form provided for that purpose by the city, and shall be accompanied by a filing fee as set by City Council resolution, no part of which is refundable unless the application is withdrawn prior to processing of said application.

('64 Code, § 72.02) (Ord. 716, passed 7-23-87)

#### **§ 155.713 WAIVER OF FEE FOR NONCONFORMING USES.**

The filing fee shall be waived for uses which become nonconforming for the first time subsequent to the adoption of this chapter by reason of being listed as conditional uses in the zones in which they are located. When application is made for a conditional use permit in order to continue such uses, the city shall bear all necessary costs for the normal processing of such applications.

('64 Code, § 72.03)

#### **§ 155.714 ACCOMPANYING MAPS AND DATA.**

An application for a conditional permit shall be accompanied by accurately drawn maps showing the subject property as well as the surrounding area, plot plans of the subject property showing all existing and proposed buildings and uses and such other data as may be required by the Planning and Development Director to adequately present the application to the Commission.

('64 Code, § 72.04)

#### **§ 155.715 PUBLIC HEARING.**

No public hearing need be held except in those cases where the Planning Commission deems that a hearing is necessary in the public interest or where a public hearing is specifically required by this chapter. In the event that a public hearing is required, either by this chapter or by determination of the Planning Commission, the applicant or his authorized agent shall pay an additional fee as set by City Council resolution before the application shall be further processed. In addition, the applicant shall furnish a list of names and addresses of surrounding property owners, as set forth in § [155.860](#). If a public hearing is required, the Director of Planning and Development shall cause proper notice of the hearing to be given in accordance with the provisions of § [155.862](#).

('64 Code, § 72.05) (Am. Ord. 501, passed 6-24-75; Ord. 716, passed 7-23-87)

#### **§ 155.716 COMMISSION'S CONSIDERATION.**

Before granting a conditional use permit, the Commission shall satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. The Commission shall give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community.

('64 Code, § 72.06)

#### **§ 155.717 COMMISSION'S ACTION.**

The Commission may grant, conditionally grant or deny a conditional use permit based on the evidence submitted and its own study and knowledge of the circumstances.

('64 Code, § 72.07)

**§ 155.718 CONDITIONAL APPROVAL.**

The Commission may grant a conditional use permit subject to such conditions as the Commission finds are warranted by the circumstances involved. This may include the dedication and development of streets adjoining the property and other improvements. All such conditions shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, use and maintenance of all land and structures within the development.

('64 Code, § 72.08)

**§ 155.719 NOTICE OF DECISION.**

Not later than 10 days following the Planning Commission's action in granting or denying the conditional use permit, a letter setting forth the Commission's action shall be mailed to the applicant at the address shown on the application form and to any other person requesting a copy. A copy of said letter shall also be sent to the Council.

('64 Code, § 72.09)

**§ 155.720 APPEAL AND EFFECTIVE DATE.**

The provisions of § [155.865](#) regarding appeal of the Commission's action and the effective date of approval shall apply.

('64 Code, § 72.10)

**§ 155.721 EXPIRATION.**

Unless otherwise specified in the action granting a conditional use permit, said conditional use permit which has not been utilized within 12 months from the effective date shall become null and void. Also the abandonment or nonuse of a conditional use permit for a period of 12 consecutive months shall terminate said conditional use permit and any privileges granted thereunder shall become null and void. However, an extension of time may be granted by Commission or Council action.

('64 Code, § 72.11)

**§ 155.722 REQUIREMENT FOR BOTH CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN APPROVAL.**

Where a conditional use permit and development plan approval are required concurrently for a use, development proposal, project, and the like, the conditional use permit may be granted as a part of the development plan approval.

('64 Code, § 72.12) (Am. Ord. 700, passed 9-11-86; Ord. 706, passed 12-24-86)

**§ 155.723 CONDITIONAL USE PERMITS FOR ENTERTAINMENT AND OTHER USES.**

(A) Conditional use permits for all businesses conducting amusement, entertainment or burlesque activities, as defined in § [155.003](#), dance halls or pavilions, or nightclubs, shall require approval by the City Council, after consideration by the Planning Commission. In the event of approval by the Planning Commission, the application will go before the City Council in compliance with the timing and procedural requirements of the appeal process which applies if invoked by the applicant. The decision of the City Council shall be final.

('64 Code, § 72.13) (Am. Ord. 801, passed 10-3-91)

(B) Notwithstanding any other provisions of this code, adult businesses, as defined in § [125.02](#) shall not be required to obtain a conditional use permit pursuant to this section. Such businesses shall proceed under the licensing requirements of [Chapter 125](#).

(C) Any person seeking a conditional use permit pursuant to division (A) of this section shall, as part of his application, provide the following information:

- (1) The name and address of the applicant.
- (2) The name and address of the owner of the premises where such business is to be conducted.
- (3) If the proposed permittee is a corporation, the names and addresses of the principal corporate officers and the date and state of incorporation.
- (4) A description of the type or nature of the business or commercial enterprise to be conducted at or upon the premises.
- (5) A statement of what foods and alcoholic beverages will be sold or distributed on the premises.
- (6) The days and hours during which such business is to be conducted.
- (7) A statement as to whether the conduct or performance of amusement or entertainment is to be restricted to a stage, platform or other fixed location upon the premises, together with an accompanying sketch of the premises clearly designating the entertainment or amusement area.
- (8) A statement of the type of entertainment or amusement proposed to be conducted, and the number of performers or entertainers to be engaged in such activity.
- (9) A statement as to whether any such entertainers or performers are to be employed by the applicant in any other capacity in or upon the premises, with full details and identifications.
- (10) A description of the clothing or costuming to be worn, particularly specifying in detail the costuming of any nude, seminude or revealingly dressed performers.
- (11) A statement as to whether minors will be permitted upon the premises during such entertainment.
- (12) Such other data as the City Manager may reasonably require in the interest of public health, safety or welfare.

(13) A statement certifying, on penalty of perjury, the correctness of the information given on the application and agreeing on behalf of the proposed permittee that there shall be full compliance of the permittee with all state and city laws in the conduct of the activities for which a permit may be granted.

('64 Code, § 72.14)

(D) Any person obtaining a conditional use permit pursuant to division (A) shall, within 10 days after the occurrence, notify the City Manager in writing of any changes in the information submitted to the City Manager in the last application for permit filed with him and not previously reported to him.

('64 Code, § 72.15)

(E) The city shall conduct a background investigation of any person seeking a conditional use permit pursuant to division (A), to determine whether such person, in his personal conduct or in the conduct of businesses at the subject premises or other locations, has demonstrated an unwillingness or inability to comply with applicable laws or regulations.

('64 Code, § 72.16)

(F) In addition to any other grounds for denial of an application for a conditional use permit contained in this subchapter or in other applicable law, the Planning Commission and City Council shall deny an application made pursuant to division (A) if it is found that, based on the investigation conducted pursuant to division (E), there is substantial doubt regarding the applicant's likelihood of complying with such conditions as may be imposed in a conditional use permit.

('64 Code, § 72.17)

(Ord. 793, passed 5-23-91; Am. Ord. 979, passed 12-14-06; Am. Ord. 978, passed 1-11-07)

### **§ 155.724 CONDITIONAL USE PERMIT FOR MASSAGE PARLORS AND SIMILAR USES.**

(A) A conditional use permit for any of the business activities set forth in § [155.153](#)(II) shall be approved only upon acquisition of an operator permit under [Chapter 115](#) of this code.

('64 Code, § 72.18)

(B) A conditional use permit for any of the business activities set forth in § [155.153](#)(II) shall require approval by the City Council, after consideration by the Planning Commission. In the event of approval by the Planning Commission, the application will go before the City Council in compliance with the timing and procedural requirements of the appeal process which applies if invoked by the applicant. The decision of the City Council shall be final.

('64 Code, § 72.19)

(C) Any person obtaining a conditional use permit pursuant to division (B) shall, within 10 days after the occurrence, notify the Director of Police Services under the permit process set forth in [Chapter 115](#) of this code. Failure to do so is grounds for revocation of the conditional use permit.

('64 Code, § 72.20)

(D) The city shall conduct a background investigation of any person(s) seeking a conditional use permit pursuant to division (B), to determine whether such person(s), in his personal conduct or in the conduct of businesses at the subject premises or other locations, has demonstrated an unwillingness or inability to comply with applicable laws or regulations.

('64 Code, § 72.21)

(E) In addition to any other grounds for denial of an application for a conditional use permit contained in this subchapter or in other applicable law, the Planning Commission and City Council shall deny an application made pursuant to division (B) if it is found that, based on the investigation conducted pursuant to division (D), there is substantial doubt regarding the applicant's likelihood of complying with such conditions as may be imposed in a conditional use permit.

('64 Code, § 72.22)

(Am. Ord. 846, passed 11-22-94)

## **DEVELOPMENT PLAN APPROVAL**

### **§ 155.735 AUTHORIZATION.**

The Planning Commission shall have the authority, subject to the procedures set forth in this subchapter, to grant development plan approval when it has been found that said approval is consistent with the requirements, intent and purpose of this chapter.

('64 Code, § 73.00)

### **§ 155.736 PURPOSE.**

The purpose of the development plan approval is to assure compliance with the provisions of this chapter and to give proper attention to the siting of new structures or additions or alterations to existing structures, particularly in regard to unsightly and undesirable appearance, which would have an adverse effect on surrounding properties and the community in general.

('64 Code, § 73.01)

### **§ 155.737 APPLICATION.**

Application for development plan approval shall be made by the property owner or his authorized agent on a form provided for that purpose by the city. Application for development plan approval may be made simultaneously with application for change of zone, variance, conditional use permit, modification or other request for Commission approval.

('64 Code, § 73.02)

### **§ 155.738 ACCOMPANYING MAPS AND DRAWINGS.**

An application for development plan approval shall be accompanied by accurately drawn maps showing the subject property as well as the surrounding area, plot plans of the subject property showing all existing and proposed buildings and uses, architectural drawings and elevations, and

any other data required by the Director of Planning and Development to adequately present the application to the Commission.

('64 Code, § 73.03) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.739 COMMISSION'S CONSIDERATION.**

In studying any application for development plan approval, the Commission shall give consideration to the following:

- (A) That the proposed development is in conformance with the overall objectives of this chapter.
- (B) That the architectural design of the proposed structures is such that it will enhance the general appearance of the area and be in harmony with the intent of this chapter.
- (C) That the proposed structures be considered on the basis of their suitability for their intended purpose and on the appropriate use of materials and on the principles of proportion and harmony of the various elements of the buildings or structures.
- (D) That consideration be given to landscaping, fencing and other elements of the proposed development to ensure that the entire development is in harmony with the objectives of this chapter.
- (E) That it is not the intent of this subchapter to require any particular style or type of architecture other than that necessary to harmonize with the general area.
- (F) That it is not the intent of this subchapter to interfere with architectural design except to the extent necessary to achieve the overall objectives of this chapter.
- (G) As a means of encouraging residential development projects to incorporate units affordable to extremely low income households and consistent with the city's housing element, the city will waive Planning Department entitlement fees for projects with a minimum of 10% extremely low income units. For purposes of this section, extremely low income households are households whose income does not exceed the extremely low-income limits applicable to Los Angeles County, as published and periodically updated by the state's Department of Housing and Community Development pursuant Cal. Health and Safety Code § 50106.

('64 Code, § 73.04) (Am. Ord. 1085, passed 2-23-17)

#### **§ 155.740 CONSULTATION.**

If the Planning Commission desires, it may request the advice and consultation of a committee of qualified architects in studying any request for development plan approval. In the event such consultation is desired, a committee of three architects shall be selected with the aid and assistance of local chapters of the American Institute of Architects. The advice and recommendations provided by said committee of architects shall be informal and need not be binding upon the Commission's action.

('64 Code, § 73.05)

#### **§ 155.741 COMMISSION'S ACTION.**

The Commission may grant, conditionally grant or deny approval of a proposed development plan based on the evidence submitted and upon its own study and knowledge of the circumstances involved, or it may require the submission of a revised development plan.

('64 Code, § 73.06)

#### **§ 155.742 CONDITIONAL APPROVAL.**

The Commission may grant approval of a development plan subject to such conditions as the Commission deems are warranted by the circumstances involved. These conditions may include the dedication and development of streets adjoining the property and other improvements. In granting any development plan approval that would permit a metal building or storage tank of metal construction to be located on any parcel of land, the Commission shall impose conditions requiring all metal buildings on the parcel to be located and/or designed in such a manner as to be completely concealed from view from public rights-of-way, and further requiring all storage tanks of metal construction on the parcel to be located and/or designed in such a manner as to be concealed from view from public rights-of-way. All conditions of development plan approval shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, use and maintenance of all land and structures within the development.

('64 Code, § 73.07) (Ord. 822, passed 3-11-93)

#### **§ 155.743 NOTICE OF DECISION.**

Not later than 10 days following the Planning Commission's action in granting or denying the development plan approval, a letter setting forth the Commission's action shall be mailed to the applicant at the address shown on the application form and to any other person requesting a copy. A copy of said letter shall also be forwarded to the City Council.

('64 Code, § 73.08)

#### **§ 155.744 APPEAL AND EFFECTIVE DATE.**

The provisions of § [155.865](#) regarding appeal of the Commission's action and the effective date of approval shall apply.

('64 Code, § 73.09)

#### **§ 155.745 EXPIRATION.**

Unless otherwise specified in the action granting development plan approval, said approval which has not been utilized within a period of 12 consecutive months from the effective date shall become null and void. Also the abandonment or nonuse of a development plate approval for a period of 12 consecutive months shall terminate said development plan approval and any privileges granted thereunder shall become null and void. However, an extension of time may be granted by Commission or Council action.

('64 Code, § 73.10)

#### **§ 155.746 PLAN MODIFICATION.**

Minor modification in approved development plans may be permitted upon approval by the Director of Planning and Development if the modification will not result in change in the uses or the character of the development, increase in coverage or density, increase in amount of traffic generated, increase in parking or loading requirements, or reduction in the number of off-street parking or loading spaces; and provided, that said modification shall be consistent with the purpose and intent of the original approval.

('64 Code, § 73.11) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.747 REQUIREMENT FOR BOTH CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN APPROVAL.**

Wherever a conditional use permit and development plan approval are required concurrently for a use, development proposal, project, and the like, development plan approval may be granted as a part of the conditional use permit approval.

('64 Code, § 73.12) (Am. Ord. 700, passed 9-11-86)

### **RELOCATION OF BUILDINGS**

#### **§ 155.760 AUTHORIZATION.**

The Planning Commission shall have the authority, subject to the procedures set forth herein, to permit the relocation of buildings whenever it finds said relocation meets the requirements and general intent of this chapter. However, in the case of residential structures proposed to be relocated onto property in the residential zones of the city, in addition to Planning Commission approval, City Council approval shall also be required.

('64 Code, § 74.00) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.761 PURPOSE.**

The purpose of the relocation of buildings procedure is to provide adequate safeguards to insure that buildings moved from one location to another will not have an adverse effect on their new location, and that they will harmonize and fit into the existing and future development of the area.

('64 Code, § 74.01) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.762 PERMIT REQUIRED.**

No building or structure shall be removed whether transported as a unit, or in sections, or completely dismantled, from one lot or premises to another, or for a distance exceeding 20 feet within a single lot or premises in an agricultural, residential or public facility zone, or for a distance exceeding 50 feet within a single lot or premises in any other zone, unless a valid permit for said relocation has first been approved.

('64 Code, § 74.02) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.763 APPLICATION AND FEE.**

Application for relocation of a structure shall be made by the property owner or his authorized agent, on a form prescribed for this purpose by the city and shall be accompanied by a filing fee



as set by City Council resolution. In the event a public hearing before the Planning Commission is required, an additional filing fee as set by City Council resolution shall be required. In the event public hearings are required before both the Planning Commission and the City Council, an additional filing fee as set by City Council resolution shall be required. No part of the filing fee is refundable. In the case of involuntary moving within a single lot or premises caused by the action of a governmental agency, the filing fee shall be waived.

('64 Code, § 74.03) (Am. Ord. 501, passed 6-24-75; Ord. 716, passed 7-23-87)

#### **§ 155.764 ACCOMPANYING MAPS AND DATA.**

An application for relocation of a building shall be accompanied by accurately drawn plot plans showing all existing and proposed buildings, structures and uses, photographs of the structure to be relocated and such other data as may be required by the Director of Planning and Development to adequately present the application. If any changes are proposed that would affect the exterior appearance of the building, i.e., new roof lines, eaves, and the like, detailed elevations shall be provided, drawn accurately to scale, showing the changes proposed. In addition, if the lot to which the structure is to be relocated has a difference in grade of more than five feet, a contour map shall also be submitted.

('64 Code, § 74.04) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.765 PUBLIC HEARING.**

A public hearing by the Planning Commission and by the City Council shall be required in all cases involving the relocation of residential structures into the residential zones. In all other relocations, no public hearing need be held except in those cases where the Planning Commission deems that a hearing is necessary in the public interest. All public hearings shall be held in accordance with the provisions of §§ [155.860](#) through [155.866](#) of this chapter.

('64 Code, § 74.05) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.766 ADDITIONAL REQUIREMENTS FOR PUBLIC HEARING.**

Where a public hearing is required the applicant shall furnish a list of names and addresses of surrounding property owners in accordance with the provisions of § [155.860](#).

('64 Code, § 74.06) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.767 COMMISSION CONSIDERATION.**

Before granting approval of a proposed relocation, the Commission shall determine that all of the following conditions are satisfied:

- (A) That in the case of a residential structure, the building has been examined in detail in its present location and an appropriate report on the building made available to the Commission.
- (B) That any residential structure proposed to be moved into a residential zone shall be not more than 10 years old, and shall be in exceedingly good condition.
- (C) That the structure is of a type and quality at least as good or better than those in the surrounding area of the proposed site for a distance of at least 700 feet. If there is vacant property in said surrounding area, or if the surrounding area is in transition, the Commission

shall take into consideration the type of structures and uses that will be located there in the future.

(D) That the proposed relocation will not conflict with any of the property development standards of this chapter.

(E) That the structure proposed to be relocated shall be completely free of pest infestation and that a qualified pest exterminating firm shall have so certified.

(F) That a reasonable time limit is imposed on the applicant for completion of the relocation in accordance with any conditions of approval which may imposed and all applicable codes and ordinances of the city.

(G) That the proposed relocation will be in no way detrimental to persons or properties or to the environment of the area.

(H) That the proposed moving operation will not harm or damage existing streets, street trees and other public and/or private property.

(I) That the proposed moving operation will not cause unreasonable traffic hazards or disruptions.

(J) That the proposed moving operation will not unreasonably disturb the peace and quiet of the area into which the building is proposed to be moved.

(K) That the proposed relocation will not adversely affect or interfere with any proposed streets or other improvements in the area, nor be in conflict with the general plan of the city.

(L) That the proposed relocation will not result in the violation of any law, ordinance or regulation.

('64 Code, § 74.07) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.768 COMMISSION ACTION.**

The Commission may approve, conditionally approve, or deny a request for relocation, based on the evidence submitted and its own study and knowledge of the circumstances involved. In the case of a residential structure proposed to be relocated into a residential zone, approval or conditional approval shall require the affirmative vote of not less than four members of the Commission, and the Commission's action to approve shall be forwarded as a recommendation to the City Council.

('64 Code, § 74.08) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.769 CONDITIONAL APPROVAL.**

The Commission may approve a proposed relocation subject to such conditions as the Commission may deem warranted by the circumstances involved, and the need to insure orderly, harmonious development. Said conditions may include the dedication and development of streets adjoining the property and other improvements. All conditions shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, use and maintenance of all land and structures on the subject property.

('64 Code, § 74.09) (Am. Ord. 501, passed 6-24-75)

**§ 155.770 NOTICE OF DECISION.**

Not later than 10 days following the Planning Commission action in granting or denying permission to relocate a building or other structure, a letter setting forth the Commission's action shall be mailed to the applicant at the address shown on the application form and to any other person requesting a copy.

('64 Code, § 74.10) (Am. Ord. 501, passed 6-24-75)

**§ 155.771 DENIAL BY COMMISSION AND APPEAL.**

In the event that the Commission votes to deny a proposed relocation, or in the event that a motion for approval of a request to relocate a residential structure into a residential zone fails to carry by the affirmative vote of four or more members, said action shall be final unless an appeal is filed. Any interested party shall have the right to appeal, and the appeal shall be made in accordance with procedures set forth in §§ [155.865](#) and [155.866](#) of this chapter.

('64 Code, § 74.11) (Am. Ord. 501, passed 6-24-75)

**§ 155.772 ACTION BY THE COUNCIL.**

Upon receipt of a copy of the Planning Commission recommendation for approval or conditional approval of a request for the relocation of a residential building into a residential zone, the Council shall set the matter for public hearing and give notice of the proposed hearing in the same manner as that required to be given by the Planning Commission. In considering any request for a relocation the Council shall satisfy itself that the criteria set forth in this subchapter for Commission consideration on such request are satisfied. The Council may add to or alter any conditions of approval recommended by the Planning Commission. The decision of the City Council shall be final.

('64 Code, § 74.12) (Am. Ord. 501, passed 6-24-75)

**§ 155.773 EXPIRATION.**

Unless otherwise specified in the action to permit a structure to be relocated, the applicant's right to exercise such permission shall become null and void six months from the effective date of such action. However, an extension of time may be granted by Commission or Council action.

('64 Code, § 74.13) (Am. Ord. 501, passed 6-24-75)

**§ 155.774 REQUIRED ALTERATIONS AND IMPROVEMENTS.**

Prior to the issuance of an occupancy permit, relocated buildings or structures shall be brought up to the standards of the Building Code and shall be painted and reconditioned and brought into compliance with all of the conditions of approval in the Planning Commission's action.

('64 Code, § 74.14) (Am. Ord. 501, passed 6-24-75) Penalty, see § [10.97](#)

**§ 155.775 VACATED SITE.**

If the site from which the structure is moved is within the city, said site shall be cleaned up and put in a neat and orderly condition prior to the issuance of the occupancy permit for the relocated structure.

('64 Code, § 74.15) (Am. Ord. 501, passed 6-24-75) Penalty, see § [10.97](#)

#### **§ 155.776 BOND REQUIRED.**

Before a building permit may be issued, the applicant or his authorized agent shall post a cash deposit or bond satisfactory to the city and sufficient to cover the cost of the required improvements and to bring the building up to the standards of the Building Code. Said deposit or bond shall also be sufficient to cover the cost of all matters involving the city, such as inspections, engineering, street and other improvements and restoration of the vacated site, if within the city.

('64 Code, § 74.16) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.777 MOVING PERMIT REQUIRED.**

The applicant or his authorized agent shall also obtain a permit from the city to move the structure over city streets. The application for said permit shall be accompanied by a cash deposit or bond sufficient to cover the cost of repair of any possible damages to streets, sidewalks and other city facilities. The amount of said deposit or bond shall be established by the Director of Public Works.

('64 Code, § 74.17) (Am. Ord. 501, passed 6-24-75) Penalty, see § [10.97](#)

### **PERFORMANCE STANDARDS PROCEDURES**

#### **§ 155.790 AUTHORIZATION.**

The Planning Commission shall have the authority, subject to the procedures set forth in this subchapter, to require that any land use within the city be operated and maintained in conformance with the performance standards set forth in this chapter.

('64 Code, § 75.00)

#### **§ 155.791 PURPOSE.**

The purpose of the performance standards procedures is to insure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual land use or group of land uses comply with the performance standards of this chapter, and to formulate practical ways for the alleviation of such noncompliance.

('64 Code, § 75.01)

#### **§ 155.792 DETERMINATION OF COMPLIANCE.**

Subsequent to a study and report from the Department of Planning and Development, the Commission may determine that there are reasonable grounds to believe that an existing use or proposed use may violate the performance standards set forth in this chapter, and may initiate an investigation.

('64 Code, § 75.02) (Am. Ord. 501, passed 6-24-75)

### **§ 155.793 REQUIRED DATA.**

(A) Following the initiation of an investigation, the Planning Commission may require the owner or operator of any use to submit such data and evidence as is needed to make an objective determination. The evidence may include, but is not limited to, the following items:

(1) Plans of the existing or proposed construction and development.

(2) A description of the existing or proposed machinery, processes and products.

(3) Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this chapter.

(4) Measurements of the amount or rate of emission of said dangerous and objectionable elements.

(B) Failure to submit data required by the Planning Commission shall constitute grounds for revoking the certificate of occupancy for any use of land.

('64 Code, § 75.03)

### **§ 155.794 REPORT BY EXPERT CONSULTANTS.**

The Commission may require any person, firm or corporation to retain an expert consultant or consultants to study and report as to compliance or noncompliance with the performance standards and to advise how an existing or proposed use can be brought into compliance with the performance standards. Such consultants shall be fully qualified to give the required information and shall be a person or firm mutually agreeable to the Commission and to the owner or operator of the use in question. In the event of inability to select a mutually agreeable consultant, the City Council shall select the consultant. The cost of the consultant's services shall be borne by the owner or operator of said use.

('64 Code, § 75.04)

### **§ 155.795 COMMISSION'S ACTION.**

Within 30 days following the receipt of the required evidence, or receipt of the reports of expert consultants, the Commission shall make a determination as to compliance or noncompliance with the performance standards. If the Commission determines the existing or proposed use is in compliance, it shall authorize the issuance of any permits which may have been withheld pending said determination.

('64 Code, § 75.05)

### **§ 155.796 REQUIRED ALTERATIONS.**

The Commission may require modifications or alterations in the existing or proposed construction or the operational procedures to insure that compliance with the performance standards will be maintained. The operator shall be given a reasonable length of time to effect any changes prescribed by the Commission for the purpose of securing compliance with the performance standards.

('64 Code, § 75.06)

#### **§ 155.797 CANCELLATION OF PERMITS.**

If, after the conclusion of the time granted for compliance with the performance standards, the Commission finds the violation still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.

('64 Code, § 75.07)

#### **§ 155.798 COUNCIL TO HEAR APPEAL.**

The Commission's action with respect to the performance standards procedures may be appealed to the City Council in accordance with the procedures set forth in § [155.866](#). In the absence of such appeal, the Commission's determination shall be final.

('64 Code, § 75.08)

### **REVOCATIONS**

#### **§ 155.810 VARIANCES AND PERMITS MAY BE REVOKED.**

Any variance, modification, permit or approval granted by the Planning Commission may be revoked by the Commission, and any such approval granted by the City Council may be revoked by the Council.

('64 Code, § 76.00)

#### **§ 155.811 GROUND FOR REVOCATION.**

Any variance, modification, permit or other approval may be revoked and nullified if it is found that any one of the following conditions apply:

- (A) That the approval was obtained by fraud or faulty information.
- (B) That the permit or variance has been or is being exercised contrary to the terms or conditions of approval, or is in violation of any statute, ordinance, law or regulation.
- (C) That the use is being exercised in such a way as to be detrimental to the public health or safety or in such a manner as to constitute a nuisance.
- (D) That the use for which approval was granted has ceased to exist or has been suspended for one year or more.

('64 Code, § 76.01)

#### **§ 155.812 HEARING REQUIRED ON REVOCATIONS.**

The Planning Commission or Council shall hold a hearing on the matter of a proposed revocation. If it is considered desirable and in the public interest, notice of the hearing shall be sent to surrounding property owners and other interested persons.

('64 Code, § 76.02)

#### **§ 155.813 NOTIFICATION OF OWNER OR OPERATOR.**

If the Commission or Council intends to revoke any permit or approval granted by said Commission or Council, written notice of the time and place of the hearing shall be sent by registered mail to the owner or operator of the premises involved at least 10 days prior to said hearing.

('64 Code, § 76.03)

#### **§ 155.814 POWER TO MODIFY ANY VARIANCE OR PERMIT.**

In the same manner as provided in this subchapter for revocation of any variance, permit or approval, the Commission or Council shall have the authority to modify any variance, permit or other approval, if it finds that any of the conditions set forth as grounds for revocation shall apply.

('64 Code, § 76.04)

## **ZONE CHANGES**

#### **§ 155.825 AMENDMENTS.**

Whenever the public necessity, convenience, general welfare or good zoning practices justifies such action, this chapter may be amended by changing the boundaries of zone districts (hereafter referred to as zone changes or changes of zone), or by amending any provision of the ordinance. Zone changes or amendments may be initiated by the City Council or by the Planning Commission or by an application of the owner of any property within the area proposed to be changed.

('64 Code, § 80.00)

#### **§ 155.826 APPLICATION AND FEE.**

Application for a change of zone shall be made on a form provided by the city and shall be accompanied by a filing fee as set by City Council resolution, to help defray the cost of processing the application. No part of this fee is refundable unless the application is withdrawn prior to publication of the notice of the public hearing. In the event of said withdrawal, the Council shall determine the amount to be refunded.

('64 Code, § 80.01) (Ord. 716, passed 7-23-87)

#### **§ 155.827 ACCOMPANYING MAPS AND DATA.**

An application for a change of zone shall be accompanied by maps showing the subject property as well as the surrounding area, a list of names of addresses of surrounding property owners as set forth in § [155.860](#), and any other data required by the Director of Planning and Development to adequately present the application to the Commission.

('64 Code, § 80.02) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.828 PUBLIC HEARING.**

The Director of Planning and Development shall set the request for a zone change for a public hearing before the Planning Commission in accordance with the provisions of §§ [155.860](#) through [155.866](#) of this chapter. No provision of this chapter shall be construed as

requiring public hearings for amendments to any portion of this chapter other than for changes to the official zoning maps or such other matters as are required to be subject to public hearings by Cal. Gov't Code Title VII. Except as otherwise provided in this subchapter, any amendment to this chapter may be initiated and adopted as other city ordinances are initiated and adopted.

('64 Code, § 80.03) (Am. Ord. 501, passed 6-24-75)

#### **§ 155.829 CONSIDERATION BY COMMISSION.**

In considering any request for a change of zone, the Commission shall satisfy itself that the following conditions prevail before recommending that the change be granted:

(A) That there is a real need in the community for more of the types of uses permitted by the zone requested than can be accommodated in the areas already zoned for such use.

(B) That the property involved in the proposed change of zone is more suitable for the uses permitted in the proposed zone than for the uses permitted in the present zone classification.

(C) That the proposed change of zone would not be detrimental in any way to persons or property in the surrounding area, nor to the community in general.

(D) That the proposed change of zone will not adversely affect the master plan of the city.

('64 Code, § 80.04) (Am. Ord. 358, passed 7-10-69)

#### **§ 155.830 COMMISSION'S ACTION.**

The Commission, based on the evidence submitted and its own study and knowledge of the circumstances involved, may deny a request for a change of zone or may recommend that all or any part of a request for a change of zone be granted. The Commission may also recommend a change to a zone other than that requested by the applicant, or may grant a variance for a use permitted in the zone requested. The Commission's action shall be set forth in a resolution and shall be carried by the affirmative vote of not less than two-thirds of the total voting members. Failure to receive said two-thirds affirmative votes shall mean that the request for a change of zone has been denied.

('64 Code, § 80.05)

#### **§ 155.831 COMMISSION'S RECOMMENDATION.**

The Commission in its consideration of any request for a change of zone may recommend to the City Council that if certain conditions concerning the development of the subject property and adjoining streets are first met, said property would then be suitable for a change of zone.

('64 Code, § 80.06)

#### **§ 155.832 NOTIFICATION OF COMMISSION'S ACTION.**

Not later than 10 days following the Commission's action to a request for a change of zone, a copy of the resolution containing said action shall be forwarded to the City Council, and a copy shall be mailed to the applicant at the address shown on the application and to any other person requesting a copy.



('64 Code, § 80.07)

**§ 155.833 DENIAL BY COMMISSION AND APPEAL.**

In the event that the Commission votes to deny the application or in the event that the motion to vote for approval of the application fails to carry by the required affirmative vote of not less than two-thirds of the total voting members, said denial shall be final unless appealed to the City Council. Any appeal shall be made in accordance with the procedures set forth in §§ [155.865](#) and [155.866](#) of this chapter.

('64 Code, § 80.08)

**§ 155.834 ACTION BY THE COUNCIL.**

Upon receipt of a copy of the Planning Commission resolution recommending an amendment or change of zone, the Council shall set the matter for public hearing and give notice of the proposed hearing in the same manner as that required to be given by the Planning Commission. In considering any request for a change of zone, the Council shall satisfy itself that the criteria set forth in this subchapter for Commission consideration on such request are satisfied. If the City Council proposes to adopt an amendment or a change of zone which differs from that recommended by the Planning Commission, or if the Council proposes to deny an amendment or a change of zone which was recommended for approval by the Planning Commission, the Council shall refer said matter back to the Commission for a further report and recommendation before taking final action. Failure of the Commission to report within 40 days shall be deemed to be approval of the City Council's proposal.

('64 Code, § 80.09)

**§ 155.835 ZONE CHANGE REVIEW.**

(A) *Authority.* The Planning Commission and the City Council shall have the right to review the appropriateness of a change of zone if the privilege granted by such change of zone are not exercised within a period of 12 months or such other length of time as may have been specified for the development of the land in the ordinance granting such change.

('64 Code, § 81.00)

(B) *Grounds for reversion.* It is hereby declared that failure to utilize a new zone classification within 12 months of the effective date of granting of the change shall be considered ample evidence that the change of zone was not necessary nor justified, and shall be sufficient grounds for reverting the land to its original zone, or to such other zone as the Commission and Council deem to be in the best interest of the health, safety, convenience and general welfare of the community.

('64 Code, § 81.01)

(C) *Notification of property owners.* The owners of any land involved in a proposed reversion of zone shall be notified in writing of the Council's intent at least 30 days prior to the required hearing.

('64 Code, § 81.02)

(D) *Public hearing required.* A public hearing shall be required on any proposed reversion of zone and notice of said hearing shall be given in the same manner as required in § [155.862](#) for a hearing on a change of zone.

('64 Code, § 81.03)

(E) *Council action.* Subsequent to the required hearing, the Council may change the land to its original zone or to such other zone as the Council deems to be in the best interest of the health, safety convenience and general welfare of the community.

('64 Code, § 81.04)

## **PUBLIC HEARINGS, NOTICES AND APPEALS**

### **§ 155.860 LIST OF NAMES AND ADDRESSES OF SURROUNDING PROPERTY OWNERS.**

In conjunction with an application for a change of zone, a variance or any other action where a public hearing is to be held, a list of names and addresses of all owners of property surrounding the subject property shall be submitted by the applicant with his application. The list shall include the owners of all property within a radius of 500 feet of the exterior boundaries of the subject property, and said list shall be accompanied by an affidavit certifying that it is a true and correct list taken from the latest available assessment roll of Los Angeles County.

('64 Code, § 90.00)

### **§ 155.861 SCHEDULING THE PUBLIC HEARING.**

When an application has been filed for a change of zone, a variance or any other action where a public hearing is to be held, and it has determined that the filing fee and all required maps and other data have been submitted and accepted by the Department of Planning and Development, the matter shall then be scheduled for public hearing. The date for the public hearing shall be set by the Director of Planning and Development, and shall be held as soon as practicable following receipt of the complete application.

('64 Code, § 90.01) (Am. Ord. 501, passed 6-24-75)

### **§ 155.862 NOTICE OF HEARING.**

Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city at least 10 days prior to the public hearing.

('64 Code, § 90.02)

### **§ 155.863 NOTIFICATION OF SURROUNDING PROPERTY OWNERS.**

At least 10 days prior to the public hearing, the Director of Planning and Development shall cause a notice of the public hearing to be sent first-class mail to all owners of property on the certified list of property owners provided by the applicant. Failure of property owners to receive notice of the hearing shall in no way affect the validity of the action taken, providing the required notification has been duly given in accordance with the provisions of this subchapter.

('64 Code, § 90.03) (Am. Ord. 501, passed 6-24-75)

### § 155.864 CONDUCT OF HEARING.

A public hearing on any zoning matter before the Commission shall be conducted in accordance with the rules and procedures established for such hearings by the Commission, and a public hearing on any zoning matter before the Council shall be conducted in accordance with the rules and procedures established for such hearings by the Council.

('64 Code, § 90.04)

### § 155.865 APPEAL AND EFFECTIVE DATE.

(A) Unless otherwise specified in the resolution or motion of the Planning Commission in acting upon a request for a variance, modification, conditional use permit, approval for relocation of a building or development plan approval, the Commission's action shall become effective 14 days after receipt by the applicant of written notice of the Commission's action.

(B) Said 14 day period shall be for the purpose of allowing for an appeal to the City Council, either by the applicant or any other interested party. Said appeal shall be made in writing and filed with the City Clerk. The filing of an appeal within the prescribed time limit shall have the effect of staying the effective date of the Commission's action until such time as the City Council has acted on the appeal.

('64 Code, § 90.05)

### § 155.866 COUNCIL TO HEAR APPEAL.

Upon receipt of an appeal from any Planning Commission determination, the City Council shall choose one of the following courses of action:

(A) Approve and ratify the action of the Planning Commission.

(B) Refer the matter back to the Planning Commission with or without instructions for further proceedings.

(C) Set the matter for hearing before itself. Notice of said hearing shall be given in accordance with the provisions of this subchapter for all matters which have previously been subject to a public hearing before the Planning Commission. If no public hearing has previously been held, the City Council shall give such notice as it deems appropriate. At such hearing, the City Council shall hear and decide the matter as if it were sitting as the Planning Commission, and shall make the same findings and consider the same criteria as required of the Planning Commission. The decision of the City Council shall be final.

('64 Code, § 90.06)

## **ADMINISTRATION AND ENFORCEMENT**

### § 155.875 INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for promoting the public health, safety, convenience, comfort, and general welfare of the community. When the requirements of this chapter impose higher requirements than are imposed or required by existing provisions of law or ordinance, the provisions of this chapter shall govern. When, however, the provisions of other laws or

ordinances impose greater restrictions than required by this chapter, the provisions of the other laws or ordinances shall govern. It is not the intent of this chapter to interfere with or nullify any easement, covenants or agreements which are not in conflict with the provisions of this chapter.

('64 Code, § 100.00)

**§ 155.876 APPLICABILITY.**

The provisions of this chapter are applicable not only to private persons, and organizations, but also to all public agencies and organizations to the full extent that they may be enforceable in connection with the activities of any such public agencies or organizations.

('64 Code, § 100.01)

**§ 155.877 RESPONSIBILITY FOR ENFORCEMENT.**

It shall be the duty of the Building Inspector or his duly designated representatives to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure, and to enforce the provisions pertaining to development standards. The enforcement of all other provisions shall be the responsibility of the Director of Planning and Development, or his duly designated representatives. Any appeals from the decision of the enforcement agent in administering this chapter shall be made in writing to the Planning Commission. The decision of the Commission shall be appealable to the City Council.

('64 Code, § 100.02) (Am. Ord. 501, passed 6-24-75)

**§ 155.878 NO CONFLICTING LICENSES OR PERMITS SHALL BE ISSUED.**

No license or permit for a use, building, or purpose where the same would be in conflict with this chapter shall be issued. All departments, officials and public employees vested with the duty and authority to issue licenses or permits shall not issue said licenses or permits which would not be in conformance with the provisions of this chapter. Any license or permit so issued shall be null and void.

('64 Code, § 100.03)

**§ 155.879 UTILITY CONNECTIONS.**

The Building Inspector shall not authorize connection of utilities, such as electrical energy, until all of the provisions of this chapter have been met.

('64 Code, § 100.04)

**§ 155.880 VIOLATIONS A PUBLIC NUISANCE.**

Any building or structure which has been set up, erected, constructed, altered, enlarged, converted, moved, remodeled or maintained contrary to the provisions of this chapter, and any use of land or building or premises established, conducted, maintained or operated contrary to the provisions of this chapter are hereby declared to be unlawful and opposed to the orderly development of the community and shall therefor be considered a public nuisance.

('64 Code, § 100.06)

**§ 155.881 RESPONSIBILITY FOR VIOLATIONS.**

It shall be the duty of all architects, contractors, subcontractors, builders and other persons having to do with the establishment of any use of land or the erection, altering, changing or remodeling of any building or structure to see that a proper permit has been granted before such work is begun. Any such architect, builder, contractor or other person doing or performing any such work without a permit having been issued is in conflict with the requirements of this chapter and shall be deemed guilty of violation of this chapter in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, or for whom such buildings are erected, or altered, and shall be subject to the penalties herein prescribed for violation.

('64 Code, § 100.07)

**§ 155.882 CONFLICTING PROVISIONS.**

All ordinances or resolutions or parts thereof in conflict with the provisions of this chapter are hereby repealed insofar as they conflict with the provisions set forth in this chapter.

('64 Code, § 100.10)

**§ 155.883 RELIEF FOR PRIOR COMMITMENTS.**

(A) If, within three months prior to the effective date of this chapter, a person has in good faith and without knowledge of the pendency of this chapter, expended money, made commitments, and has had architectural plans prepared to erect a structure which in all respects would comply with the existing chapter and all other ordinances and regulations, but which would not be in compliance with one or more requirements of this chapter, such person within six months after the effective date of this chapter may apply to the Planning Commission for permission to erect and use such structure.

(B) The Planning Commission, after studying the request, shall have the authority to deny said permission or to grant said permission in accordance with whatever conditions it deems necessary, or to recommend the filing of a conditional use permit or variance with or without a waiver of the required filing fee.

('64 Code, § 100.11)