CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

JANUARY 16, 2024, 7:00 PM
REGULAR MEETING

CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

Mayor Brian Calderón Tabatabai
Mayor Pro Tem Tony Wu
Councilwoman Letty Lopez-Viado
Councilman Ollie Cantos
Councilwoman Rosario Diaz

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT
The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at Council meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Do call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Council meetings, please request no less than four working days prior to the meeting.

AGENDA MATERIAL
Agenda material is available for review at the City Clerk's Office, Room 317 in City Hall, 1444 W. Garvey Avenue South, West Covina and at www.westcovina.org. Any writings or documents regarding any item on this agenda, not exempt from public disclosure, provided to a majority of the City Council that is distributed less than 72 hours before the meeting, will be made available for public inspection in the City Clerk's Office, Room 317 of City Hall located at 1444 W. Garvey Avenue South, West Covina, during normal business hours.

NOTICE
The City Council will regularly convene on the first and third Tuesday of the month. The West Covina Community Development Commission, West Covina Public Financing Authority and the West Covina Community Services Foundation are agencies on which the City Council serves as members. Agendas may contain items for these boards, as necessary.

PUBLIC COMMENTS
ADDRESSING THE CITY COUNCIL
(Per WCMC 2-48, Ordinance No. 2150)

Any person wishing to address the City Council on any matter listed on the agenda or on any other matter within their jurisdiction should complete a speaker card that is provided at the entrance to the Council Chambers and submit the card to the City Clerk.

***Please identify on the speaker card whether you are speaking on an agenda item or non-agenda*. Requests to speak on agenda items will be heard prior to requests to speak on non-agenda items. All comments are limited to five (5) minutes per speaker.**

Oral Communications may be limited to thirty (30) minutes, unless speakers addressing agenda items have not concluded.

Any testimony or comments regarding a matter set for a Public Hearing will be heard during the hearing.

RULES OF DECORUM
Excerpts from the West Covina Municipal Code and Penal Code pertaining to the Rules of Decorum will be found at the end of agenda.

AGENDA

CITY OF WEST COVINA
CITY COUNCIL/SUCCESSOR AGENCY

TUESDAY JANUARY 16, 2024, 7:00 PM
REGULAR MEETING

INVOCATION
Led by Pastor Mason Okubo from Immanuel First Church

PLEDGE OF ALLEGIANCE
Led by Councilman Cantos

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- Recognition of Retirement of Police Officer Sam Ling

ORAL COMMUNICATIONS - Five (5) minutes per speaker
Please step forward to the podium and state your name and city of residence for the record when recognized by the Mayor.

CITY MANAGER'S REPORT
City Manager's report on current City projects.

CONSENT CALENDAR
All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council/Community Development Commission request specific items to be removed from the Consent Calendar for separate discussion or action.

APPROVAL OF MEETING MINUTES

1) CONSIDERATION OF APPROVAL OF THE DECEMBER 19, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES AND THE DECEMBER 19, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR CLOSED SESSION MEETING MINUTES.

That the Council approve the December 19, 2023, City Council/Successor Agency Regular Session Meeting Minutes and the December 19, 2023, City Council/Successor Agency Regular Closed Session Meeting Minutes.

CITY MANAGER'S OFFICE

2) CONSIDERATION OF CHANGING ORDER OF BUSINESS FOR REGULAR CITY COUNCIL MEETINGS

It is recommended that the City Council adopt the following resolution:

- **RESOLUTION NO. 2024-6 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR REGULAR CITY COUNCIL MEETINGS**

COMMUNITY DEVELOPMENT

3) CONSIDERATION OF REJECTION OF BIDS AND DIRECTOR TO READVERTISE FOR BIDS FOR FIRE STATIONS 2 AND 4 FLOORING REPLACEMENT PROJECT - PROJECT NO. 22010

It is recommended that the City Council take the following actions:

1. Reject all bids received for the Fire Stations 2 and 4 Flooring Replacement Project as authorized by Section 2-354(6) of Division 3 of Article VII of Chapter 2 of the West Covina Municipal Code; and
2. Direct staff to re-advertise the project.

FIRE DEPARTMENT

4) CONSIDERATION OF AGREEMENT WITH LOCALITY MEDIA, INC. DBA FIRST DUE TO FURNISH AND DELIVER A CLOUD/INTERNET BASED RECORDS MANAGEMENT SOFTWARE (RMS)

It is recommended that the City Council take the following actions:

1. In accordance with Section 2-335(10) of Division 2 of Article VII of Chapter 2 of the West Covina Municipal Code, find that compliance with the City's bidding requirements and procedures is not in the best interest of the City in connection with the procurement of cloud-based Records Management Software (RMS) because there is need for a customized all-in-one software solution that meets all the needs of the Fire Department; integrates with other City applications; and is utilized by mutual aid partners to ensure public safety, which the Fire Department indicates can only be provided by First Due.
2. Authorize the Acting City Manager to execute an Agreement for Services with Locality Media, Inc., DBA First Due (First Due).

HUMAN RESOURCES/RISK MANAGEMENT

5) CONSIDERATION OF A SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA FIREFIGHTERS' ASSOCIATION, I.A.F.F., LOCAL 3226 (WCFFA)

It is recommended that the City Council adopt the following Resolution:

RESOLUTION NO. 2024-3 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA ADOPTING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA FIREFIGHTERS' ASSOCIATION, I.A.F.F., LOCAL 3226 (WCFFA)

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

6) PUBLIC HEARING REGARDING DEVELOPMENT CODE UPDATE (CODE AMENDMENT NO. 23-01), INCLUDING ASSOCIATED INITIAL STUDY AND NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, GENERAL PLAN AMENDMENT NO. 23-02, AND ORDINANCE NO. 2919 APPROVING THE DEVELOPMENT CODE UPDATE, AMENDING CHAPTERS 7, 15, 17, AND 24 OF THE WEST COVINA MUNICIPAL CODE, AND AMENDING THE DOWNTOWN PLAN AND CODE

It is recommended that the City Council:

1. Conduct a public hearing;

2. Adopt the following resolutions:

RESOLUTION NO. 2024-4 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE NEGATIVE DECLARATION FOR THE DEVELOPMENT CODE UPDATE (CODE AMENDMENT NO. 23-01) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RESOLUTION NO. 2024-5 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 23-02 TO AMEND THE LAND USE ELEMENT TO CHANGE THE LAND USE DESIGNATIONS OF CERTAIN PROPERTIES AND MAKING A DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3) (COMMON SENSE EXEMPTION); and

3. Introduce the following ordinance:

ORDINANCE NO. 2519 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CODE AMENDMENT NO. 23-01, THE DEVELOPMENT CODE UPDATE, AMENDING CHAPTER 7 (BUILDINGS AND BUILDING REGULATIONS), CHAPTER 15 (MISCELLANEOUS PROVISIONS RELATING TO PUBLIC HEALTH, AND SAFETY), CHAPTER 17 (PLANNING), CHAPTER 19 (STREETS, SIDEWALKS, AND PUBLIC PLACES), AND CHAPTER 24 (VEGETATION) OF THE WEST COVINA MUNICIPAL CODE, AND AMENDING THE DOWNTOWN PLAN AND CODE

MAYOR/COUNCILMEMBERS REPORTS

AB 1234 Conference and Meeting Report (verbal, if any)
(In accordance with AB 1234, Councilmembers shall make a brief report or file a written report on any meeting/event/conference attended at City expense.)

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

(Per City of West Covina Standing Rules 4.f - Requests for reports, studies, or investigations that are not readily available must be placed on the City Council/Successor Agency agenda as items of business and must be approved by a majority of the City Council/Successor Agency Board.)

CITY COUNCIL COMMENTS

ADJOURNMENT

Next Tentative City Council Meeting

Regular Meeting	February 6, 2024	7:00 PM

RULES OF DECORUM

The following are excerpts from the West Covina Municipal Code:

Sec. 2-48. Manner of addressing council; time limit; persons addressing may be sworn.

a. Each person addressing the council shall step up to the rostrum, shall give his or her name and city of residence in an audible tone of voice for the record and unless further time is granted by the council, shall limit his or her address to five (5) minutes.
b. The city council may establish a limit on the duration of oral communications.
c. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a councilmember except through the presiding officer.
d. The presiding officer may require any person to be sworn as a witness before addressing the council on any subject. Any such person who, having taken an oath that he or she will testify truthfully, willfully and contrary to such oath states as true any material matter which he knows to be false may be held to answer criminally and subject to the penalty prescribed for perjury by the provisions of the Penal Code of the state.

Sec. 2-50. Decorum--Required.

a. While the council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
b. Members of the public shall not willfully disrupt the meeting or act in a manner that actually impairs the orderly conduct of the meeting. For the purposes of this code, “willfully disrupt” includes, but is not limited to, continuing to do any of the following after being warned by the Mayor that continuing to do so will be a violation of the law:
    a. Addressing the Mayor and City Council without first being recognized.
    b. Persisting in addressing a subject or subjects, other than that before the Mayor and City Council.
    c. Repetitiously addressing the same subject.
    d. Failing to relinquish the podium when directed to do so.
    e. From the audience, interrupting or attempting to interrupt, a speaker, the Mayor, a council member, or a staff member or shouting or attempting to shout over a speaker, the Mayor, a council member or a staff member.
    f. As a speaker, interrupting or attempting to interrupt the Mayor, a council member, or a staff member, or shouting over or attempting to shout over the Mayor, a council member, or a staff member. Nothing in this section or any rules of the council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City or of the acts or omissions of the City Council. It shall be unlawful to violate the provisions of this Section.

If any subsection, sentence, clause, or phrase or word of this Section 2-50 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases or words had been declared invalid or unconstitutional.

Sec. 2-52. Persons authorized to be within council area.
No person, except city officials, their representatives and members of the news media shall be permitted within the rail in front of the council chamber without the express consent of the council.

The following are excerpts from the Penal Code

148(a) (1) Every Person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

403 Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 303 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.

AGENDA ITEM NO. 1

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 16, 2024

TO: Mayor and City Council

FROM: Paulina Morales
Acting City Manager

SUBJECT: CONSIDERATION OF APPROVAL OF THE DECEMBER 19, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES AND THE DECEMBER 19, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR CLOSED SESSION MEETING MINUTES.

RECOMMENDATION:

That the Council approve the December 19, 2023, City Council/Successor Agency Regular Session Meeting Minutes and the December 19, 2023, City Council/Successor Agency Regular Closed Session Meeting Minutes.

DISCUSSION:

That the City Council adopt the attached minutes.

Prepared by: Lisa Sherrick; Assistant City Clerk

Attachments

Attachment No. 1 - 12/19/2023 Closed Session Minutes Draft
Attachment No. 2 - 12/19/2023 Regular Session Minutes Draft

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness

CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

DECEMBER 19, 2023, 6:00 PM
REGULAR MEETING - CLOSED SESSION

MANAGEMENT RESOURCE CENTER 3RD FLOOR
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

Mayor Brian Calderón Tabatabai
Mayor Pro Tem Tony Wu
Councilwoman Letty Lopez-Viado
Councilman Ollie Cantos
Councilwoman Rosario Diaz

MINUTES

DRAFT

CALL TO ORDER
A Regular Session Meeting was called to order by Mayor Calderón Tabatabai on Tuesday, December 19, 2023, at 6:00 p.m., in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

ROLL CALL
Council Members
Present: Council Members Rosario Diaz, Ollie Cantos, Mayor Pro Tem Wu, Mayor Brian Calderón Tabatabai

Absent: Councilwoman Lopez Viado

City Staff: Paulina Morales, Acting City Manager, Thomas Duarte, City Attorney, Stephanie Sikkema, Finance Director and Interim Human Resources and Risk Management Director, Melissa Ballard, City Attorney, and Gary Kranker, City Attorney.

PUBLIC COMMENTS ON ITEMS ON THE AGENDA
None

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code § 54956.9(d)(2)
Number of Cases: One (1)

2. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code §54957(b)(1)
Title: City Manager (Paulina Morales, Acting City Manager – left during discussion)

3. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code § 54957.6
City Negotiators: Morales, Duarte
Employee Organizations

- Confidential Employees
- Maintenance & Crafts Employees
- Non-Sworn
- W.C. Police Officers' Association
- W.C. Firefighters' Management Assoc.
- W.C. Firefighters' Association, I.A.F.F., Local 3226
- General Employees
- Mid-Management Employees
- W.C. Police Management Association

Unrepresented Employee Group

- Department Heads

REPORTING OUT
City Attorney Thomas Duarte reported that no action was taken during the Closed Session Meeting.

ADJOURNMENT
A motion to adjourn the Regular Closed Meeting was made by Mayor Calderón Tabatabai, and the meeting was adjourned at 6:57 p.m. The next regularly scheduled Regular Closed City Council Meeting will be held on Tuesday, January 16, 2024, at 7:00

DRAFT

p.m. in the Management Resource Center 3rd Floor, 1444 West Garvey Avenue South, West Covina, California.

Submitted By:

_____
Lisa Sherrick
Assistant City Clerk

_____
Brian Calderón Tabatabai
Mayor

DRAFT

CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

DECEMBER 19, 2023, 7:00 PM
REGULAR MEETING

CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

Mayor Brian Calderón Tabatabai
Mayor Pro Tem Tony Wu
Councilwoman Letty Lopez-Viado
Councilman Ollie Cantos
Councilwoman Rosario Diaz

MINUTES

DRAFT

CALL TO ORDER
A Regular Session Meeting was called to order by Mayor Brian Calderón Tabatabai on Tuesday, December 19, 2023, at 7:00 p.m., in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

INVOCATION
Led by Pastor Samuel Martinez from Amazing Love Ministries

PLEDGE OF ALLEGIANCE
Led by Mayor Brian Calderón Tabatabai

ROLL CALL
Present: Council Members Cantos, Diaz, Mayor Pro Tem Wu, Mayor Calderón Tabatabai

Absent: Councilwoman Lopez-Viado

REPORTING OUT FROM CLOSED SESSION
None

PRESENTATIONS

- Presentation on Traffic Safety presented by West Covina Police Department
- Presentation on the Rent Relief Program by the Department of Consumer & Business Affairs

ORAL COMMUNICATIONS - Five (5) minutes per speaker
John Shewmaker
R. Robinson
Midlife Crisis
Elisa Jimenez
Walter Kroner
Bill Elliot
Ray Vargas
Mr. G
Saul Fermin

CITY MANAGER'S REPORT
City Manager's report on current City projects.

CONSENT CALENDAR
ACTION: Motion by Mayor Pro Tem Wu, Second by Councilwoman Diaz 4-0 to (Lopez-Viado: Absent): *Approve Consent Calendar Items 1-8*

APPROVAL OF MEETING MINUTES

1) **CONSIDERATION OF APPROVAL OF THE DECEMBER 5, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES AND THE DECEMBER 5, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR CLOSED SESSION MEETING MINUTES.**

Carried 4-0 to (Lopez-Viado: Absent): to approve the December 5, 2023, City Council/Successor Agency Regular Session Meeting Minutes and the December 5, 2023, City Council/Successor Agency Regular Closed Session Meeting Minutes.

DRAFT

2) **CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2518 RELATING TO CITY COUNCIL COMPENSATION**

Carried 4-0 to (Lopez-Viado: Absent): to adopt the following ordinance:

ORDINANCE NO. 2518 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 2-23 OF THE WEST COVINA MUNICIPAL CODE RELATING TO CITY COUNCIL COMPENSATION

CITY MANAGER'S OFFICE

3) **CONSIDERATION OF CANCELATION OF VARIOUS COUNCIL MEETINGS**

Carried 4-0 to (Lopez-Viado: Absent): to cancel the following City Council Meetings:

- January 2, 2024
- August 6, 2024 (National Night Out)
- November 5, 2024 (Election Night)

4) **CONSIDERATION OF REVISIONS TO SALARY AND BENEFITS SCHEDULE FOR CITY DEPARTMENT HEADS**

Carried 4-0 to (Lopez-Viado: Absent): to adopt the following resolution:

RESOLUTION NO. 2023-113 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REVISED SALARY AND BENEFITS SCHEDULE FOR NON-REPRESENTED CITY DEPARTMENT HEADS

FINANCE DEPARTMENT

5) **CONSIDERATION OF APPROVAL AND TRANSMITTAL OF AN ADMINISTRATIVE BUDGET AND A RECOGNIZED OBLIGATION PAYMENT SCHEDULE ("ROPS") FOR THE PERIOD OF JULY 1, 2024 THROUGH JUNE 30, 2025 FOR THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY**

Carried 4-0 to (Lopez-Viado: Absent): that the City Council, acting as the Successor Agency to the former West Covina Redevelopment Agency, adopt the following resolution:

RESOLUTION NO. 2023-110 – A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER WEST COVINA REDEVELOPMENT AGENCY

DRAFT

APPROVING AND AUTHORIZING THE TRANSMITTAL OF AN ADMINISTRATIVE BUDGET AND A RECOGNIZED OBLIGATION PAYMENT SCHEDULE ("ROPS") FOR THE PERIOD OF JULY 1, 2024 THROUGH JUNE 30, 2025

6) **CONSIDERATION OF THE FIRST QUARTER FINANCIAL REPORT AND BUDGET AMENDMENT FOR FISCAL YEAR 2023-24**

Carried 4-0 to (Lopez-Viado: Absent): to take the following actions:

1. Receive and file the First Quarter Financial Report for Fiscal Year 2023-24; and
2. Adopt the following resolution:

RESOLUTION NO. 2023-104 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2023 AND ENDING JUNE 30, 2024 (FIRST QUARTER FINANCIAL REPORT)

7) **CONSIDERATION OF INCREASE IN HOURLY RATES FOR LIMITED SERVICES PAY SCHEDULE TO REFLECT INCREASE IN STATE HOURLY MINIMUM WAGE EFFECTIVE JANUARY 1, 2024**

Carried 4-0 to (Lopez-Viado: Absent) to take the following action:

1. Approve wage adjustments to limited services positions to bring them into compliance with the State's minimum wage requirement effective January 1, 2024; and
2. Adopt the following Resolution:

RESOLUTION NO. 2023-111 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADJUSTING THE HOURLY PAY RATES OF CLASSIFICATIONS WITHIN THE LIMITED SERVICES PAY SCHEDULE AND REPEALING RESOLUTION NO. 2023-63

HUMAN RESOURCES/RISK MANAGEMENT

8) **CONSIDERATION OF JOB DESCRIPTIONS FOR CITYWIDE REORGANIZATION**

Carried 4-0 to (Lopez-Viado: Absent): to adopt the following resolutions:

RESOLUTION NO. 2023-96 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REPEAL AND REPLACEMENT OF THE FINANCE DIRECTOR CLASSIFICATION SPECIFICATIONS;

DRAFT

RESOLUTION NO. 2023-97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REPEAL AND REPLACEMENT OF THE CODE ENFORCEMENT DIRECTOR CLASSIFICATION SPECIFICATIONS;

RESOLUTION NO. 2023-98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ESTABLISHMENT OF THE DEPUTY COMMUNITY DEVELOPMENT DIRECTOR CLASSIFICATION;

RESOLUTION NO. 2023-99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ESTABLISHMENT OF THE DEPUTY COMMUNITY SERVICES DIRECTOR CLASSIFICATION;

RESOLUTION NO. 2023-100 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REMOVAL OF THE DEPUTY DIRECTOR OF PUBLIC SERVICES CLASSIFICATION AND THE ESTABLISHMENT OF THE DEPUTY PUBLIC WORKS DIRECTOR CLASSIFICATION;

RESOLUTION NO. 2023-101 - RESOLUTION NO. 2023-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REMOVAL OF THE PUBLIC SERVICES SUPERINTENDENT CLASSIFICATION AND THE ESTABLISHMENT OF THE PUBLIC WORKS SUPERINTENDENT CLASSIFICATION;

RESOLUTION NO. 2023-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ESTABLISHMENT OF THE PROJECT MANAGER CLASSIFICATION; and

RESOLUTION NO. 2023-103 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REPEAL AND REPLACEMENT OF THE PUBLIC WORKS DIRECTOR CLASSIFICATION SPECIFICATIONS.

DRAFT

DEPARTMENTAL REGULAR MATTERS

COMMUNITY DEVELOPMENT

9) **2023 PAVEMENT MANAGEMENT PROGRAM UPDATE**

Hearing No Objection Carried 4-0 to (Lopez-Viado: Absent): to receive and file the report.

MAYOR/COUNCILMEMBERS REPORTS

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

- Motion by Councilman Cantos to make permanent the PMP procedures as discussed in the meeting – There was no objection.

CITY COUNCIL COMMENTS

- Councilwoman Wu acknowledged that there has been tragedy this year. Councilman thanked Paulina and Stephanie for their work throughout the year as well as all staff for their hard work and putting on the programs throughout the year. He also wish all a Merry Christmas and Happy 2024.
- Councilwoman Diaz – Thanked PD for apprehending the suspects in the murder at the liquor store and a thank you to Grivich for his follow up email. Councilwoman also echoed Councilman Wu's thankfulness for staff and will continue to pray for those who have lost loved ones. Merry Christmas and Happy New Year.
- Councilman Cantos stated that tomorrow marks 365 days as councilman. The Councilman loves all his collages and their families and pets. He has worked hard to build bridges moments of healing. The Councilman thanked staff for those who work so hard, all the different offices, school districts, senior citizens. The happies of holiday season,
- Mayor Calderón Tabatabai congratulated Cantos on his service and stated his appreciation to colleagues, staff and residents. Want to see the best for the community and is looking forward to working with the community. The Mayor stated he has hope going into 2024 to reflect and renew Merry Christmas Happy Holidays.

ADJOURNMENT

A motion to adjourn the Regular Meeting was made by Mayor Calderón Tabatabai, and the meeting was adjourned at 9:35 p.m. The next regularly scheduled Regular City Council Meeting will be held on Tuesday, January 16, 2024, at 7:00 p.m. in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

_____
Lisa Sherrick
Assistant City Clerk

_____
Brian Calderón Tabatabai
Mayor

DRAFT

AGENDA ITEM NO. 2

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 16, 2024

TO: Mayor and City Council

FROM: Paulina Morales
Acting City Manager

SUBJECT: CONSIDERATION OF CHANGING ORDER OF BUSINESS FOR REGULAR CITY COUNCIL MEETINGS

RECOMMENDATION:

It is recommended that the City Council adopt the following resolution:

- **RESOLUTION NO. 2024-6 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR REGULAR CITY COUNCIL MEETINGS**

DISCUSSION:

At the December 5, 2023 City Council meeting, Mayor Calderón Tabatabai requested that the City Council consider moving the order of the City Manager's Report before the Public Comment section of the agenda. The City Attorney's Office has prepared the attached resolution for consideration by the City Council to make the requested change.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form.

OPTIONS:

The City Council has the following options:

1. Approve staff's recommendation; or
2. Provide alternative direction.

Prepared by: Paulina Morales, Acting City Manager

Fiscal Impact

FISCAL IMPACT:

This is strictly an administrative item, therefore; there is no fiscal impact associated with this action.

Attachments

Attachment No. 1 - Resolution No. 2024-6

ATTACHMENT NO. 1

RESOLUTION NO. 2024-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR REGULAR CITY COUNCIL MEETINGS

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, Section 2-37 of the West Covina Municipal Code provides in relevant part that at regular City Council meetings, the business of the Council shall be taken up for consideration and disposition in the order established by the Council; and

WHEREAS, the current order of business is as follows:

(a) Invocation
(b) Pledge of Allegiance
(c) Roll Call
(d) Reporting Out from Closed Sessin
(e) Presentations
(f) Oral Communications
(g) City Manager's Report
(h) Consent Calendar
(i) Departmental Regular Matters
(j) Mayor/Council Reports
(k) City Council Requests for Reports, Studies or Investigation
(l) City Council Comments
(m) Adjournment; and

WHEREAS, the City Council desires to improve the meeting process by adjusting the order of business.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The order of business for regular City Council meeting agendas shall be as follows:

(a) Call to Order
(b) Invocation
(c) Pledge of Allegiance
(d) Roll Call
(e) Reporting Out from Closed Sessin
(f) Presentations
(g) City Manager's Report
(h) Oral Communications

(i) Consent Calendar
(j) Departmental Regular Matters
(k) Mayor/Council Reports
(l) City Council Requests for Reports, Studies or Investigation
(m) City Council Comments
(n) Adjournment.

SECTION 2. All prior resolutions or policies which adopted the order of business for regular City Council meetings are hereby repealed.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 16th day of January, 2024.

Brian Calderón Tabatabai
Mayor

APPROVED AS TO FORM

Thomas P. Duarte
City Attorney

ATTEST

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2024-6 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 16th day of January, 2024, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lisa Sherrick
Assistant City Clerk

AGENDA ITEM NO. 3

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 16, 2024

TO: Mayor and City Council

FROM: Paulina Morales
Acting City Manager

SUBJECT: CONSIDERATION OF REJECTION OF BIDS AND DIRECTOR TO READVERTISE FOR BIDS FOR FIRE STATIONS 2 AND 4 FLOORING REPLACEMENT PROJECT - PROJECT NO. 22010

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Reject all bids received for the Fire Stations 2 and 4 Flooring Replacement Project as authorized by Section 2-354(6) of Division 3 of Article VII of Chapter 2 of the West Covina Municipal Code; and
2. Direct staff to re-advertise the project.

BACKGROUND:

On January 19, 2021, the West Covina City Council approved Capital Improvements for all five West Covina Fire Stations (the "Project"). The Project included necessary repairs ranging from diesel exhaust ventilation systems, HVAC duct cleaning, roof repair, asbestos/lead/mold testing and abatement, bathroom, kitchen and sleeping quarter repairs, parking lot repair and replacement, interior and exterior painting, among other improvements. The total project budget approved was $1,620,000.

As part of the approved Project, Fire Stations 2 and 4 located at 2441 E. Cortez Street, West Covina and 1815 Azusa Avenue, were to get new flooring. The flooring scope includes moving of furniture as required to accommodate work, removal, haul away and disposal of existing flooring material including carpet, ceramic/porcelain tile, and vinyl flooring from various areas (dormitories, restrooms, hallways, kitchen, day room, offices and other areas as shown on the plans); complete cleaning and preparation of the concrete slab subfloor including necessary patching, filling and leveling required for installation of various flooring material including carpet tile and porcelain tile per technical provisions of the bid documents and manufacturer’s installation recommendations, installation of specified vinyl and porcelain tile base boards, and clean-up of the project sites after completion of flooring installation.

DISCUSSION:

On November 6, 2023, staff advertised the construction bid package. One (1) bid was received by the City at the bid opening held on December 5, 2023; the bid was submitted by LAH Builders, Inc.

Staff identified irregularities in LAH Builders, Inc.'s bid, including not providing the unit price and total price for every bid item listed on the bid schedule, including additional bid items on a separate bid schedule that was not part of the bid package, and not possessing the required CA Contractor License for

this project, which was identified in the bid documents as License C-15.

Pursuant to Section 22038 of the Public Contract Code and Section 2-354 of Division 3 of Article VII of Chapter 2 of the West Covina Municipal Code, it is within the City Council's discretion to reject any and all bids received and provide direction to staff on future action.

Staff recommends the City Council reject all bids received for the project due to the above irregularities, and direct staff to readvertise the project. Staff will return to Council to award a construction contract, after the project is readvertised and bids are received.

LEGAL REVIEW:

The City Attorney's Office has reviewed the staff report.

Prepared by: Okan Demirci, PE, QSD/P

Fiscal Impact

FISCAL IMPACT:

This is strictly an administrative item, therefore; there is no fiscal impact associated with this action.

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Enhance City Image and Effectiveness

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 16, 2024

TO: Mayor and City Council

FROM: Paulina Morales
Acting City Manager

SUBJECT: CONSIDERATION OF AGREEMENT WITH LOCALITY MEDIA, INC. DBA FIRST DUE TO FURNISH AND DELIVER A CLOUD/INTERNET BASED RECORDS MANAGEMENT SOFTWARE (RMS)

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. In accordance with Section 2-335(10) of Division 2 of Article VII of Chapter 2 of the West Covina Municipal Code, find that compliance with the City's bidding requirements and procedures is not in the best interest of the City in connection with the procurement of cloud-based Records Management Software (RMS) because there is need for a customized all-in-one software solution that meets all the needs of the Fire Department; integrates with other City applications; and is utilized by mutual aid partners to ensure public safety, which the Fire Department indicates can only be provided by First Due.
2. Authorize the Acting City Manager to execute an Agreement for Services with Locality Media, Inc., DBA First Due (First Due).

BACKGROUND:

For close to 20 years, the West Covina Fire Department (Fire Department) has used FIREHOUSE software as its primary Records Management System (RMS) for many of its activities, including managing, tracking, and updating of emergency response incident records. This RMS system connects to the MARK43 computer-aided dispatch (CAD) system to receive direct dispatched incident information. FIREHOUSE allows for standardized reporting to be submitted to the National Fire Incident Reporting System (NFIRS), a system used by the U.S. Department of Homeland Security to track national incident records. In 2020, the Fire Department received official notification that the FIREHOUSE software would be discontinued near the end of 2022, prompting the need to replace and find a new RMS software.

DISCUSSION:

In May 2021, the City entered into a Professional Services Agreement (PSA) with Advanced Problem Solving, LLC (APS) for Fire Department internet-based regional training. In September 2022, the City entered into Amendment #1 to the PSA with APS adjusting the scope of work to include NFIRS reporting and a Data Visualization component. While implementation and migration of APS was being done, the FIREHOUSE software was still being utilized. APS was not able to complete full migration and integration with the City's other software components. In December 2023, the City entered into Amendment #2 to the PSA with APS to reduce the scope of work to go back to the internet-based regional training

component only. Pursuant to the Amendment #2, APS will provide the City with a credit of $3,300 on its invoice for the July 1, 2024 - June 30, 2025 period.

The Fire Department utilizes a number of software services for a number of processes; NFIRS reporting, response data calculation, training, training RMS, scheduling, fire inspection RMS, asset management RMS, invoicing. Several of these software services do not interconnect to share information, including a lack of critical information sharing. A critical software service the Fire Department does not currently have is a product that allows for live firefighter safety and incident management. First Due is a reputable software solution for the fire service that has integration software and is a one-stop product that can provide NFIRS reporting, response data calculation, training RMS, scheduling, fire inspection RMS, asset management RMS and also includes live firefighter safety and incident management.

The Fire Department would like to work with First Due, and implement their software solution. Utilization will interconnect all the software services for better situational awareness for incident response and create cost savings for the Fire Department budget. The First Due product will also allow seamless integration with the City's Accela and Tyler Munis software products, making interdepartmental information sharing more efficient. Since First Due provides a one-stop product, the City will no longer need the asset management software provided by PSTRAX, the scheduling software provided by Kronos Telestaff, or the fire prevention RMS provided by St First Due is also used by several regional partners including, La Verne Fire, Pasadena Fire, Alhambra Fire and LA County Fire. The first responder module allows for a safer working environment for our firefighters during fire-fighting incidents. The software will allow for all resources to be managed at the command post. The software will allow mutual aid units working in West Covina and West Covina units working out of West Covina to be monitored in a dangerous situation. This will increase firefighter safety.

NEW SOFTWARE COMPONENTS:

- Pre-Incident Planning
- Responder (live incident management)
- Personnel Management
- Assest Inventory
- Asset Management
- Medication Tracking
- Community Connect

UPGRADED SOFTWARE COMPONENTS:

- NFIRS Reporting
- Response Data Collection
- Training RMS
- Scheduling
- Fire Inspection RMS
- Invoicing

Software	Service	Old Annual Cost	New Annual Cost*	Difference
Firehouse	NFIRS Reporting	$3,525		
APS	Internet Regional Training	$4,440	$4,440	
APS	NFIRS Reporting	$4,440		
APS	Data Visualization	$2,220		
PSTRAX	Asset Management	$14,888		
KRONOS TELESTAFF	Scheduling	$10,789		
STREAMLINE	Fire Prevention RMS	$5,135		
FIRST DUE			$39,800	

	TOTAL	**$45,437**	**$44,240**	**$1,197**

*For period of July 1, 2024-June 30, 2025.

Section 2-335(10) of Division 2 of Article VII of Chapter 2 of the West Covina Municipal Code provides an exemption from the competitive procurement requirements of Division 2, subject to fair, just, and equitable conditions, when the City Council determines, by minute action or resolution, that compliance with the bidding requirements and procedures is inefficient, impractical, or not in the best interest of the City, based on specifically identified conditions set forth on the record. Fire Department staff believes it would not be in the best interest of the City to comply with competitive bidding requirements in connection with the procurement of the cloud-based RMS because there is need for a customized all-in-one software solution that meets all the needs of the Fire Department; integrates with other City applications; and is utilized by mutual aid partners to ensure public safety, which the Fire Department believes can only be provided by First Due.

LEGAL REVIEW:

The City Attorney's Office has reviewed the agreement and approved it as to form.

Prepared by: Vincent Capelle

Fiscal Impact

FISCAL IMPACT:

Ultimately, there will be a savings in the Fire Department budget.

For Fiscal Year 2023-2024 (FY 23-24), $30,549 has been expended on software services. First Due has proposed a one-time implementation fee of $3,500 and a prorated FY 23-24 subscription cost of $16,716 - for a total cost of $20,216.

After the initial year, the City will pay $44,240 in the second year for both First Due and APS combined. After the second year, First Due annual renewal service fees may be increased by up to 5% per year.

Vendor	Account No.	FY2023-24 Budget	Estimated Fiscal Impact		
			FYE 2024	FYE 2025	FYE 2026
Expensed YTD			30,549	0	0
APS			5,182	4,440	4,440
First Due	110.502.32.41.00.00.61.61100.		20,216	39,800	41,790
	TOTAL	**$61,600**	**$55,947**	**$44,240**	**$46,230**

Attachments

Attachment No. 1 - Agreement for Services - First Due

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety



AGREEMENT FOR SERVICES

This Agreement for Services (this "Agreement") dated as of **January 31, 2024** (the "Effective Date") is made by and between Locality Media, Inc., a Delaware corporation dba First Due, having offices at 107 7th St, Garden City, NY, 11530 ("Locality Media") and the **City of West Covina on behalf of the West Covina Fire Department** located at **1444 W Garvey Ave Rm 218, West Covina, CA 91790** (the "Customer").

1. Locality Media maintains a website through which Customer members may access Locality Media's **First Due Size-Up™** Community Connect™, Mobile Responder™ and/or other software-as-a-service platforms and solutions identified in Exhibit A (collectively, the "Service") in connection with the performance of their Customer duties. Locality Media agrees to grant the Customer access to the Service pursuant to the terms and conditions set forth below and in Exhibit A, and the Customer agrees to use the Service only in strict conformity with and subject to such terms and conditions.

2. Locality Media may provide the Customer with one or more user ID's, initial passwords, digital certificates and/or other devices (collectively, "Credentials") and/or application programming interfaces ("APIs") to access the Service. The Customer shall access the Service only by using such Credentials and APIs. The Customer authorizes Locality Media to act on any instructions Locality Media receives from users of the Service who present valid Credentials and such individuals shall be deemed authorized to act on behalf of the Customer, including, without limitation, to change such Credentials. It is the Customer's sole responsibility to keep all Credentials and other means of access within the Customer's direct or indirect possession or control both confidential and secure from unauthorized use. The Customer understands the utility of the First Due Size Up Service depends on the availability of data and information relating to locations and structures in the Customer's jurisdiction, including but not limited to building system and structural information, building inspection codes and incident report data (collectively, "Location Data"). Locality Media also may process and furnish through the Service, in addition to Location Data, other data regarding residents and roadways within the Customer's jurisdiction ("Community Data"). Location Data and Community Data are referred to collectively herein as "Data". Locality Media may acquire Data from third party public and/or private sources in Locality Media's discretion. In addition, the Customer will upload to the Service or otherwise provide to Locality Media in such form and using such methods as Locality Media reasonably may require from time to time, any and all Data from the Customer's records and systems which the parties mutually designate for inclusion in the Service database. The Customer agrees not to filter or alter such records except to conform such Data to the formats reasonably required by Locality Media. Subject to any third-party license restrictions identified expressly in writing by the Customer, the Customer grants to Locality Media a perpetual, non-exclusive, worldwide, royalty-free right and license to process, use and disclose the Data furnished to Locality Media by the Customer in connection with the development, operation, and performance of Locality Media's business, including but not limited to the Service.

3. As between the parties, the Customer and its employees, contractors, members, users, agents, and representatives (collectively, "Customer Users") are solely responsible for determining whether and how to use Data accessed through the Service. The Customer acknowledges that Locality Media, through the Service, provides an interface for viewing Data compiled from the Customer and other sources over which Locality Media has no control and for which Locality Media assumes no responsibility. Locality Media makes no representations or warranties regarding any location or structure (including but not limited to a location's safety, construction, occupancy, materials, hazards, water supply, contents, location, surrounding structures, exposures, size, layout, compliance, condition or history), residents, roadways, or any actual or expected outcome from use of the Data, nor does Locality Media make any representation or warranty regarding the accuracy or reliability of the Data received by Locality Media. Locality Media provides administrative and information technology services only and does not advise, recommend, or render an opinion with respect to any information communicated through the Service and shall not be responsible for the Customer's or any third party's use of any information obtained through the Service.

4. The Customer shall obtain and maintain, at its own expense, computers, operating systems, Internet browsers, tablets, phones, telecommunications equipment, third-party application services and other equipment and software ("Equipment") required for the Customer to access and use the Service (the Service being accessible to users through standard Internet browsers subject to third party network availability and signal strength). Locality Media shall not be responsible for any problem, error or malfunction relating to the Service resulting from Customer error, data entry errors or malfeasance by the Customer or any third party, or the performance or failure of Equipment or any telecommunications service, cellular or wifi network, Internet connection, Internet service provider, or any other third-party communications provider, or any other failure or problem not attributable to Locality Media ("Technical Problems").

5. This Agreement will be effective for an initial term of **5 months** (the "Initial Term") commencing on the Effective Date. After the Initial Term, this Agreement will automatically renew for successive terms of **12 months** each (a "Renewal Term"), subject to the right of either party to cancel renewal at any time upon at least 60 days' written notice. Notwithstanding the foregoing, Locality Media and Customer agree that, if not terminated sooner as set forth herein, this Agreement will automatically terminate after four (4) Renewal Terms. Locality Media reserves the right to increase Customer's renewal Service fees by no more than **5%** per annum, applied to the Service fees set forth in the previous term. Either party also may terminate this Agreement immediately upon written notice if the other party: (i) becomes insolvent; (ii) becomes the subject of a petition in bankruptcy which is not withdrawn or dismissed within 60 days thereafter; (iii) makes an assignment for the benefit of creditors; or (iv) materially breaches its obligations under this Agreement and fails to cure such breach within 30 days after the non-breaching party provides written notice thereof.

6. Upon termination, the Customer shall cease use of the Service and all Credentials then in the Customer's possession or control. This Section 6 and Sections 8 through 11 and 15 through 25 hereof shall survive any termination or expiration of this Agreement.

7. The Customer agrees to pay the fees set forth in Exhibit A for use of those Service features described in Exhibit A (as available as of the Effective Date). Locality Media may charge separately for services offered from time to time that are not included in the scope of Exhibit A (such as new Service features, systems integration services and applications of the Service for new purposes), subject to the Customer's acceptance of the terms of use and fees associated with such services. The Customer shall be responsible for the payment of all taxes associated with provision and use of the Service (other than taxes on Locality Media's income). The Customer represents it has not received and agrees that it shall not collect any fee, payment, or remuneration of any kind from any Data provider, other municipal agency or other third party in connection with the Customer's purchase or use of the Service under this Agreement.

8. Locality Media owns and shall retain all right, title, and interest in and to the Service, all components thereof, including without limitation all related applications, APIs, user interface designs, software and source code (which shall further include without limitation any and all source code furnished by Locality Media to the Customer in connection with the delivery or performance of any services hereunder) and any and all future enhancements or modifications thereto howsoever made and all intellectual property rights therein but not Data furnished by the Customer. Except as expressly provided in this Agreement or as otherwise authorized in advance in writing by Locality Media, the Customer and Customer Users shall not copy, distribute, license, reproduce, decompile, disassemble, reverse engineer, publish, modify, or create derivative works from, the Service; provided, however, that nothing herein shall restrict the Customer's use of the Data that the Customer has provided.

9. "Confidential Information" means any and all information disclosed by either party to the other which is marked "confidential" or "proprietary," including oral information that is designated confidential at the time of disclosure. Without limiting the foregoing, all information relating to the Service and associated software and the terms of this Agreement shall be deemed Locality Media's Confidential Information. Notwithstanding the foregoing, "Confidential Information" does not include any information that the receiving party can demonstrate (i) was known to it prior to its disclosure hereunder; (ii) is or becomes publicly known through no wrongful act of the receiving party; (iii) has been rightfully received from a third party authorized to make such disclosure without restriction; (iv) is independently developed by the receiving party, without the use of any Confidential Information of the other party; (v) has been approved for release by the disclosing party's prior written authorization; or (vi) is required to be

disclosed by court order or applicable law, provided that the party required to disclose the information provides prompt advance notice thereof to the other party (except to the extent such notice is prohibited by law). Notwithstanding the foregoing provisions, Locality Media expressly understands that Customer is a public agency subject to the California Public Records Act (Cal. Government Code § 7920.000 et seq.). In the event that Customer receives a public records request seeking the disclosure of Confidential Information, Customer shall notify Locality Media, and Locality Media shall be allowed to take any reasonable action to preserve the confidentiality of such information. Customer's obligation shall only extend to notifying Locality Media of the request, and Customer shall have no obligation to preserve the confidentiality unless doing so is in full compliance with the law.

10. Each party hereby agrees that it shall not use any Confidential Information belonging to the other party other than as expressly permitted under the terms of this Agreement or as expressly authorized in writing by the other party. Each party shall use the same degree of care to protect the other party's Confidential Information as it uses to protect its own confidential information of like nature, but in no circumstances with less than reasonable care. Neither party shall disclose the other party's Confidential Information to any person or entity other than its employees, agents or consultants who need access thereto in order to effect the intent of this Agreement and in each case who have been advised of the confidentiality provisions of this Agreement, have been instructed to abide by such confidentiality provisions, entered into written confidentiality agreements consistent with Sections 9-11 or otherwise are bound under substantially similar confidentiality restrictions.

11. Each party acknowledges and agrees that it has been advised that the use or disclosure of the other's Confidential Information inconsistent with this Agreement may cause special, unique, unusual, extraordinary, and irreparable harm to the other party, the extent of which may be difficult to ascertain. Accordingly, each party agrees that, in addition to any other remedies to which the nonbreaching party may be legally entitled, the nonbreaching party shall have the right to seek to obtain immediate injunctive relief, without the necessity of posting a bond, in the event of a breach of Section 9 or 10 by the other party, any of its employees, agents or consultants.

12. LOCALITY MEDIA REPRESENTS AND WARRANTS THAT IT SHALL USE COMMERCIALLY REASONABLE EFFORTS TO PROVIDE THE SERVICE WITHOUT INTRODUCING ERRORS OR OTHERWISE CORRUPTING DATA AS SUBMITTED BY THE CUSTOMER. OTHER THAN THE FOREGOING, THE SERVICE, INCLUDING ALL DATA, IS PROVIDED ON AN "AS IS" AND "AS AVAILABLE" BASIS WITHOUT WARRANTY OF ANY KIND. WITHOUT LIMITING THE FOREGOING, LOCALITY MEDIA MAKES NO WARRANTY THAT THE SERVICE WILL BE UNINTERRUPTED, ERROR FREE OR AVAILABLE AT ALL TIMES, NOR DOES LOCALITY MEDIA WARRANT THAT THE SERVICE WILL REMAIN COMPATIBLE WITH, OR OPERATE WITHOUT INTERRUPTION ON, ANY EQUIPMENT OF THE CUSTOMER OR CUSTOMER USERS.

13. EXCEPT AS SET FORTH ABOVE IN SECTION 12, LOCALITY MEDIA MAKES AND THE CUSTOMER RECEIVES NO WARRANTIES, WHETHER EXPRESS, IMPLIED, OR STATUTORY REGARDING OR RELATING TO THE SUBJECT MATTER HEREOF. LOCALITY MEDIA SPECIFICALLY DISCLAIMS, TO THE FULLEST EXTENT PERMITTED BY LAW, ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NONINFRINGEMENT WITH RESPECT TO THE SUBJECT MATTER HEREOF, INCLUDING WITHOUT LIMITATION THE SERVICE.

14. The Customer represents and warrants that the Customer is authorized and has all rights necessary to enter into this Agreement, to provide the Data furnished by the Customer to Locality Media, and to use the Service and Data, and Customer will only use the Service and Data, as permitted under this Agreement and in accordance with the laws, regulations, and any third-party agreements applicable to the Customer and Customer Users. Without limiting the generality of the foregoing, Customer shall not cause or permit any Data to be uploaded to the Service or used in connection with the Service in any manner that would violate any third-party intellectual property rights or license between Customer and any third party. Customer agrees not to use or permit the use of the Service and Data in connection with any public or private enterprise other than operation and performance of the Customer's functions and services. In addition, the Customer and the Customer Users shall not copy, distribute, license, reproduce, publish, modify, or otherwise use any Personally Identifiable Information (PII) contained within the Data accessed through the Service for any purpose other than to lawfully carry out the services and duties of the Customer. The Customer shall remain responsible for the performance, acts and omissions of each Customer User as if such activities had been performed by the Customer.

15. Locality Media will indemnify, defend and hold harmless the Customer from and against any and all damages, liabilities, losses, costs and expenses (including, but not limited to, reasonable attorneys' fees) (collectively, "Losses") resulting from any third-party claim, suit, action, investigation or proceeding (each, an "Action") brought against the Customer based on the infringement by Locality Media of any third-party issued patent, copyright or registered trademark, except to the extent such Action is based on Data furnished from the Customer, the Customer's breach of any third party agreement, or any combination or integration of the Service with any Customer- or third-party property, method or system.

16. The Customer will indemnify, defend and hold Locality Media harmless from and against any and all Losses arising from or relating to: (i) any breach by the Customer of Section 8; or (ii) any Action by a Customer User or third party arising from or relating to the use of the Service or Data accessed through the Service, except to the extent such Losses are subject to Section 15 above or result from the gross negligence or willful misconduct of Locality Media.

17. Such indemnification under Sections 15 and 16 will be provided only on the conditions that: (a) the indemnifying party is given written notice reasonably promptly after the indemnified party receives notice of such Action; (b) the indemnifying party has sole control of the defense and all related settlement negotiations, provided any settlement that would impose any monetary or injunctive obligation upon the indemnified party shall be subject to such party's prior written approval; and (c) the indemnified party provides assistance, information and authority as reasonably required by the indemnifying party.

18. EXCEPT FOR ITS INDEMNIFICATION OBLIGATIONS IN SECTION 15, AND EXCEPT FOR CLAIMS OF GROSS NEGLIGENCE, WILLFUL MISCONDUCT OR FRAUD, LOCALITY MEDIA SHALL NOT BE LIABLE TO THE CUSTOMER OR CUSTOMER USERS FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL OR EXEMPLARY DAMAGES ARISING FROM OR RELATING TO THIS AGREEMENT OR THE SERVICES OR DATA, EVEN IF THE CUSTOMER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. EXCEPT FOR ITS INDEMNIFICATION OBLIGATIONS IN SECTION 15, AND EXCEPT FOR CLAIMS OF GROSS NEGLIGENCE, WILLFUL MISCONDUCT OR FRAUD, LOCALITY MEDIA SHALL NOT BE LIABLE TO THE CUSTOMER OR CUSTOMER USERS FOR ANY DAMAGES IN CONNECTION WITH THIS AGREEMENT IN EXCESS OF THE GREATER OF (A) THE AMOUNT OF FEES PAID OR PAYABLE BY THE CUSTOMER TO LOCALITY MEDIA WITHIN THE 12 MONTH PERIOD IMMEDIATELY PRIOR TO THE EVENT GIVING RISE TO SUCH LIABILITY, OR (B) $5,000.

19. All notices, requests, demands, or consents under this Agreement must be in writing, and be delivered personally, by email or facsimile followed by written confirmation, or by internationally recognized courier service to the addresses of the parties set forth in this Agreement.

20. Except as otherwise provided below, neither party may assign this Agreement or any rights or obligations hereunder without the prior written consent of the other party. Locality Media may assign this Agreement or any rights or obligations hereunder to any Locality Media affiliate or in connection with the merger or acquisition of Locality Media or the sale of all or substantially all of its assets related to this Agreement, without such consent. This Agreement shall be binding upon and inure to the benefit of the parties, their respective successors and permitted assigns.

21. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

22. Any modification, amendment or waiver to this Agreement shall not be effective unless in writing and signed by the party to be charged. No failure or delay by either party in exercising any right, power, or remedy hereunder shall operate as a waiver of such right, power, or remedy.

23. The parties are independent contractors with respect to each other, and neither shall be deemed an employee, agent, partner, or legal representative of the other for any purpose or shall have any authority to create any obligation on behalf of the other. Neither party intends to grant any third-party beneficiary rights as a result of this Agreement.

24. Any delay in or failure of performance by either party under this Agreement will not be considered a breach and will be excused to the extent caused by any event beyond the reasonable control of such party including, but not limited to, acts of God, acts of civil or military authorities, strikes or other labor disputes, fires, interruptions in telecommunications or Internet or network provider services, power outages, and governmental restrictions.

25. This Agreement supersedes all prior agreements, understandings, representations, warranties, requests for proposal and negotiations, if any. Each provision of this Agreement is severable from each other provision for the purpose of determining the enforceability of any specific provision.

26. Agreement Billing Information
    a. **Accounts Payable Contact**

    Name: Christine Aguilar

    Email: ap@westcovina.org

    Phone: (626) 939-8444

    b. **Tax Exempt** No (Yes/No)
    If Yes, please email a copy of the Exempt Certificate to accounting@firstdue.com.

    c. **Purchase Order Required** Yes (Yes/No)
    If Yes, return a copy of the Purchase Order with the signed agreement or email a copy to accounting@firstdue.com.

LOCALITY MEDIA, INC.		**CITY OF WEST COVINA**	
By:		By:	
Name:	Andreas Huber	Name:	Paulina Morales
Title:	CEO	Title:	Acting City Manager
Date:		Date:	

Locality Media, Inc. dba First Due
107 Seventh St
Garden City, NY 11530, United States
Phone: +1 (516) 874-2258
Website: https://www.firstdue.com/

Exhibit A - Quote
Prepared By: Nicholas Dunigan
Valid Until: January 31, 2024
Quote Number: 1545132000172894106

BILL TO:
Vince Capelle
West Covina Fire Department
1444 W Garvey Ave Rm 218
West Covina, CA 91790

Account: West Covina Fire Department
Subscription Start: January 31, 2024
Initial Term: 5 Months
Annual Subscription: $39,800.00

Product Details	Total
Occupancy Management & Pre-Incident Planning Manage Occupancies, Pre-Incident Mapping, ArcGIS Maps, Fire Systems, Hazardous Material, and Contacts.	
Responder Web Responder dashboard and Responder iOS/Android App with notifications, statusing and routing.	
Inspections Field Inspections, Configurable Checklists, Violation Management, Virtual Inspections, Inspections Scheduler, and Integrated Pre-Incident Planning.	
Permitting Permit Management, Customizable Permit Types, Plan Review and Permit Fees.	
Invoicing Invoice Management, Bulk Mailing, Billing Report and Customizable Fee Schedules.	
Incident Reporting – NFIRS NFIRS Incident Documentation, State and Federal Compliance with automated submission.	
Scheduling Manage staff schedules with an interactive shift board, configurable call shifts module, messaging, time-off and shift trades.	
Personnel Management Store, Manage and Access Employee Records including demographic data, certifications and employment information.	
Assets & Inventory Assets, vehicles, equipment and inventory management, assets and equipment checks, and work order management.	
Medications Tracking Track all medications, including DEA Scheduled Medications. Tracking a medication's lifecycle (receipt, usage, waste or removal) by expiration date, lot number or serial number. Ensure compliance with internal and external signatures, as well as advanced role security and authentication.	

Community Connect Online portal for residents and businesses to input critical occupant and property data that can be made available to Emergency Response Agencies during an incident.	
Fire Recovery Integration Fire Recovery Integration	
CAD Integration Automated importing of CAD calls via XML, Database Connector or API.	
Online Standard Training Package Includes a one-hour planning session and up to 6 hours of webinar train-the-trainer sessions	
Implementation and Configuration Services Services related to configuring and customizing the First Due Platform as described in the Statement of Work.	
One-Time Fees Subtotal	$ 3,500.00
5-Month Prorated Subscription Fees Subtotal	$ 16,716.00
Year 1 Total (1/31/2024 – 6/30/2024)	**$ 20,216.00**
Year 2 Total (7/01/2024 – 6/30/2025)	**$ 39,800.00**

Statement of Work
Please see attached Statement of Work detailing the Implementation, Training and Support for this Exhibit A – Quote.

Terms and Conditions
The above-listed Year 1 Total will be invoiced based on the following Milestones with payment terms of Net 30 days:

- 25% Invoiced on Signature of the Agreement
- 25% Invoiced on February 15, 2024
- 25% Invoiced on April 1, 2024
- 25% Invoiced on May 15, 2024

For subsequent annual periods, the Service fees are due and payable annually in advance on July 1st.

Payment Terms: Net 30 days

For electronic ACH payment: JPMorgan Chase Bank | ABA Routing: 021000021 | Account #: 803527972

Locality Media, Inc. dba First Due
107 Seventh St
Garden City, NY 11530, United States
Phone: +1 (516) 874-2258
Website: https://www.firstdue.com/

Statement of Work | West Covina Fire Department

Introduction
The purpose of this Statement of Work (SoW) document is to clearly define the Implementation, Training and Support.

1. **Implementation:**
   First Due works very closely with you to ensure the application is ready for go-live. During the Implementation you will be assigned a Client Success Manager and Implementation Manager who will lead you through the process. Below is a description of each component of our implementation.
   a) **Discovery & Planning:** During a project kick-off meeting we will flesh out the key components of the configuration, customer stakeholders and project timelines. After this stage we will have a clear plan to when and how your agency will be live with First Due.
   b) **Configuration:** First Due is an out-of-the box system but can be configured for your agency's needs. Our team will work with you to configure all the parts of the application necessary for go-live and beyond. These configuration sessions will generally occur weekly, and act as administrator training.
   c) **Optimization:** Once the account is configured, we will arrange a small end-user testing group to begin to use the application out-in-the-field. This is an iterative process in which we listen to feedback and make adjustments to the product on the fly.
   d) **Training:** Once we have sign-off and the product is ready for go-live we will build the necessary training plan together, which may include train-the-trainer sessions, end user training, training videos/content or even onsite sessions. The training section below provides more detail on included training.
   e) **Roll Out:** After training is complete, we are ready to roll-out the platform. We will work closely with you to ensure First Due is rolled out effectively across your agency.
   f) **Support:** Once we achieve sign-off that the system is live and stable, we will transition to support (as described in the support section below). However, you will continue to have a dedicated Client Success Manager moving forward.

2. **Training:**
   Training is an integral part of any successful implementation. First Due is focused on providing your agency adequate training to ensure effective user adoption of the platform. As part of this Statement of Work, the customer will receive the purchased training as outlined in Exhibit A - Quote throughout the implementation process as outlined:
   1. Webinar Administrator training during configuration sessions
   2. Webinar formal Train-the-Trainer and/or End User Session(s) during the training phase
   3. Access to online training videos, documents, content, and interactive knowledgebase

3. **Integrations:**
   Any scoped integrations included in this document will be described below. Any additional integration scoped at a later date will be provided in a separate SoW at that time.

4. **Data Migration:**
   First Due understands the importance of data migration to our customers and has extensive experience working to migrate historical records into the platform. First Due will use best efforts to migrate applicable data from Customer's existing systems utilizing data migration best practices. This includes:
   1. Data Migration Planning Session
   2. Assistance/Guidance in extracting data from existing system/s
   3. Mapping extracted data to First Due import workbooks
   4. Importing of Data into First Due

5. **Support:**
   First Due provides Support as part of the base subscription. This includes:
   1. Email, Phone, Ticketing System Support Channels and Live Chat
   2. Dedicated Client Success Manager
   3. Access to knowledge base including online training videos and FAQs

Zoho Sign Document ID: 2AB7F2F4-XW60AHC4ZAIQQX8IAMCQBPQBUXMQZ6NDBNHDDHL9VGS

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ **Go to *www.irs.gov/FormW9* for instructions and the latest information.**

Give Form to the requester. Do not send to the IRS.

Print or type. See **Specific Instructions** on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Locality Media, Inc.

2 Business name/disregarded entity name, if different from above

First Due

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☑ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

107 7th Street

6 City, state, and ZIP code

Garden City, NY 11530

Requester's name and address (optional)

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

8	1	–	1	3	8	8	0	6	2

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here **Signature of U.S. person ▶** Andreas Huber **Date ▶** Jan 03 2023 07:29 PST

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

Cat. No. 10231X Form **W-9** (Rev. 10-2018)

AGENDA ITEM NO. 5

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 16, 2024

TO: Mayor and City Council

FROM: Paulina Morales
Acting City Manager

SUBJECT: CONSIDERATION OF A SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA FIREFIGHTERS' ASSOCIATION, I.A.F.F., LOCAL 3226 (WCFFA)

RECOMMENDATION:

It is recommended that the City Council adopt the following Resolution:

RESOLUTION NO. 2024-3 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA ADOPTING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA FIREFIGHTERS' ASSOCIATION, I.A.F.F., LOCAL 3226 (WCFFA)

BACKGROUND:

Section 7(k) of the Fair Labor Standards Act (FLSA) provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. Fire's current work period is 24 days, which can overlap up to three pay periods. This causes confusion and constant inquiries and sometimes grievances from Fire personnel. It also puts an administrative burden on both Fire and payroll.

DISCUSSION:

In an effort to increase transparency and accountability, staff recommends changing the work period from 24 to 14 days to align with the City's pay periods. Additionally, Fire personnel are currently paid on a salary basis even though they are non-exempt employees. As part of this change, staff has proposed paying them based on their actual hours worked per pay period. This will ensure arcuate compensation based on hours worked.

The City has the management right to change the FLSA work period. However, the City must notify employees accordingly. Thus, representatives of the City met with representatives of the West Covina Firefighters' Association and Fire Management Association to discuss the transitional period and have agreed upon the overtime threshold during the transitional pay period to implement a 14-day work period. WCFFA requested to formalize this change via a side letter.

The proposed side letter is attached as Exhibit A to the proposed Resolution. Staff recommends that the City Council adopt the proposed Resolution. If approved, the change be implemented starting January 20, 2024.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form.

Prepared by: Stephanie Sikkema, Finance Director

Fiscal Impact

FISCAL IMPACT:

The number of hours of “built-in” overtime owed per year under a 24-day period is 76; under a 14-day period it is 122 - 46 more hours. This "built-in" overtime assumes a certain amount of time off which does not count towards hours worked. Based on these hours and the average overtime rate, the estimated annual fiscal impact of this change is approximately $63,000. For the current fiscal year, this is $26,400 - which can be absorbed within the current Fire salary and benefit budget.

While staff can calculate the estimated cost of the change in work periods, it should be noted that there is expected to be an offsetting savings due to the elimination of pay discrepancies which have occurred from the 24-day work period crossing multiple pay periods. The one-to-one ratio of work period to pay period will also allow for better accountability and reporting of fire overtime.

			Estimated Fiscal Impact		
Expense	Account No.	FY2023-24 Budget	FYE 2024	FYE 2025	FYE 2026
FLSA Overtime	110.502.32.10.00.00.51.51180.	$196,800	$26,400	$63,000	$63,000

Attachments

Attachment No. 1 - Resolution No. 2024-3

Attachment No. 2 - Side Letter

CITY COUNCIL GOALS & OBJECTIVES: Maintain Good Intergovernmental Relations

ATTACHMENT NO. 1

RESOLUTION NO. 2024-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA FIREFIGHTERS' ASSOCIATION, I.A.F.F., LOCAL 3226 (WCFFA)

WHEREAS, on October 4, 2022, the City Council approved Resolution No. 2022-98 adopting the Memorandum of Understanding between the City and the City of West Covina Firefighters' Association, I.A.F.F., Local 3226 (WCFFA); and

WHEREAS, Section 7(k) of the Fair Labor Standards Act (FLSA) provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis; and

WHEREAS, to increase transparency and accountability, the City has proposed changing the work period for members of the WCFFA from 24 days to 14 days and paying based on actual hours worked per pay period; and

WHEREAS, the City and the WCFFA have met and conferred in accordance with the Meyers-Milias-Brown Act and Government Code § 3500 to discuss the work period changing from 24 days to 14 days and paying based on actual hours worked per pay period; and

WHEREAS, the City and the WCFFA have memorialized the agreement in a written side letter of agreement, which is attached hereto as Exhibit "A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Side Letter of Agreement between the City and the West Covina Firefighters' Association, I.A.F.F., Local 3226, attached hereto as Exhibit "A," is hereby approved.

SECTION 2. The Acting City Manager is authorized to sign the Side Letter of Agreement, in such final form as approved by the City Attorney.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 16th day of January, 2024.

Brian Calderón Tabatabai
Mayor

APPROVED AS TO FORM

Thomas P. Duarte
City Attorney

ATTEST

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2024-3 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 16th day of January, 2024, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA FIREFIGHTERS' ASSOCIATION, I.A.F.F., LOCAL 3226 (WCFFA)

SIDE LETTER OF AGREEMENT
BETWEEN
THE CITY OF WEST COVINA
AND
WEST COVINA FIREFIGHTERS' ASSOCIATION,
I.A.F.F., LOCAL 3226

THIS SIDE LETTER OF AGREEMENT ("Agreement") is entered into between the City of West Covina ("City") and the West Covina Firefighters' Association, I.A.F.F., Local 3226 ("WCFFA") (collectively "Parties") with respect to the following:

WHEREAS, the Parties entered into a Memorandum of Understanding with a term of July 1, 2022 to June 30, 2025 (MOU); and

WHEREAS, the Parties have met and conferred in accordance with the Meyers-Milias-Brown Act and Government Code section 3500 to discuss changing the work period for WCFFA members from 24 days to 14 days and have agreed upon such change; and

WHEREAS, the Parties desire to enter into this Side Letter Agreement to memorialize their agreement regarding such change.

NOW, THEREFORE, the Parties agree as follows:

1. Beginning January 20, 2024, the City will implement a 14-day work period for members of the WCFFA. The Parties further agree that employees' base pay will not "smoothed" or averaged over the course of the year.

2. WCFFA members' base pay will not be negatively impacted by the change over the course of a year, contingent upon members working their designated and scheduled shifts.

3. All other terms and conditions of the MOU shall remain in full force and effect.

FOR THE WCFFA AND CITY OF WEST COVINA:

I agree on behalf of the WCFFA:	I agree on behalf of the City:
_____	_____
Terry Paredez	Paulina Morales
WCFFA President	Acting City Manager
_____	_____
Date	Date

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: January 16, 2024

TO: Mayor and City Council

FROM: Paulina Morales
Acting City Manager

SUBJECT: PUBLIC HEARING REGARDING DEVELOPMENT CODE UPDATE (CODE AMENDMENT NO. 23-01), INCLUDING ASSOCIATED INITIAL STUDY AND NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, GENERAL PLAN AMENDMENT NO. 23-02, AND ORDINANCE NO. 2919 APPROVING THE DEVELOPMENT CODE UPDATE, AMENDING CHAPTERS 7, 15, 17, AND 24 OF THE WEST COVINA MUNICIPAL CODE, AND AMENDING THE DOWNTOWN PLAN AND CODE

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing;

2. Adopt the following resolutions:

RESOLUTION NO. 2024-4 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE NEGATIVE DECLARATION FOR THE DEVELOPMENT CODE UPDATE (CODE AMENDMENT NO. 23-01) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RESOLUTION NO. 2024-5 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 23-02 TO AMEND THE LAND USE ELEMENT TO CHANGE THE LAND USE DESIGNATIONS OF CERTAIN PROPERTIES AND MAKING A DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3) (COMMON SENSE EXEMPTION); and

3. Introduce the following ordinance:

ORDINANCE NO. 2519 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CODE AMENDMENT NO. 23-01, THE DEVELOPMENT CODE UPDATE, AMENDING CHAPTER 7 (BUILDINGS AND BUILDING REGULATIONS), CHAPTER 15 (MISCELLANEOUS PROVISIONS RELATING TO PUBLIC HEALTH, AND SAFETY), CHAPTER 17 (PLANNING), CHAPTER 19 (STREETS,

SIDEWALKS, AND PUBLIC PLACES), AND CHAPTER 24 (VEGETATION) OF THE WEST COVINA MUNICIPAL CODE, AND AMENDING THE DOWNTOWN PLAN AND CODE

BACKGROUND:

At the June 2, 2020 City Council meeting, the City Council authorized the City Manager to apply for and receive the Local Early Action Planning (LEAP) Grant from the California Department of Housing and Community Development, and enter into an agreement with the State for a grant of $500,000. LEAP is a one-time grant funding to cities and counties to update their planning documents and implement process improvements that will facilitate the acceleration of housing production and help local governments prepare for the 6th Cycle Regional Housing Needs Assessment. The City is utilizing the LEAP Grant to complete a comprehensive re-write of the City's Zoning Code (Development Code Update).

In December 2016, the City Council adopted the City's General Plan, that establishes the community's vision for future development of the City over the next 20 years. The General Plan is a comprehensive policy document which establishes objectives and policies that guide physical development within a city. A city adopts and periodically amends its Development Code to establish zoning and subdivision regulations that are consistent with the policies, and achieve the goals, of the General Plan. The City of West Covina Development Code Update is a comprehensive amendment that aims to update the City's subdivision and zoning standards to implement the City's General Plan.

The purpose of the proposed Development Code Update is to create a new, streamlined Development Code that establishes clear and concise regulations for future property development. The intent of the comprehensive Development Code Update is to eliminate outdated rules and regulations, provide regulations for new uses, and comply with new and updated state laws. The proposed Development Code Update also includes certain incentives and concessions for future housing projects designed to encourage development of a range of housing types to aid the City in meeting its current Regional Housing Needs Assessment.

Process

The Development Code Update process included extensive community outreach. The City held five (5) community meetings within each of the City's Council Districts to make the meetings more accessible to residents and to obtain public input. A website was created specifically for the Development Code Update, it provided information and allowed for public input. Information obtained from the public was presented to the Development Code Update Subcommittee comprised of Commissioner Livier Becerra and Chairman Brian Gutierrez, and Councilman Tony Wu and former Mayor Dario Castellanos. The draft Development Code is being prepared based on guidance obtained from the Subcommittee. A summary of the public outreach efforts and response is included in this report as Attachment No. 5.

PLANNING COMMISSION REVIEW

October 10th and 24th

The Development Code Update was initially reviewed by the Planning Commission on October 10, 2023. The Planning Commission continued the item to October 24th and subsequently to a November 1st special meeting, directing staff to advertise the meeting on social media and to make the following revisions:

- Incorporate State laws that were recently adopted and signed by the Governor.
- **Article 3, Division 3 (Fences, Walls, and Hedges)** - Increase the maximum height side and/or rear property line fences/walls from 6 feet to 7 feet, and ensure that the maximum height is not measured from lower grade (if there are any grade differences).
- **Article 4, Division 1, Section 26-118 (Emergency Shelters)** - Remove time restrictions due to concerns with potential loitering.
- **Article 4, Division 1, Section 26-120 (Home Occupations) -** Update communication tools to include computers and the internet (previous version limited the tools to a telephone).
- **Article 4, Division 1, Section 26-121 (Massage Parlors and Health and Beauty Spas) -** Allow

for doors in massage parlors and health and beauty spas.
- **Article 4, Division 1, Section 26-123 (Mobile Services) -** Include standards or guidelines that would define what negative impacts are and types of services that would constitute a negative impact.
- **Article 4, Division 1, Section 26-125 (Outdoor Dining) -** Remove the 25-percent limitation.
- **Article 6, Division 10, Section 26-260 (Permit Required) -** Increase the 10-percent tree canopy trimming thresholds for permits.
- **Article 6, Division 10, Section 26-261 (Exceptions to Permit Requirements) -** Include private trees in the permit exceptions for emergency tree trimming.

The Planning Commission also asked staff to investigate wireless telecommunication standards for the Cities of Diamond Bar and Walnut to determine if the City is able to increase the minimum distance from any proposed wireless facility from residential areas, parks, and schools to 1,000 feet.

November 1st

Prior to the meeting, staff advertised the Development Code Update public hearing on the City's social media three times. The Development Code Update was revised to reflect the intent of the Planning Commission's direction. During the meeting, staff recommended that the Planning Commission approve a notification radius for wireless telecommunication facility projects equal to and no different from the 500-foot notification radius for other projects requiring an entitlement.

The Planning Commission voted 3-2 to recommend that the City Council adopt the new Development Code and related General Plan land-use map, zoning map, and negative declaration, indicating that if the wireless notification radius has to be reduced (draft Development Code included a 1,000-foot notification radius at the time of review) for legal reasons, the Planning Commission is recommending a notification radius no less than 800 feet.

The November 1, 2023 Planning Commission staff report and executed recommendation resolutions have been included in this report as Attachments Nos. 6 and 7.

DISCUSSION:

The Development Code is a zoning tool available for municipalities to create property-specific land use and development regulations. Key objectives of the Development Code Update include:

- Combine the City's Subdivision Ordinance, Multi-family Objective Design Standards and Zoning Code into one Development Code (Title 26)
- Reorganize the Development Code so that it is clear, concise and easy to use.
- Allow for residential uses within existing commercial (or office) zones and encourage mixed-use development while retaining the character of the community.
- Revise the City's Development Code to eliminate outdated regulations, provide for new uses, and update the Development Code regulations for consistency with the City's Housing Element, and recent State legislation.

If adopted, all properties (except state or federally owned land) located within the City limits are required to comply with the amended Development Code.

General Plan Amendment

Approval of a General Plan Amendment (GPA) is requested as part of the proposed project. The proposed GPA involves the reclassification of land use designations for two properties due to zone changes that will be proposed as part of this project. This includes two undeveloped, City-owned parcels that have an existing land use designation of NL (Neighborhood Low) that will be reclassified to the land use designation of POS (Parks and Open Space).

Zone Change

The project involves Zone Change 23-02, which will be presented to the Planning Commission and the City Council at a later date.

Development Code Update Code Amendment

The "marked-up" draft version of the Development Code has been attached to Ordinance No. 2519 (Attachment No. 3) to indicate the changes that have been made to the current code. The articles, divisions, and sections labeled as "*NEW*" with the yellow highlight are new and have either been completely re-written, partially re-written/combined with other code standards, or are not present in the current code. Most of these items are either clarifying language that states the purpose and intent of the article, contains clarifying diagrams/tables, or are State required new regulations. References to existing code sections are listed. When a reference to an existing code section is not listed next to the article or division title, it means that the particular article or division is in the same location it is in the current Code. The "red-lined" texts are language in the current code that has been stricken-out, while the underlined texts in blue are new language that has been added. Please note that the strike-out and underlined texts are indicated to show substantive or notable changes that impact the content of each standard; there may be syntax corrections/changes that have been made that are not shown with a "strike-out" or "underline."

The following is an outline of the proposed Development Code Update:

Section 26-01 through 26-43 (Chapter 26, Article 1)

- ***Division 1 – Purpose and applicability of the Development Code***
- ***Division 2 – Interpretation of the Development Code***
- ***Division 3 – Zoning Districts and Zoning Map***
- ***Division 4 – Definitions***
    - *Relocate all definitions throughout the Code within Article 1, Division 4.*

Section 26-44 through 26-62 (Chapter 26, Article 2)

- ***Division 1 – Residential zones (RA, R1, MF-8, MF-15, MF-20, MF-45)***
    - *Removal of Area Districts I-IV for single-family residential zones and establish minimum lot width, minimum lot depth and minimum lot area criteria.*
    - *Replace and revise maximum unit size and lot coverage to maximum floor area and building coverage.*
    - *Revise permit requirements and allowable uses.*
    - *Include single- and multi-family residential development standards and permitted/unpermitted land uses in one section.*
    - *Remove the CUP requirement for mobile homes to permitted by right (but still requiring a precise plan), in accordance with CGC Sec. 65852.3, and added definitions for these uses.*
    - *Expand definition of “group home” and allowing those with 6 or fewer occupants in single-family and multi-family zones (per State Law) and requiring CUPs for larger facilities in higher intensity multifamily zones.*
    - *Add farmworker/employee housing per State law.*
    - *Add requirements that construction within the Very High Fire Hazard Severity Zone shall comply with Chapter 7A of the California Building Code.*
- ***Division 2 – Commercial Mixed-Use, Office Mixed-use, and Manufacturing Zones (OPMU, NMU, SMU, RMU, M-1)***
    - *Rename existing Office-Professional (O-P), Neighborhood Commercial (N-C), Regional-Commercial (R-C), and Service-Commercial (S-C) zones to Office-Professional Mixed-Use (OPMU), Neighborhood-Commercial Mixed-Use (NMU), Regional-Commercial Mixed-Use (RMU), and Service-Commercial Mixed-Use (SMU).*
    - *Eliminate Medium-Commercial (C-2) and Heavy-Commercial (C-3) commercial zones and rezone to NMU or SMU.*
    - *Incorporate standards for residential development in Mixed-Use zones as standards for*

commercial mixed-use and office mixed-use zones, and remove the Mixed-Use Overlay.
    - *Revise permit requirements and allowable uses.*
    - *Add an administrative permitting requirement for self-service kiosks for retail establishments.*
    - *Prohibit new drive-through food establishments.*
    - *Include and combine development standards and permitted/unpermitted land uses table for all mixed-use commercial, mixed-use office and industrial zones in one section.*
    - *Incorporate standards for temporary uses.*
- ***Division 3 – Special Purpose Zones (O-S, S-P)***
    - *Include Open Space (O-S) and Specific Plan (S-P) permitted uses and development standards within the Special Purpose Zone*
- ***Division 4 - Overlay Zones (Hillside, Planned Community and Residential Development, Auto Plaza, Animal Keeping)***
    - *Remove Mixed-Use Overlay, and incorporate standards into mixed-use office and commercial under Article 2, Division 2.*

Section 26-63 through 26-106 (Chapter 26, Article 3)

- ***Division 1 – General Site Planning and Development Standards***
    - *Clarify methodologies for lot coverage calculation, building height measurements and exceptions, setback and sight triangle measurements, and allowable encroachments into setbacks.*
    - *Include exhibits for building height and setback measurements and sight triangle methodology.*
- ***Division 2 – Accessory Structures***
    - *Include general development standards relating to accessory structures (not including ADUs).*
    - *Include Solar Energy Systems standards.*
- ***Division 3 – Fences, Walls, and Hedges***
    - *Include exhibit detailing method for measuring fence and wall heights.*
    - *Simplify standards for fences, walls, hedges and retaining walls.*
        - *Removed the administrative use permit process to increase property line fence/wall height to 7 feet and allow 7-foot tall fences/walls with a building permit.*
- ***Division 4 – Screening and Buffering***
    - *Relocate screening and buffering standards under Article 3.*
- ***Division 5 – Landscaping***
    - *Relocate the Model Water Efficient Landscape Ordinance under Article 3.*
    - *Simplify General Landscaping Standards.*
    - *Include landscape maintenance section.*
    - *Incorporate standards and permitting regulations for synthetic turf.*
- ***Division 6 – Parking and Loading***
    - *Relocate all parking standards within one section (Article 3, Division 6).*
    - *Simplify minimum parking requirements.*
    - *Incorporate bicycle parking standards for specific uses.*
    - *Update Reduction of Parking Requirements and Joint Use Parking Ordinance and relocate to Article 3, Division 6.*
    - *Relocate parking space dimension standards to Article 3, Division 6, and include an exhibit.*
- ***Division 7 – Transportation and Air Quality Control Measures***
    - *Relocate this section under Article 3, Division 7.*
- ***Division 8 – Sign Regulations***
    - *Update sign standards - the standards reviewed and recommended by the Planning Commission were incomplete. In the previous version, existing tables within the current code with specific sign standards were inadvertently deleted. Staff added the tables within the existing code back to the Development Code since these standards are important in keeping order and regulating signage for different building types and uses within the City. Staff also edited the "election season sign" standards to make it more content-neutral.*
        - *Eliminated year-round banners and replaced it with regulations allowing permits for temporary banners for no more than 90 days in a calendar year*

- *Included standards for election season signs*
- *Allow electronic reader boards for churches and schools*

Section 26-107 through 26-166 (Chapter 26, Article 4)

- ***Division 1 – Standards for Specific Land Uses***
  - *Relocate standards for specific uses under Article 4, Division 1.*
  - *Include standards for electric vehicle stations and solar carports, limited service (take-out and delivery only) restaurants, skilled nursing facilities (including assisted living, dialysis facilities and similar uses), standards for stand alone kiosks,*
  - *Update to include standards for Transitional and Supportive Housing.*
  - *Update animal keeping provisions.*
  - *Update game arcade and internet access centers to amusement and entertainment facilities with updated regulations.*
  - *Update dance facilities use to community assembly facility.*
  - *Update Massage Parlors and Bath houses to Massage Parlors and Heath and Beauty Spas.*
  - *New section for outdoor dining, including not requiring parking for the first 500 square feet of outdoor dining areas per business.*
  - *Add design requirements for outdoor dining areas.*
  - *Allow for and add regulations for new types of uses (e.g., craft manufacturing facilities, craft breweries/distilleries) to align with new ABC regulations.*
  - *Increase setback for wireless telecommunication facilities from single-family residential uses from 100 feet radius to 500 feet, and from no required separation to 100 feet radius for multi-family zones.*
- ***Division 2 – Accessory Dwelling Units and junior accessory dwelling units***
  - *Update ADU standards to comply with recent State legislation and relocate ADU standards under Article 4, Division 2.*
- ***Division 3 – Affordable Housing and Density Bonus Incentives***
  - *Update and incorporate affordable housing and density bonus incentives ordinance under Article 4, Division 3.*
  - *Update the Density Bonus Ordinance for consistency with State Law and define concessions and waivers in definitions section.*
  - *Refine definitions of concessions and waivers as they relate to density bonuses.*
- ***Division 4 – Urban Dwelling Units***
  - *Relocate standards for urban dwelling units under Article 4, Division 4.*
- ***Division 5 – Multi-Unit Dwelling Objective Design Standards***
  - *Incorporate the City of West Covina's Multi-Unit Dwelling Objective Design Standards into Development Code as Article 4, Division 5*

Section 26-167 through 26-178 (Chapter 26, Article 5)

- ***Division 1 – General Nonconforming Provisions***
  - *Update to include a purpose and intent for General Nonconforming Provisions.*
- ***Division 2 – Nonconforming Parcels***
- ***Division 3 – Nonconforming Signs***
- ***Division 4 – Nonconforming Structures***
- ***Division 5 – Nonconforming Uses***
- ***Division 6 – Abatement and Extension of Nonconforming Uses, Structures and Parcels***

Section 26-179 through 26-283 (Chapter 26, Article 6)

- ***Division 1 – General Provisions***
  - *Revise, simply General Provisions, relocate into Article 6, Division 1.*
  - *Increase the public notification requirement from 300-foot radius from a project site to 500-foot radius (1,000-foot radius for public utility facilities).*
  - *Require on-site posting of public hearing notice for certain development applications.*
  - *Eliminate the Large Home and Large Addition processes for single-family residential units.*

    - *Division 2 – Reasonable Accommodation*
- ***Division 3 – Precise Plan***
- ***Division 4 – Conditional Use Permit***
- ***Division 5 – Variances***
- ***Division 6 – Administrative Permit***
    - *Reduce and simplify the number of planning permits, predominantly for administrative processes.*
- ***Division 7 – Minor Modification***
- ***Division 8 – Film Permit***
- ***Division 9 – Second Unit Review (Accessory Dwelling Unit)***
- ***Division 10 – Preservation, Protection and Removal of Trees***
- ***Division 11 – Environmental Assessment Guidelines and Procedures***
- ***Division 12 – Revocation Procedures***
- ***Division 13 – Planning Commission Subcommittee For Design***

Section 26-284 through 26-292 (Chapter 26, Article 7)

- ***Division 1 – Amendments***
- ***Division 2 – Administration***

Section 26-293 through 26-262 (Chapter 26, Article 8)

- ***Division 1 – Authority***
- ***Division 2 – General Provisions***
    - *Increase park dedication requirements from 3.0 acres per 1,000 residents to 3.2 acres per 1,000 residents. The City has 4.1 acres of existing park area per 1,000 residents. The proposed increase is within the threshold allowed by Government Code Section 66477, and is consistent with the requirements of surrounding cities.*
    - *Revisions include flag lot requirements such as a limitation on the number of residential flag lots and flag lot design standards.*
- ***Division 3 – Tentative Tract Maps***
    - *Notice of hearing for tentative tract maps changed from 300 feet to 500 feet.*
- ***Division 4 – Vesting Tentative Maps***
- ***Division 5 – Final Maps***
- ***Division 6 – Tentative Parcel Map***
    - *Reduce the reviewing authority of parcel maps (subdivisions of four parcels or less) from the Planning Commission to the Community Development Director.*
- ***Division 7 – Reversions to Acreage***
- ***Division 8 – Lot Line Adjustments***
- ***Division 9 – Lot Merger***
- ***Division 10 – Certificate of Compliance***
- ***Division 11 – Parcel Maps For Urban Lot Splits***
- ***Division 12 – Condominium Conversion***

Other Changes

- Downtown Plan and Code - Prohibit all new drive-throughs
- Change cross-reference in Section 7-280.6 to the new Chapter 26 section numbers.
- Relocate Division 29 (Wireless Telecommunication Facilities in the Public Right-of-Way) of Article XII of Chapter 26 to Article X of Chapter 19 (Streets, Sidewalks, and Public Places).
- Change cross-reference to Section 26-685.14200 in Article XIV (Abandoned Carts - Retrieval and Impoundment) of Chapter 15 to new Section 26-115
- Change cross-references to sections of Chapter 26 in Chapter 24 to the new section numbers.

GENERAL PLAN CONSISTENCY

The proposed Development Code Update is consistent with the following General Plan Policies and Actions:

- **Policy 2.5** – Encourage transformative development in the triangle bounded by Glendora Avenue, Vincent Venue and Interstate 10.
- **Policy 2.6** – Create a diversity of housing options.
- **Policy 3.1** – Preserve existing housing stock.
- **Policy 3.3** – New growth will complete, enhance, and reinforce the form and character of the unique West Covina neighborhoods, districts, and corridors.
- **Policy 3.2** – Support vibrant, economically strong neighborhoods through education and enforcement of property maintenance regulations.
- **Action 2.5a** – support the revitalization of Glendora Avenue retail.
- **Action 2.6a** - Encourage multifamily projects that are urban in design and facilitate a pedestrian-oriented environment by utilizing ground-floor retail, and active and vibrant streetscapes. West Covina should promote opportunities, engage developers, and support higher-intensity, mixed-use multifamily residential development. The City can work to familiarize the development community with the City's General Plan and Vision for Downtown, and emphasize the City's commitment to a priority list of infrastructure investments, and expectations in terms of development/design quality.
- **Action 3.1** – Incorporate standards in the Development Code to preserve the existing form and character of stable residential areas and prevent encroachment of incompatible land uses and intensity.

LEGAL REVIEW:

The City Attorney's Office has reviewed the proposed resolutions and ordinance and approved them as to form.

OPTIONS:

The City Council has the following options:

1. Adopt Resolution Nos. 2024-4 and 2024-5, and introduce Ordinance No. 2519 per the Planning Commission's recommendation with the changes made/recommended by staff discussed in the report; or
2. Provide alternative direction.

ENVIRONMENTAL REVIEW:

Development Code Update

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study (IS) has been prepared for the Development Code Update and its associated discretionary approvals. The IS indicates that there is no substantial evidence that the proposed Project may have a significant impact on the environment, and therefore, requires preparation of an Initial Study/ Negative Declaration (IS/ND). Based on the environmental checklist form prepared and supporting environmental analysis, the Development Code Update would have no impact or less than significant impact on the environment. The ND has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and was circulated for public comment for 20 days (from August 28, 2023 to September 17, 2023). Comments were received from the Los Angeles County Metropolitan Transportation Authority. T he City has considered the proposed IS/ND together with the comments received during the public comment period and determined on the basis of the whole record before it that there is no substantial evidence that the Project will have a significant effect on the environment and that the Negative Declaration reflects the City's independent judgment and analysis.

General Plan Amendment

The redesignation of two parcels from "Neighborhood Low" to "Parks and Open Space" is exempt from

CEQA under the common sense exemption of CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that the change will not have any environmental effects. The change in land use designation does not authorize or allow for any additional development. The change reflects that the property is undeveloped land owned by the City. The change in land use designation will not allow any greater development than under the previous land use designation. There is no possibility that the changes will have a significant effect on the environment. Therefore, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption).

Prepared by: Jo-Anne Burns, Planning Manager

Fiscal Impact

FISCAL IMPACT:

Projects that involve residential subdivisions are required to dedicate land for parks, pay an in-lieu fee, or perform a combination of the two. This West Covina Municipal Code amendment involves an increase to the required park dedication requirements from 3.0 acres per 1,000 residents to 3.2 acres per 1,000 residents. All other changes are administrative.

Attachments

Attachment No. 1 - Resolution No. 2024-4
Attachment No. 2 - Resolution No. 2024-5
Attachment No. 3 - Ordinance No. 2519
Attachment No. 4 - Outreach Summary
Attachment No. 5 - November 1, 2023 Planning Commission Staff Report
Attachment No. 6 - Planning Commission Recommendation Resolutions

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness

ATTACHMENT NO. 1

RESOLUTION NO. 2024-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE NEGATIVE DECLARATION FOR THE DEVELOPMENT CODE UPDATE (CODE AMENDMENT NO. 23-01) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, Chapter 20 (Subdivision Regulations) and Chapter 26 (Zoning) of the West Covina Municipal Code have not been comprehensively updated in more than 46 years and require revisions to ensure they align with the current aspirations and values of the community and comply with state laws and regulations; and

WHEREAS, the City initiated Code Amendment No. 23-01, known as the "Development Code Update", which proposes to amend the West Covina Municipal Code including the combination of Chapters 20 and 26 into one chapter, Chapter 26 (Development Code); and

WHEREAS, the Development Code Update will eliminate outdated rules and regulations, provide regulations for new uses, and update the Development Code for consistency with the City's 2021-2029 Housing Element. The Development Code Update will also involve the elimination of zoning designations that are not widely used in the current Zoning Code, specifically the Medium Commercial (C-2), Heavy Commercial (C-3), Public Building (P-B) and Planned Industrial (I-P) zoning designations, and the combining of the Neighborhood Commercial and Service Commercial zones with the mixed-use overlay zones on such properties into one base zoning designation for each; and

WHEREAS, the proposed Development Code Update also includes the incorporation of recently adopted mixed-use standards into the office and commercial zoning designations throughout the City; and

WHEREAS, the proposed Development Code Update (the "Project") is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, the City, through its environmental consultant, prepared an Initial Study for the Project; and

WHEREAS, following completion of the Initial Study, the City determined there was no substantial evidence that the proposed Project may have a significant impact on the environment; and

WHEREAS, the City, through its environmental consultant, prepared a Negative Declaration for the proposed Project pursuant to the requirements of CEQA, in support of the finding that there will not be a significant effect on the environment as a result of the proposed Project; and

WHEREAS, the Draft Initial Study and Negative Declaration dated August 2023 was subject to a 20-day public review period which began on August 28, 2023 and ended on September 17, 2023. The City distributed a Notice of Intent (NOI) to adopt a Negative Declaration (ND) along with the Initial Study (IS); and

WHEREAS, three comments were received during the public review period from the following entities: Matthew Godman (Blvd Real Estate), John Taniguchi, and Los Angeles County Metropolitan Transportation Authority (Metro). The letters and responses are incorporated into the Final Initial Study and Negative Declaration dated September 2023, attached hereto as Exhibit B; and

WHEREAS, the Planning Commission conducted duly noticed public hearings on October 10, 2023, October 24, 2023, and November 1, 2023 to consider in part the Negative Declaration, at the conclusion of which the Planning Commission adopted a resolution recommending the City Council adopt the Negative Declaration; and

WHEREAS, the City has revised the Draft IS/ND to correct erroneous references to a Mitigated Negative Declaration (MND) and mitigation measures as this was only a Negative Declaration and to also clean-up other typographical errors while retaining the original date of August 2023; and

WHEREAS, in accordance with CEQA Guidelines Section 15074(b), the City has considered the proposed IS/ND together with the comments received during the public comment period and determined on the basis of the whole record before it that there is no substantial evidence that the Project will have a significant effect on the environment and that the Negative Declaration reflects the City's independent judgment and analysis; and

WHEREAS, the City Council conducted a duly noticed public hearing on January 16, 2024 to consider in part the Project; and

WHEREAS, in making the various findings set forth herein, the City Council has considered all of the evidence presented by staff and the public, whether written or oral, and has considered the procedures and the standards required by the West Covina Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are true and correct and are incorporated herein.

SECTION 2. Adoption of Negative Declaration. The City Council of the City of West Covina hereby adopts the Initial Study and Negative Declaration. In its entirety, the document consists of the corrected Draft Initial Study and Negative Declaration attached hereto as Exhibit A and the Final Initial Study and Negative Declaration attached hereto as Exhibit B. In taking this action the City Council has used its independent judgment in reviewing the Initial Study and Negative Declaration.

SECTION 3. Record of Proceedings. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in the office of the West Covina Planning Division, 1444 West Garvey Avenue South, Room 208, West Covina, CA 91790 and on the City's website at https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents. The custodian of these documents and other materials is the West Covina Community Development Director.

SECTION 4. Notice of Determination. Upon approval of the Project by the City Council, the environmental coordinator shall file a Notice of Determination with the County Clerk of Los Angeles County.

SECTION 5. Effective Date. The City Clerk shall certify to the adoption of this Resolution and shall enter it into the book of original resolutions. This Resolution shall take effect immediately.

APPROVED AND ADOPTED this 16th day of January, 2024.

_____
Brian Calderón Tabatabai
Mayor

APPROVED AS TO FORM

_____
Thomas P. Duarte
City Attorney

ATTEST

_____
Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2024-4 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 16th day of January, 2024, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Lisa Sherrick
Assistant City Clerk

EXHIBIT A

DRAFT INITIAL STUDY AND NEGATIVE DECLARATION

Draft Initial Study and Negative Declaration

West Covina Development Code Update

Prepared for

City of West Covina
Planning Division
1444 West Garvey Avenue South, 2nd Floor, Room 208
West Covina, California 91790
Contact: Jo-Anne Burns, Planning Manager
JBurns@westcovina.org

Prepared by

Psomas
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August 2023

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1.0 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

The purpose of this Initial Study (IS) is to (1) describe the proposed West Covina Development Code Update Project (hereinafter referred to as the "Project"), which would update two sections of the City's Municipal Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26) and (2) provide an evaluation of potential environmental impacts associated with the Project. The goal of the Project is to create a new, streamlined development code that establishes clear and concise regulations for property owners, architects, and developers. This IS has been prepared pursuant to the California Environmental Quality Act (CEQA), as amended (Section 21000 et. seq. of the *Public Resources Code*) and in accordance with the State CEQA Guidelines (Section 15000 et. seq. of the *California Code of Regulations*).

Pursuant to Section 15367 of the State CEQA Guidelines, the City of West Covina (hereinafter referred to as the "City") is the lead agency for the Project. The lead agency is the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment. The City of West Covina, as the lead agency, has the authority for Project approval and certification of the accompanying environmental documentation.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

In accordance with CEQA and the State CEQA Guidelines, an Initial Study (IS) has been prepared for the Project and its associated discretionary approvals. The IS indicates that the project has less than significant environmental impacts, and therefore, the Project requires preparation of an Initial Study/ Negative Declaration (IS/ND).

This IS/ND serves as the environmental document that presents the analysis of Project impacts on each of the environmental issue areas in the CEQA Environmental Checklist provided in Section 4.0. This document will serve to inform City decision makers, representatives of affected trustee and responsible agencies, and other interested parties of the potential environmental effects that may occur with approval and implementation of the Project.

1.3 PROJECT SUMMARY

1.3.1 LOCATION

The Project proposes a comprehensive update to sections of the City's Municipal Code, the Subdivision Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26). These sections of the Municipal Code regulate how construction projects are processed and what requirements they must adhere to. These projects can range from small additions onto single-family homes to new shopping centers. As such, the Project is applicable to the City of West Covina as a whole.

1.3.2 LEAD AGENCY

City of West Covina

Planning Division

Attention: Jo-Anne Burns

Planning Manager

1444 West Garvey Avenue South, 2nd Floor, Room 208

West Covina, CA 91790

(626) 939-8422

1.3.3 EXISTING SETTING

City of West Covina

City of West Covina is a suburban city in Los Angeles County, California. The City is in the eastern San Gabriel Valley and 19 miles east of Downtown Los Angeles. The City was incorporated in 1923 and had a population of 105,013 as of July 2022 (US Census 2023).

Surrounding Cities

West Covina is surrounded by several cities and unincorporated communities including the city of Covina to the northeast, the cities of Baldwin Park and Irwindale to the northwest, the city of La Puente and the community of Valinda to the southwest, the city of Industry to the south, the community of Ramona to the east, and the city of Walnut to the southeast.

1.3.4 PROPOSED PROJECT

The Project includes updates to sections of the City's Municipal Code, the Subdivision Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26). These sections of the Municipal Code regulate how construction projects are processed and what requirements they must comply with. These projects can range from small additions onto single-family homes to new shopping centers. The goal of this effort is to create a new, streamlined development code that establishes clear and concise regulations for property owners, architects, and developers.

Some sections of the existing code have not been updated since the last comprehensive update in 1980. The new code will eliminate outdated rules and regulations; provide regulations for new uses; and update the Code for consistency with the City's Housing Element and recent State legislation. It is intended that this code will simplify the zoning process at the City.

1.4 SUMMARY OF FINDINGS

Based on the environmental checklist form prepared for the Project and supporting environmental analysis (Section 4.0), the Project would have no impact or less than significant impacts for all resource topics.

According to the State CEQA Guidelines, it is appropriate to prepare an IS/ND for the Project because the Project would have no potentially significant environmental impacts.

1.5 PROJECT APPROVAL

This IS/ND has been submitted to potentially affected agencies and individuals. The Notice of Intent (NOI) to adopt the IS/ND, as well as the environmental documentation are also available on the City of West Covina's website (https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents) for review. Additionally, the NOI was published in the San Gabriel Valley Tribune.

A 20-day public review period has been established for the IS/ND. The review period has been established in accordance with Section 15073 of the State CEQA Guidelines. During review of the IS/ND, affected public agencies and the interested public should focus on the document's adequacy in identifying and analyzing the potential environmental impacts and the ways in which the potentially significant effects of the Project can be avoided or mitigated. Comments on the IS/ND and the analysis contained herein must be received by the close of the public review period, and should be addressed to:

City of West Covina
Planning Division
Attention: Jo-Anne Burns
Planning Manager
1444 West Garvey Avenue South, 2nd Floor, Room 208
West Covina, CA 91790
JBurns@westcovina.org

Following receipt and evaluation of comments from agencies, organizations, and/or individuals, the City will determine whether any substantial new environmental issues have been raised. If so, further documentation—such as an Environmental Impact Report (EIR) or an expanded IS/ND—may be required. If not, the Project and the environmental documentation would be submitted to the West Covina Planning Commission and City Council for consideration.

1.6 ORGANIZATION OF THE INITIAL STUDY

The IS/ND is organized into sections, as described below.

- **Section 1.0: Introduction.** This section provides an introduction, Project summary, and overview of the conclusions in the IS/ND.
- **Section 2.0: Project Location and Environmental Setting.** This section provides a brief description of the Project location, relevant background information, and a description of the existing conditions (I would say a description of the existing state of the Code).
- **Section 3.0: Project Description.** This section provides a description of the Project, a statement of purpose and need, and necessary discretionary approvals.
- **Section 4.0: Environmental Checklist.** The completed Environmental Checklist Form from the State CEQA Guidelines provides an overview of the potential impacts that may

or may not result from Project implementation. The Environmental Checklist Form also includes "mandatory findings of significance", as required by CEQA.

- **Section 5.0: References.** This section identifies the references used to prepare the IS/ND.

2.0 PROJECT LOCATION AND ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

The Project consists of a comprehensive update to two sections of the City's Municipal Code, the Subdivision Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26). These sections of the Municipal Code regulate how construction projects are processed and what requirements they must adhere to. These projects can range from small additions onto single-family homes to new shopping centers. As such, the Project is applicable to the City of West Covina as a whole.

2.2 EXISTING SITE AND AREA CHARACTERISTICS

2.2.1 EXISTING SITE CONDITIONS

City of West Covina

City of West Covina is a suburban city in Los Angeles County, California. The City is in the eastern San Gabriel Valley and 19 miles east of Downtown Los Angeles. The City was incorporated in 1923 and had a population of 106, 098 at the 2010 census.

Surrounding Cities and Development

West Covina is surrounded by the cities of Covina to the northeast, Baldwin Park and Irwindale to the northwest, La Puente and Valinda to the southwest, Industry to the south, Ramona to the east, and Walnut to the southeast. (Jillian – Maybe here we also add information in terms of levels of density and development within other jurisdictions along the boundaries of the City.)

2.3 PLANNING CONTEXT

2.3.1 GENERAL PLAN

In December 2016, the City Council adopted PlanWC (2035 General Plan) and the Downtown Plan & Code. The City is in the process of updating the Housing Element for the 2021-2029 (6th Cycle) planning period.

2.3.2 ZONING

Zoning Code (West Covina Municipal Code Chapter 26)

The City's current Zoning Code is decades old and has been modified through minor amendments to keep up with new State requirements. In addition, the code is poorly organized. The Project includes a complete overhaul of the current Zoning Code and combining the Subdivision Ordinance to create a consolidated Development Code, which will repeal and replace the existing codes.

Subdivision Ordinance (West Covina Municipal Code Chapter 20)

The City's current Subdivision Ordinance is decades old and has been modified through minor amendments to keep up with new State requirements. The new Development Code shall establish thresholds for when public improvements are required. The Development Code will repeal and replace the existing Subdivision Ordinance.

3.0 PROJECT DESCRIPTION

3.1 WEST COVINA DEVELOPMENT CODE UPDATE

The West Covina Development Code Update (Project) will update two sections of the City's Municipal Code, the Subdivision Code (Title 20) and the Zoning Code (Title 26). These sections of the Municipal Code regulate how construction projects are processed and what requirements they must adhere to. These projects can range from small additions onto single-family homes to new shopping centers. The goal of this effort is to create a new, streamlined development code that establishes clear and concise regulations for property owners, architects, and developers.

Some sections of the existing code have not been updated since the last comprehensive update in 1980. The new code will eliminate outdated rules and regulations, as well as providing regulations for new uses and updating the Code for consistency with the City's Housing Element and recent State legislation. It is intended that this code will simplify the zoning process at the City.

The Project would not 1) substantially modify existing land uses and 2) apply to Downtown Specific Plan area or "Planned Development" districts, and these areas will remain as they are and be incorporated into the Project.

3.1.1 PROJECT COMPONENTS

The Project includes the following updates to the West Covina Development Code:

- Create a flexible Code with modified land uses.
- Eliminate Area Districts and incorporate those development standards into the underlying zone.
- Reassign zones that are not widely used in the code (e.g., Planned Industrial zone [I-P]).
- Increase park dedication requirements from 3.0 acres per 1,000 residents to 3.2 acres per 1,000 residents.
- Reduce the reviewing authority of parcel maps (subdivisions of four parcels or less) from the Planning Commission to the Community Development Director.
- Reduce and simplify the number of planning permits, predominately for administrative processes.
- Increase the public notification requirement from 300-foot radius from a project site to 500-foot radius (1,000-foot radius for wireless facilities).
- Replace newspaper posting requirement for development applications with on-site posting.
- Allow for and add regulations for new types of uses (e.g., craft manufacturing facilities, craft breweries/distilleries) to align with new ABC regulations.
- Reduce required discretionary review for "permanent make-up" uses to permitted "by-right".

- New section for outdoor dining, including parking requirements for outdoor dining areas more than 25 percent of the gross floor area with a requirement for a parking study to determine if the existing parking is adequate.
- Add design requirements for outdoor dining areas.
- Develop design criteria and a review process for drive-through facilities in the City.
- Incorporate the recently adopted Mixed-Use Overlay requirements into the existing commercial zoning regulations.
- Increase parking lot landscape requirements for multi-family residential, commercial and industrial zones from 1 tree per 10 parking spaces and 8% of parking lot to either: a) 1 tree per 6 parking spaces and 8% of the parking lot, OR b) 1 tree per 10 spaces and 12% of parking lot.
- Require the use of recycled water for irrigation purposes, provided there is adequate capacity to serve the site.
- Clarify and provide updated standards for gardens and retaining walls.
- Update the Density Bonus Ordinance for consistency with State Law and define concessions and waivers.
- Eliminate the Large Home and Large Addition processes for single-family residential units.
- Update Large Family Daycare facilities to be permitted by-right, consistent with State Law.
- Update animal keeping provisions.
- Allow for alternative permeable materials on a driveway (e.g., pavers, grasscrete, etc.). Code currently requires only concrete or asphalt.
- Include requirements and administrative process for synthetic turf use in the front yards of single-family residential units.
- Incorporate minimum parking stall and aisle dimensions.
- Simplify parking requirements for full-service restaurants to 1 space per 100 gross square feet rather than current requirements which is 1 space for every 3.5 permanent seats and one for every 40 square feet of assembly area that is not occupied by permanent seats.
- Reduce medical office parking requirement from 1 space per 200 square feet to 1 space per 250 square feet.
- Increase multi-family guest parking requirement from 10% of the required spaces (for apartments) or 1 space per 5 units (condominiums) to spaces per 4 units.
- Allow small electronic reader board signs for institutional uses.
- Subdivision Ordinance revisions included flag lot requirements such as a limitation on the number of residential flag lots and flag lot design standards.

3.3 DISCRETIONARY APPROVALS

This IS/ND is intended to serve as the primary CEQA environmental document for all actions associated with the Project, including all other approvals beyond the City's authority needed to implement the Project. The following discretionary approvals are required for Project approval.

- Approval of Development Code Amendments by the West Covina City Council.

3.3.1 NEGATIVE DECLARATION

In compliance with CEQA, the State CEQA Guidelines, the City of West Covina would adopt the Negative Declaration (ND), prior to approval of the Project. The ND serves as a finding that the Project would not have a significant effect on the environment.

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4.0 ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology and Soils	☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials
☐ Hydrology and Water Quality	☐ Land Use and Planning	☐ Mineral Resources
☐ Noise	☐ Population and Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities and Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

☒ I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to be the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the Project could have a significant effect on the environment, because al potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Project, nothing further is required.

Signature	Date
Printed Name	For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

4.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal

Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings.

The Project would allow for and add regulations for newer types of uses such as craft manufacturing facilities and craft breweries/distilleries. Such uses would be subject to design regulations as well as other provisions of the General Plan and Municipal Code, which would ensure new projects are developed consistent with existing visual character.

The Project would revise the Municipal Code to allow for small electronic reader board signs for institutional uses, which would increase the existence of these signs within the City. However, effects related to night lighting would be minor as any additional electronic signs that would be installed would occur at street frontages where there are generally already existing street lighting, streetlights, and other outdoor lighting.

The Project would add design requirements for outdoor dining areas and would increase parking lot landscape requirements, which would help to improve the aesthetics for these existing outdoor spaces.

Future development projects within the City would be subject to City review, which would ensure that potential aesthetics effects of future projects are evaluated and mitigated for as they are proposed.

Therefore, the Project would result in less than significant impacts related to aesthetics and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to aesthetics; therefore, no mitigation measures are required.

4.2 AGRICULTURE AND FOREST RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development

on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. This allowance for increased height of development would in no way increase the Project's impacts related to agriculture and forest resources.

The City of West Covina is in an urbanized area and no aspect of the Project would convert farmland to a non-agricultural use. Based on review of the data provided on the Important Farmland Finder, prepared by the California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP), there are no lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on or near the Project site (FMMP 2020). The entire City is classified as Urban and Built-Up Land (DOC 2018).

Additionally, according to a review of aerial imagery, no state or national forest land occurs on the Project site or in the surrounding area (NETROnline 2023).

Therefore, the Project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. In addition, the Project site does not contain designated forest land or timberland, as defined in the California Public Resources Code (§§12220[g] and 4526, respectively). Therefore, no impacts to agricultural resources, forest land, or timberland would result from Project implementation, and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to agriculture and forest resources; therefore, no mitigation is required.

4.3 AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard?

c) Expose sensitive receptors to substantial pollutant concentrations?

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. As discussed above, the Project would allow for taller commercial buildings on certain parcels within the City, which would increase construction and operational air quality emissions from those levels that would result without the Project if these sites were to be developed in such a manner. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would

ensure that air quality impacts are fully evaluated for future development projects. Therefore, the Project would not result in any increased air quality emissions, nor would the Project obstruct implementation of an applicable air quality plan.

The Project would allow for and add regulations for newer types of uses such as craft manufacturing facilities and craft breweries/distilleries. Such uses would be subject to design regulations as well as other provisions of the General Plan and Municipal Code, which would ensure these potential new projects are developed consistent with air quality and odor requirements.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For larger projects with the potential for air quality effects, the City would evaluate air quality and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to air quality; therefore, no mitigation measures are required.

4.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased biological effects. The Project would not result in any direct removal of habitat, or effects to areas identified as riparian habitat, wetlands, or sensitive natural communities.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing biological resources, the City would evaluate biological resources and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased biological effects.

The City contains trees and other vegetation as well as waterways which could be used by resident and migratory wildlife. Due to the presence of trees and vegetation in the City, there is the potential for birds protected by the Federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code to nest throughout the City. The MBTA protects common and special status migratory birds and their nests and eggs. Also, multiple sections of California Fish and Game Code provide protection for nesting birds and

raptors. Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically addresses raptors (i.e., birds of prey in the orders Falconiformes and Strigiformes) and makes it unlawful to take, possess, or destroy these birds or their nest or eggs. Section 3513 prohibits the take or possession of migratory non-game birds or any part of such bird, as designated by the MBTA.

The Project would increase parking lot landscape requirements for certain future developments, which would potentially result in an increase in tree coverage and areas to nest for migratory birds in the City.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing biological resources, the City would evaluate biological resources and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this resource and no mitigation is required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased biological effects.

Future projects implemented throughout the City would be subject to the City's tree preservation, protection, and removal procedures within the City's Municipal Code. The Project would not conflict with City regulations in this regard. Impacts would be less than significant and, no mitigation is required.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing biological resources, the City would evaluate biological resources and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The City is located in a highly urbanized region and not within any established Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved type of habitat conservation plan. Therefore, the Project would no impact related to this threshold, and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to biological resources; therefore, no mitigation measures are required.

4.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased cultural effects.

In compliance with State and federal regulations, if human remains are encountered during excavation activities related to future development projects in the City, all work would be required to stop in the vicinity, and the County Coroner shall be notified.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing archaeological resources, the City would evaluate these resources and other effects in accordance with CEQA.

With implementation of existing regulatory requirements, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to human remains.

In compliance with State and federal regulations, if human remains are encountered during excavation activities related to future development projects in the City, all work would be required to stop in the vicinity, and the County Coroner shall be notified.

With implementation of existing regulatory requirements, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to cultural resources; therefore, no mitigation measures are required.

4.6 ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. As discussed above, the Project would allow for taller commercial buildings on certain parcels within the City, which would increase construction and operational energy usage from those levels that would result without the Project if these sites were to be developed in such a manner. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that energy impacts are fully evaluated for future development projects.

The Project would allow for and add regulations for newer types of uses such as craft manufacturing facilities and craft breweries/distilleries. Such uses would be subject to design regulations as well as other provisions of the California Building Code, City General Plan, and City Municipal Code, which would ensure new projects are developed consistent with applicable energy efficiency requirements.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects with large or unique construction operations or for projects where large quantities of energy would be used during operations, the City would evaluate energy usage and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to energy; therefore, no mitigation measures are required.

4.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☒
ii) Strong seismic groundshaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

No Impact. According to the California Department of Conservation, none of the City is within or near a known earthquake fault (DOC 2023a). The Sierra Madre Fault Zone and the Elsinore Fault Zone are north and south of the City, but neither occur within or immediately adjacent to the City. Therefore, the Project would result in no impacts related to this threshold and no mitigation is required.

ii) Strong seismic groundshaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or c0ollapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased geological effects as future buildings would be designed and constructed in accordance with standard building industry requirements.

Future projects in the City would be subject to their own future discretionary review processes, as applicable, and would be required to comply with CEQA, which would ensure that geotechnical effects of future projects are evaluated and mitigated for as they are proposed. As part of the City's review of future development, geotechnical investigations will be required for projects to evaluate geotechnical hazards and design solutions.

Also, all future development in the City would be required to comply with the California Building Code (CBC) (DGS 2022). The CBC contains minimum standards regulating the design and construction of excavations, foundations, retaining walls, and other building elements to control the effects of seismic ground shaking and adverse soil conditions. The CBC also includes provisions for earthquake safety based on factors such as occupancy type, the types of soil and rock on-site, and the strength of ground motion that may occur at the Project site.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects to paleontological resources.

The Project would not increase the amount or depth of excavations that could occur within the City.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing paleontological resources, the City would evaluate these resources and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to geology and paleontology; therefore, no mitigation measures are required.

4.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would increase construction and operational greenhouse gas emissions from those levels that would result without the Project if these sites were to be developed in such a manner. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that impacts related to greenhouse gas emissions are fully evaluated for future development projects.

Therefore, the Project would not result in any increased greenhouse gas emissions nor would the Project conflict with any applicable greenhouse gas-related plans, policies, or regulations. The Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to greenhouse gas emissions; therefore, no mitigation measures are required.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to hazardous waste and materials. Therefore, the Project has no potential to result in direct impacts related to hazardous materials.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing hazardous waste or materials, the City would evaluate these resources and other effects in accordance with CEQA. This would include evaluations such as preparation of Phase I Environmental Site Assessments and/or other evaluations consistent with State and Federal regulations. Similarly, future projects in the City would be required to comply with best practices for the testing and abatement of hazardous waste.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Project site is not located within two miles of an airport and is not within an airport land use plan (LA County Planning 2023a). Therefore, the Project would have no impact related to this threshold and no mitigation is required.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal

Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to adopted emergency response and evacuation plans. Therefore, the Project has no potential to result in direct impacts related to emergency response plans or emergency evacuation.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that could potentially significantly interfere with evacuation or emergency response, the City would evaluate these resources and other effects in accordance with CEQA.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact. Most of the City is developed and not highly prone to wildland fires. However, areas in the southern and southeastern portions of the City contain more vegetation and are classified as being located within a Very High Fire Hazard Severity Zone (Los Angeles County Fire Department. 2023a). This includes areas to the south including near Big League Dreams West Covina and Galster Wilderness Park, and areas to the southwest of the City including around South Hills Country Club.

The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased wildfire effects.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that could significantly be at-risk of wildfire, the City would evaluate these resources and other effects in accordance with CEQA.

Also, all future development would be required to comply with the latest California Fire Code as well as the CBC, which contain regulations for safeguarding life and property from fire (DGS 2022).

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to hazards and hazardous materials; therefore, no mitigation measures are required.

4.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would

ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to water quality.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate hydrology and water quality as well as other project effects in accordance with CEQA.

Further, future development within the City would be required to comply with local, state, and federal laws relating to construction and operational stormwater design.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to the implementation of a sustainable groundwater management plan.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate groundwater as well as other project effects in accordance with CEQA.

Also, future projects in the City would be required to comply with local, state, and federal laws relating to construction and operational stormwater design.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) result in substantial erosion or siltation on- or off-site;

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv) impede or redirect flood flows?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to hydrology or water quality.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate hydrology and water quality as well as other project effects in accordance with CEQA.

Further, future development within the City would be required to comply with local, state, and federal laws relating to construction and operational stormwater design.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less Than Significant Impact. The City is over 28 miles from the nearest ocean; therefore, there is no risk of a tsunami affecting future development within the City. The City is not near a standing body of water; therefore, a seiche event could not affect future development within the City. However, most of the City is within the inundation area for the Puddingstone Dam if it were

to breach (DWR 2023a). Also, portions of the City are at-risk of flooding related to Walnut Creek Channel (FEMA 2023a).

The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to flooding or risk of release of pollutants. Therefore, the Project has no potential to result in direct impacts related to water quality from a flooding or inundation-related event.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate hydrology and water quality as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to water quality. Therefore, the Project has no potential to result in direct impacts related to water quality.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate hydrology and water quality as well as other project effects in accordance with CEQA.

Further, future development within the City would be required to comply with local, state, and federal laws relating to construction and operational stormwater design.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to hydrology and water quality; therefore, no mitigation measures are required.

4.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☒	☐
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Physically divide an established community?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to the division of an established community. Therefore, the Project has no potential to divide any established communities.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to adequate access. For projects that would substantially alter transportation access, the City would evaluate transportation as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not

allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to conflicts with existing plans or policies. As such, the Project has no features which would conflict with a land use plan, policy, or regulation. Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to land use and planning; therefore, no mitigation measures are required.

4.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The City does not contain any Mineral Resource Zones (MRZs) as designated by the California Geological Survey (CGS) (City of West Covina 2016b). Also, there are no major areas within the City of West Covina containing known mineral resources appropriate for mineral extraction. Thus, there would be no loss of availability of known mineral resources or of locally important mineral resource recovery sites.

According to information available on the DOC's Well Finder web mapping application, there are no active oil or gas wells located within the City (DOC 2023b).

Therefore, the Project would result in no impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to mineral resources; therefore, no mitigation is required.

4.13 NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project would allow for taller commercial buildings on certain parcels within the City, which would potentially increase construction and operational noise from the noise levels that would result without the Project if these sites were to be developed in such a manner. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that noise and vibration impacts are fully evaluated for future development projects.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including the City's noise ordinance. The City would evaluate noise and vibration as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project site is not located within two miles of an airport and is not within an airport land use plan (LA County Planning 2023a). Therefore, the Project would not result in exposure of people residing or working in the Project area to excessive noise levels from either airport or airstrip-related activities, and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to noise and vibration; therefore, no mitigation measures are required.

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4.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project would allow for taller commercial buildings on certain parcels within the City, which would increase the potential for indirect population growth related to the greater intensity of commercial uses that could potentially be developed when compared to potential development that could occur without the Project. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that population growth and housing-related impacts are fully evaluated for future development projects.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For any projects that would potentially re-zone properties or would otherwise add substantial unplanned growth within the City, the City would evaluate population and housing as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to replacement housing. The Project would result in no impact related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to population and housing; therefore, no mitigation measures are required.

4.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

ii) Police protection?

iii) Schools?

vi) Parks?

vi) Other public facilities?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25

feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to public services. For projects that would result in substantial demands upon public service providers, the City would evaluate this topic as well as other project effects in accordance with CEQA. As the Project would allow for taller commercial buildings on certain parcels within the City, there could be additional demand on public service providers than could occur without the Project. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that public service impacts are fully evaluated for future development projects. Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to public services; therefore, no mitigation measures are required.

4.16 RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased recreational effects. Therefore, the Project has no potential to result in increased demand for existing parks or recreational facilities. Also, the Project does not include any recreational facilities.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to recreation. For projects that would result in substantial demand for recreational facilities and services, the City would evaluate this topic as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to recreation; therefore, no mitigation measures are required.

4.17 TRANSPORTATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?

d) Result in inadequate emergency access?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. The Project's allowance for taller commercial buildings on certain parcels within the City could potentially result in greater transportation demand from these parcels when compared to what could occur without the Project. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential effects pursuant to CEQA prior to approval, which would ensure that transportation effects for future development projects.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to adequate access. For projects that

would substantially alter transportation access, the City would evaluate transportation as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to transportation; therefore, no mitigation measures are required.

4.18 TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☐	☒	☐
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less Than Significant Impact. In May 2023, the City sent letters to seven tribal contacts. The City only heard back from the Gabrieleno Band of Mission Indians - Kizh Nation whose staff inquired about the Project and asked that they be notified of future project ground-disturbance activities. None of the other tribes responded to the AB 52 notification.

The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to tribal cultural resources.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to cultural resources. For projects that would involve ground disturbance in previously undisturbed soils, the City would evaluate cultural and tribal cultural resources as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to tribal cultural resources; therefore, no mitigation measures are required.

4.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple years?

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. Therefore, the Project has no potential to result in increased demand for fire, police, schools, parks, or libraries.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to utilities and service systems. For future projects that would result in substantial demands upon utilities and service systems, the City would evaluate this as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to utilities and service systems; therefore, no mitigation measures are required.

4.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Impact Analysis

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less Than Significant Impact. Most of the City is developed and not highly prone to wildland fires. However, areas in the southern and southeastern portions of the City contain more vegetation and are classified as being located within a Very High Fire Hazard Severity Zone (Los Angeles County Fire Department. 2023). This includes areas to the south including near Big League Dreams West Covina and Galster Wilderness Park, and areas to the southwest of the City including around South Hills Country Club.

The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings.

Each substantial future development would be subject to its own future discretionary review process, as applicable, and would be required to comply with CEQA, which would ensure that potential wildfire-related effects of future projects are evaluated and mitigated for as they are proposed.

Also, all future development would be required to comply with the latest California Fire Code as well as the CBC, which contain regulations for safeguarding life and property from fire (DGS 2022).

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to wildfire; therefore, no mitigation measures are required.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ('Cumulatively considerable' means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact Analysis:

Would the Project:

a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. The Project would result in less than significant impacts related to biological resources and no mitigation is required, as discussed in more detail in Section 4.4. Therefore, the Project would have a less than significant impact related to this threshold.

b) Have impacts that are individually limited, but cumulatively considerable? ('Cumulatively considerable' means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium

Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. Therefore, the Project has no potential to contribute to any cumulative impacts. The Project would have a less than significant impact related to this threshold.

c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. The Project would result in less than significant impacts with no mitigation required for all resource topics. Therefore, the Project would have a less than significant impact related to this threshold.

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EXHIBIT B

FINAL INITIAL STUDY AND NEGATIVE DECLARATION

Final Initial Study and Negative Declaration

West Covina Development Code Update

City of West Covina
Planning Division
1444 West Garvey Avenue South, 2nd Floor, Room 208
West Covina, California 91790
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September 2023

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SECTION 1.0
EXECUTIVE SUMMARY

Pursuant to the California Environmental Quality Act (CEQA), the potential environmental effects of the proposed West Covina Development Code Update Project (Project) have been analyzed in an Initial Study/Negative Declaration (IS/ND) dated August 2023. The IS/ND was subject to a 20-day public review period which began on August 28, 2023, and ended on September 17, 2023. The City distributed a Notice of Intent (NOI) to adopt a Negative Declaration (ND) along with the Initial Study (IS).

Three comments were received during the public review period from the following entities.

- Matthew Godman, representing BLVD Real Estate;
- John Taniguchi; and
- Los Angeles County Metropolitan Transportation Authority (Metro).

These letters are provided in Section 2.0 below. None of the comments raised any issues related to the adequacy of the environmental analysis contained within the Draft IS/ND.

CEQA Guidelines Section 15074(b) states that prior to approving a project, the lead agency must consider the proposed IS/ND together with any comments received during the public review process. Based on the evaluation in the IS/ND and the comments received, the City has determined that all potential impacts associated with the Project would be less than significant and that no mitigation is required.

SECTION 2.0
COMMENTS ON THE DRAFT IS/ND

Comment Letter 1:

From: matthew@blvdreic.com
Sent: Friday, September 8, 2023 10:23 AM
To: Development Code
Cc: Jo-Anne Burns; 'Nick D'Argenzio'; 'Tom Chichester'; 'Greysen Holmes'
Subject: West Covina Land Development - Mixed Use Zoning Suggestion
Attachments: West Covina Land Development _OM.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

We would like to reach out with some major concerns and items we would like to have reviewed, attached is the site we are advising on. We are currently representing a development site near the BKK Landfill and Target/Home Depot Shopping Center. As we have a few meetings scheduled and are working through the possibilities of the site. The site is zoned in the Mixed Use overlay, but the drive-thru retail restrictions that have been discussed for 500 ft from other drive-thru's and CC&R restrictions for any non-commercial development is an issue that will keep the site undeveloped. With a few minor solutions we are suggesting:

- If a drive thru is within 500 ft of another drive thru it will be prohibited except if the drive thru is on 1 AC of land, or more, and not near a major Fwy described as I-10 Fwy, then no restrictions will be implemented but a traffic study report must be provided and approved by Planning and could adjust the number of approved drive thru's
- If a site is larger than 2AC and deemed Mixed Use with a portion slated for very low income or low income housing or senior housing, densities for the remaining site density can be as much as 50 units per AC
- Any site deemed mixed-use with residential and commercial will have no drive-thru restrictions if residential has low income or very low income housing or senior housing being built or exists on the site

This will benefit the City of West Covina with the following:

- Implement traffic study review and approval check
- Restrict drive-thu's from being in saturated drive-thru areas
- Allow mixed use sites flexibility and feasibility to generate sales income but not over saturate site with drive-thru's
- Provide low income, very low income or senior housing which is much needed to provide State requirement and growing baby boomer population into senior housing
- Sales tax revenue will still be received by the City for the Highest and Best Use of retail/commercial development due to volume of sales compared to big box, sit down restaurants and other type retail strip centers

Matthew Godman
Director
CA 02080586
FL SL3372733
BLVD Real Estate

matthew@blvdreic.com
(562) 267-1118
130 Pine Ave ste 203
Long Beach, CA 90802
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4 ACRE COMMERCIAL / RESIDENTIAL / MIXED-USE DEVELOPMENT SITE
SOUTHERN CALIFORNIA - WEST COVINA (LOS ANGELES COUNTY), CA

BLVD Real Estate Investment Co.



WEST COVINA DEVELOPMENT SITE

S Azusa Avenue and Manila Way, West Covina 91792

EXCLUSIVE LISTING AGENTS:

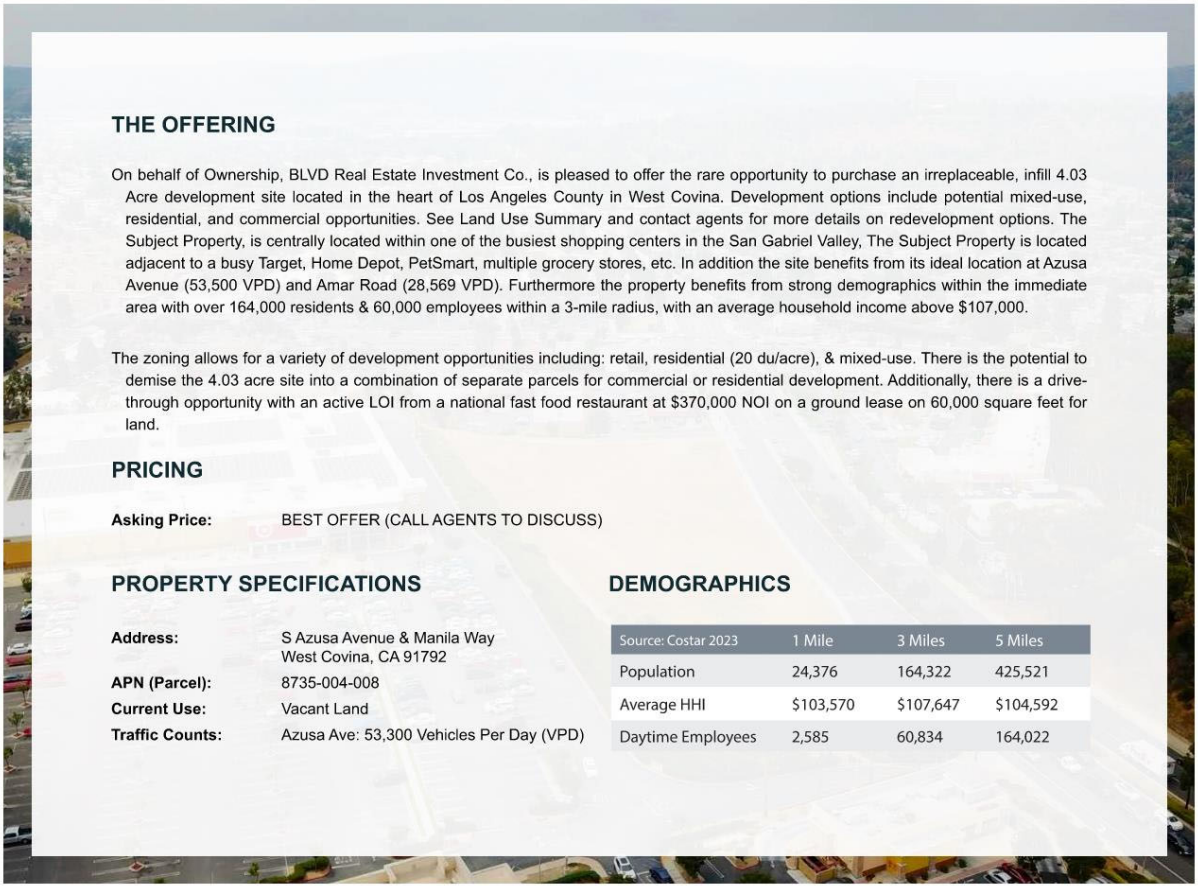
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nick@BLVDreic.com	tom@BLVDreic.com	matthew@blvdreic.com	greysen@blvdreic.com
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License No 01434304	R.E. License No 01915137	R.E. License No 02080586	License No 02103460

BLVD Real Estate Investment Co.

130 Pine Avenue, Suite 203
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www.BLVDreic.com

The information contained herein has been carefully compiled from sources we consider reliable, and while not guaranteed as to completeness or accuracy, we believe it to be correct as of this date. The proforma revenues and expenses set forth in this brochure do not constitute a representation, warranty, or guaranty of any of the numbers set forth herein or of any economic value attributable to the property or income that may be derived therefrom. Independent estimates and proforma revenues and expenses should be developed before any decision is made on where to invest in the property.

INVESTMENT SUMMARY



THE OFFERING

On behalf of Ownership, BLVD Real Estate Investment Co., is pleased to offer the rare opportunity to purchase an irreplaceable, infill 4.03 Acre development site located in the heart of Los Angeles County in West Covina. Development options include potential mixed-use, residential, and commercial opportunities. See Land Use Summary and contact agents for more details on redevelopment options. The Subject Property, is centrally located within one of the busiest shopping centers in the San Gabriel Valley, The Subject Property is located adjacent to a busy Target, Home Depot, PetSmart, multiple grocery stores, etc. In addition the site benefits from its ideal location at Azusa Avenue (53,500 VPD) and Amar Road (28,569 VPD). Furthermore the property benefits from strong demographics within the immediate area with over 164,000 residents & 60,000 employees within a 3-mile radius, with an average household income above $107,000.

The zoning allows for a variety of development opportunities including: retail, residential (20 du/acre), & mixed-use. There is the potential to demise the 4.03 acre site into a combination of separate parcels for commercial or residential development. Additionally, there is a drive-through opportunity with an active LOI from a national fast food restaurant at $370,000 NOI on a ground lease on 60,000 square feet for land.

PRICING

Asking Price: BEST OFFER (CALL AGENTS TO DISCUSS)

PROPERTY SPECIFICATIONS

Address: S Azusa Avenue & Manila Way
West Covina, CA 91792

APN (Parcel): 8735-004-008

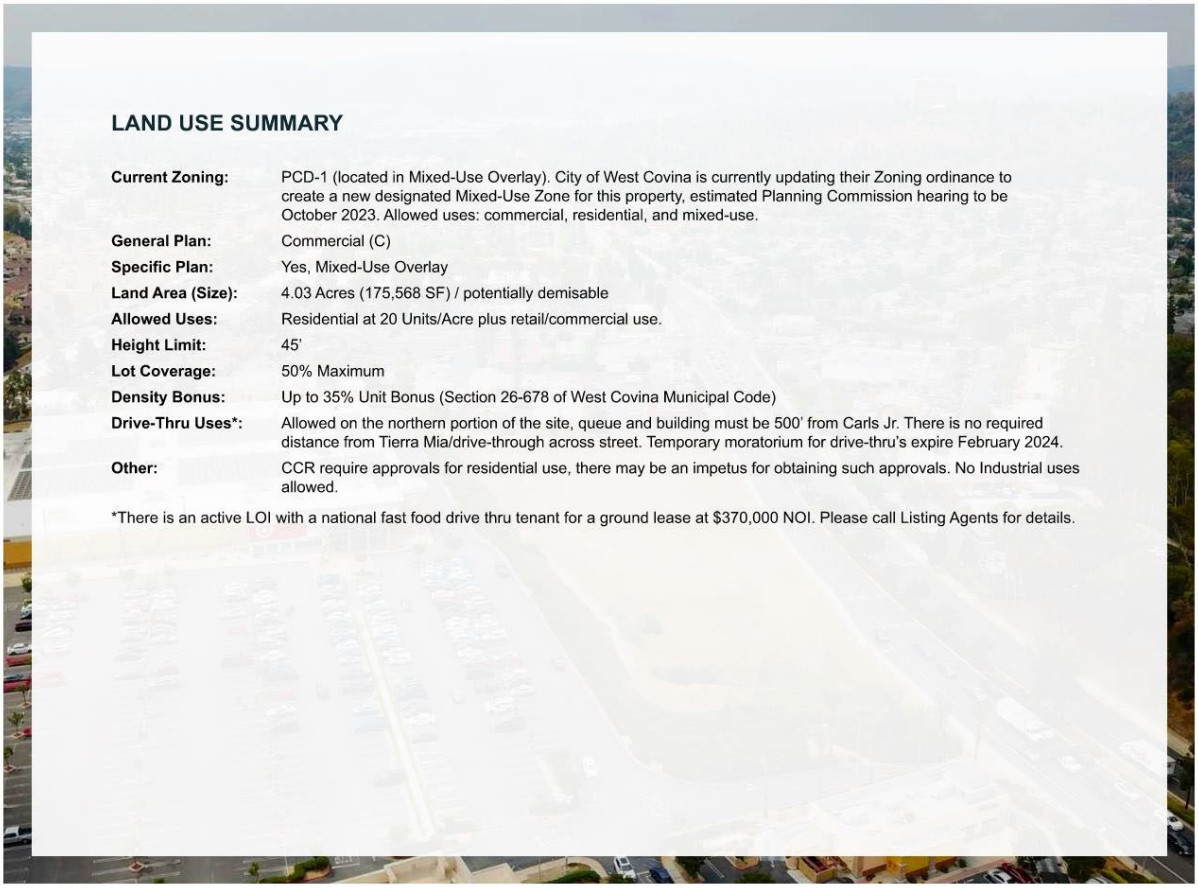
Current Use: Vacant Land

Traffic Counts: Azusa Ave: 53,300 Vehicles Per Day (VPD)

DEMOGRAPHICS

Source: Costar 2023	1 Mile	3 Miles	5 Miles
Population	24,376	164,322	425,521
Average HHI	$103,570	$107,647	$104,592
Daytime Employees	2,585	60,834	164,022

PROJECT OVERVIEW



LAND USE SUMMARY

Current Zoning:	PCD-1 (located in Mixed-Use Overlay). City of West Covina is currently updating their Zoning ordinance to create a new designated Mixed-Use Zone for this property, estimated Planning Commission hearing to be October 2023. Allowed uses: commercial, residential, and mixed-use.
General Plan:	Commercial (C)
Specific Plan:	Yes, Mixed-Use Overlay
Land Area (Size):	4.03 Acres (175,568 SF) / potentially demisable
Allowed Uses:	Residential at 20 Units/Acre plus retail/commercial use.
Height Limit:	45'
Lot Coverage:	50% Maximum
Density Bonus:	Up to 35% Unit Bonus (Section 26-678 of West Covina Municipal Code)
Drive-Thru Uses*:	Allowed on the northern portion of the site, queue and building must be 500' from Carls Jr. There is no required distance from Tierra Mia/drive-through across street. Temporary moratorium for drive-thru's expire February 2024.
Other:	CCR require approvals for residential use, there may be an impetus for obtaining such approvals. No Industrial uses allowed.

*There is an active LOI with a national fast food drive thru tenant for a ground lease at $370,000 NOI. Please call Listing Agents for details.

AERIAL | FACING SOUTH



AERIAL - FACING NORTH



SALE COMPARABLES

LAND SALES

Address	Sale Date	City	Lot (AC)	Price/AC	Lot (SF)	Price/SF	Sale Price	Proposed Use	Distance from Site
9637 Valley Blvd	6/2023	Rosemead	2.06	$3,956,311	89,734	$90.82	$8,150,000	Commercial	12 miles
21332 E Arrow Hwy	2/2023	Covina	0.70	$3,782,143	30,492	$86.83	$2,647,500	Multi Family	9 miles
11850 E Whittier Blvd	6/2021	Whittier	6.44	$3,815,217	280,526	$87.59	$24,570,000	Commercial	11 miles
1700 Business Center Dr	8/2020	Duarte	4.34	$5,399,654	189,050	$123.96	$23,434,500	Residential	10 miles
4371 E Live Oak Ave	7/2020	Arcadia	3.58	$5,055,866	155,945	$116.07	$18,100,000	Commercial	12 miles
17 Las Tunas Dr	6/2019	Arcadia	5.00	$7,320,000	217,800	$168.04	$36,600,000	Residential	13 miles
Average				**$5,074,576**		**$116.50**			

FAST FOOD SALES

Address	Sale Date	City	Tenant	GLA (SF)	Price/SF	Cap Rate	Sale Price
1300 E Valley Blvd	10/5/2022	Alhambra	Raising Cane's	2,710	$3,050.43	3.75%	$8,266,667
20707 Avalon Blvd	8/26/2022	Carson	Raising Cane's	2,950	$2,876.27	4.12%	$8,485,000
1542 S Azusa Ave	8/18/2022	City of Industry	Raising Cane's	3,030	$2,772.28	4.17%	$8,400,000
8900 Imperial Hwy	5/19/2022	Downey	Chick Fil A	4,061	$1,779.12	3.60%	$7,225,000
20501 Avalon Blvd	2/15/2022	Carson	Chick Fil A	4,962	$1,995.16	3.54%	$9,900,000
13602 Francisquito Ave	12/3/2021	Baldwin Park	Raising Cane's	4,068	$1,161.50	3.60%	$4,725,000
Average					**$2,272.46**	**3.80%**	**$7,833,611**

AREA OVERVIEW

WEST COVINA / EASTERN SAN GABRIEL VALLEY - SUMMARY

Eastern San Gabriel Valley (Eastern SGV) is a suburban submarket on the eastern edge of the county. Demand for retail space primarily depends on local residents, as there are few tourist attractions and office nodes relative to the rest of Los Angeles. The submarket is among the most ethnically diverse in the nation, and most residents in the area are of either Asian or Latino descent. Household income levels vary among the communities in the Eastern SGV, but are generally higher near the foothills to the north.

The vacancy rate has been steady over the past 12 months, after rising through most of 2020 and the first half of 2021. Demand has been strongest for neighborhood centers, whereas vacancies are growing at malls. Retail rents have followed suit, growing by 1.5% during the past 12 months and 4.5% during the previous 12 months.

Apart from a handful of transport-oriented developments, limited housing construction has led to slow population growth in much of the Eastern SGV. As a result, there has been a limited need for new retail stores. Net deliveries total -380,000 SF over the past five years, reflecting the amount of retail space that has been removed over the period.

Shopping centers anchored by grocery stores, fitness centers, and auto dealerships often comprise the largest sales in the submarket and recent activity has held steady despite rising interest rates.

VACANCY

A collection of suburban cities and neighborhoods east of I-605 and north of Orange County comprise the Eastern San Gabriel Valley (Eastern SGV). Three freeways heading west connect the submarket to downtown L.A, with work-hour commute times in the 60-to-90-minute range. A handful of transport-oriented housing developments have opened over the past ten years near rail and bus stops. Otherwise, limited housing development and slow population growth reduce the need for substantial growth in the local retail market.

The vacancy rate has fallen to 5.1% from 5.5% two years ago. Most leasing activity involves spaces measuring less than 1,200 SF. Restaurants and other food service places have been active in recent years. For example, Café Bakery signed a 10-year lease in February 2023 for 2,700 SF space in Hacienda Heights adjacent to 99 Ranch Market. Leases for spaces over 20,000 SF are less common, such as when Total Wine & More leased 30,000 SF at the San Dimas Marketplace in November 2021.

Limited supply risk could serve the submarket well, as a mild recession is projected by Oxford Economics starting in 2023Q4. The vacancy rate rises by about half a percentage point over the next five years in CoStar's Base Case scenario.

AREA OVERVIEW, CONTINUED

RENT

Rents in the Eastern San Gabriel Valley Submarket are slightly below the L.A. metro average. The submarket comprises many low-income neighborhoods, but also contains a large supply of big-box space relative to many other areas in the metro.

Retailers in the submarket that lease single-tenant structures greater than 150,000 SF include Ikea, Target, JCPenney, Costco, Walmart, and Lowe's. Rents grew by 1.5% during the past 12 months after a prolonged period of limited growth. Rents have increased by 2.7% annually during the past five years, making the submarket a relative outperformer among L.A. submarkets.

SALES

Transaction activity has moderated in 2023 in the Eastern San Gabriel Valley Submarket. Sales volume totals $164 million year-to-date, compared to $493 million in all of 2022. The submarket offers a variety of opportunities for investors across the risk spectrum.

Among the largest trades recently is four buildings in the South Hills Plaza that were acquired by Property Ventures of Marin, Inc. for $35.9 million ($285/SF) in April 2023. The buildings comprise of 126,200 SF and were fully leased, trading at a 6.15% cap rate.

In March, INI Investment Group acquired 133,750-SF in Plaza West Covina previously occupied by Sears along with a 11,720-SF building for $12.25 million ($84/SF). The Sears building provides a redevelopment opportunity in the outsized shopping mall that already has a large fitness tenant.

Triple net leased properties also continue to command strong pricing. In June 2023, Ehrlich Investment Trust acquired a 14,400-SF building occupied by Walgreens in Glendora for $7.04 million ($490/SF). The triple-net leased property traded at a 5.3% cap rate and is leased through April 2038.

Average modeled pricing and cap rates, at $320/SF and 5.6%, respectively, represent a discount to the Greater L.A. retail market.



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Comment Letter 2:

From: John Taniguchi <johnkat1@verizon.net>
Sent: Thursday, September 7, 2023 4:18 PM
To: Development Code <DevelopmentCode@westcovina.org>
Subject: R-1 Zones

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I do not understand the many different R-1 zones such as R-1,6000 and R-1,7500. Have these different zones been defined or will they be defined later? The map included only includes one zone, R-1.

Thanks,

John Taniguchi

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Comment Letter 3:

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

Metro

September 18, 2023

Ms. Jo-Anne Burns
City of West Covina
1444 West Garvey Avenue South, 2nd Floor, Room 208
West Covina, CA 91790

Sent by Email: jburns@westcovina.org

RE: West Covina Development Code Update
Notice to Adopt a Negative Declaration

Dear Ms. Burns:

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the West Covina Development Code Update (Project) located in the City of West Covina (City). Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Per Metro's area of statutory responsibility pursuant to sections 15082(b) and 15086(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA: Cal. Code of Regulations, Title 14, Ch. 3), the purpose of this letter is to provide the City with specific detail on the scope and content of environmental information that should be included in the Negative Declaration (ND) for the Project. In particular, this letter outlines topics regarding the Project's potential impacts on the Metro-owned right-of-way (ROW) operated and maintained by the Southern California Regional Rail Authority (SCRRA), which should be analyzed in the ND. Effects of a project on transit systems and infrastructure are within the scope of transportation impacts to be evaluated under CEQA.[1]

In addition to the specific comments outlined below, Metro is providing the City and Applicant with the Metro Adjacent Development Handbook (attached), which provides an

[1] See CEQA Guidelines section 15064.3(a); Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts In CEQA, December 2018, p. 19.

overview of common concerns for development adjacent to Metro right-of-way (ROW) and transit facilities, available at https://www.metro.net/devreview.

Project Description

The Project includes an update to two sections of the City's Municipal Code, the Subdivision Code and the Zoning Code into one Development Code. These sections of the Municipal Code regulate how construction projects are processed and what requirements they must comply with.

Recommendations for Project and ND Scope and Content

Adjacency to Metro-owned Right-of-Way (ROW) and Facilities
The City's boundaries include Metro-owned ROW operated and maintained by the Southern California Regional Rail Authority (SCRRA). The Metrolink San Bernardino Line is adjacent the northern boundary of the City. Metrolink trains may operate 24 hours a day, seven days a week, in the ROW adjacent to the Project.

The Project should analyze potential impacts on Metro and Metrolink facilities within the Project area and identify mitigation measures or project design features as appropriate. Metro recommends reviewing the Metro Adjacent Development Handbook (available at https://www.metro.net/devreview) to identify issues and best practices for development standards arising from adjacency to Metro infrastructure.

In addition, Metro recommends that the Project include a policy or code provision encouraging applicants to coordinate with Metro and SCRRA during City Planning and Building review if the subject parcel is within a 100-foot buffer of Metro infrastructure. Such projects should also comply with the Metro Adjacent Development Handbook.

Advisories to Applicants for Adjacent Development

Applicants are encouraged to contact Metro Development Review and SCRRA/Metrolink staff early in the design process to plan for potential impacts. They should also be advised of the following:

a. Occupational Safety and Health Administration (OSHA) Requirements: Construction and/or excavation work in proximity to Metrolink ROW with potential to damage rail tracks and related infrastructure may be subject to additional OSHA safety requirements.

b. Technical Review: Metro and Metrolink charge for staff time spent on engineering review and construction monitoring.

c. ROW Access: The Applicant should contact SCRRA for Right-of Entry requirements. Information can be found at www.metrolinktrains.com. Other requirements may include permits for construction of buildings and any future repairs, painting, graffiti removal, etc., including the use of overhead cranes or

any other equipment that could potentially impact railroad operations and safety. Frequent access for maintenance tasks such as graffiti removal, will necessitate an active license agreement. This agreement will include an annual license fee and other requirements that meet safety standards for access to a ROW with active rail operations.

d. Cost of Impacts: The Applicant will be responsible for costs incurred by Metro and/or SCRRA due to Project construction/operation issues that cause delay or harm to Metrolink service delivery or infrastructure. The Applicant will also bear all costs for any noise mitigation required for the Project.

If you have any questions regarding this letter, please contact me by phone at 213.418.3484, by email at DevReview@metro.net, or by mail at the following address:

Metro Development Review
One Gateway Plaza
MS 99-22-1
Los Angeles, CA 90012-2952

Sincerely,

Cassie Truong
Senior Transportation Planner, Development Review Team
Transit Oriented Communities

cc: Shine Ling, Sr. Manager, Development Review Team

Attachments and links:

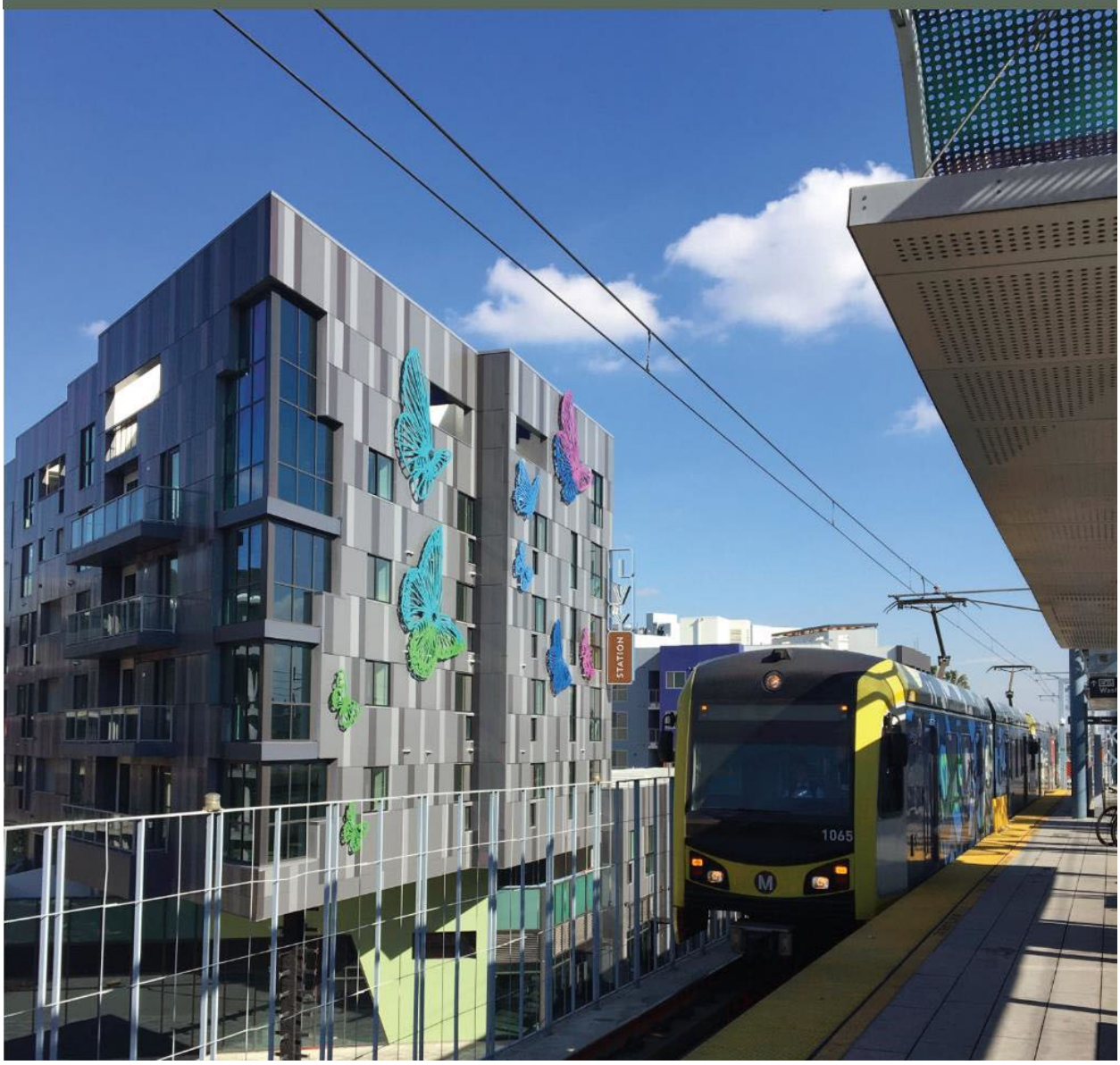
- Adjacent Development Handbook: https://www.metro.net/devreview

Los Angeles County
Metropolitan Transportation Authority

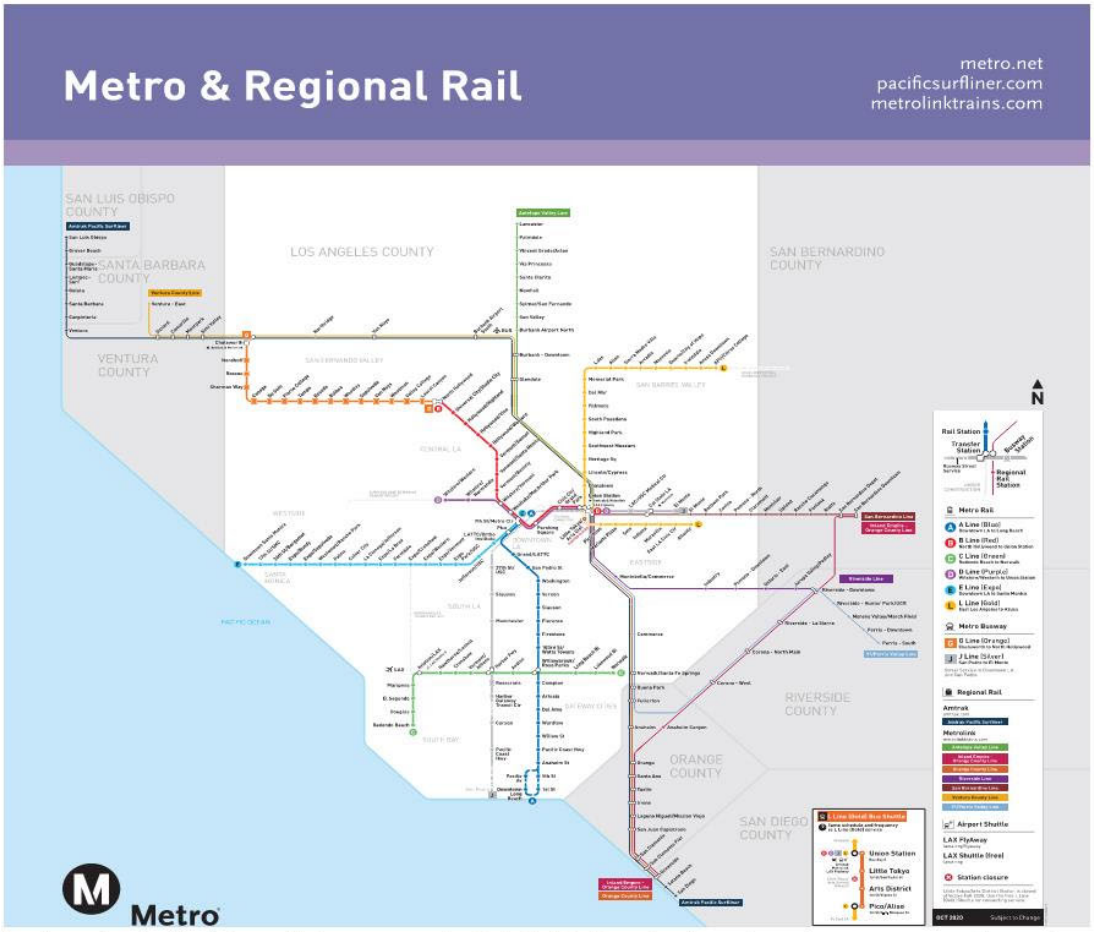
METRO ADJACENT DEVELOPMENT HANDBOOK

A GUIDE FOR CITIES AND DEVELOPERS

February 2021



Metro and Regional Rail Map



Metro is currently undertaking the largest rail infrastructure expansion effort in the United States. A growing transit network presents new opportunities to catalyze land use investment and shape livable communities.

b | Metro Adjacent Development Handbook

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Quick Overview

Purpose of Handbook

The Metro Adjacent Development Handbook (Handbook) is intended to provide information and guide coordination for projects adjacent to, below, or above Metro transit facilities (e.g. right-of-way, stations, bus stops) and services.

Overarching Goal
By providing information and encouraging early coordination, Metro seeks to reduce potential conflicts with transit services and facilities, and identify potential synergies to expand mobility and improve access to transit.

Intended Audience
The Handbook is a resource for multiple stakeholder groups engaged in the development process, including:

- Local jurisdictions who review, entitle, and permit development projects,
- Developers,
- Property owners,
- Architects, engineers, and other technical consultants,
- Builders/contractors,
- Utility companies, and
- other Third Parties.

Handbook Content
The Handbook includes:

- **Introduction** of Metro's Development Review coordination process, common concerns, and typical stages of review.
- **Information** on best practices during three key coordination phases to avoid potential conflicts or create compatibility with the Metro transit system:
  - Planning & Conceptual Design,
  - Engineering & Technical Review, and
  - Construction Safety & Monitoring.
- **Glossary** with definitions for key terms used throughout the Handbook.

RULE OF THUMB: 100 FEET

Metro's Development Review process applies to projects that are within 100 feet of Metro transit facilities.

While the Handbook summarizes key concerns and best practices for adjacency conditions, it does not replace Metro's technical requirements and standards.

Prior to receiving approval for any construction activities adjacent to, above, or below Metro facilities, Third Parties must comply with the Metro Adjacent Construction Design Manual, available on Metro's website.

Contact Us
For questions, contact the Development Review Team:

- Email: devreview@metro.net
- Phone: 213.418.3484
- Online In-take Form: https://jpropublic.metro.net/in-take-form

Additional Information & Resources

- Metro Development & Construction Coordination website: https://www.metro.net/devreview
- Metro GIS/KML ROW Files: https://developer.metro.net/portfolio-item/metro-right-of-way-gis-data
- Metrolink Standards and Procedures: https://www.metrolinktrains.com/about/agency/engineering--construction

Metro will continue to revise the Handbook, as needed, to reflect updates to best practices in safety, operations, and transit-supportive development.

Background

Who is Metro?

The Los Angeles County Metropolitan Transportation Authority (Metro) plans, funds, builds, and operates rail, bus, and other mobility services (e.g. bikeshare, microtransit) throughout Los Angeles County (LA County). On average, Metro moves 1.3 million people each day on buses and trains. With funding from the passage of Measure R (2008) and Measure M (2016), the Metro system is expanding. Over the next 40 years, Metro will build over 60 new stations and over 100 miles of transit right-of-way (ROW). New and expanded transit lines will improve mobility across LA County, connecting riders to more destinations and expanding opportunities for development that supports transit ridership. Metro facilities include:



Metro Rail: Metro operates heavy rail (HRT) and light rail (LRT) transit lines in underground tunnels, along streets, off-street in dedicated ROW, and above street level on elevated structures. Heavy rail trains are powered by a "third rail" along the tracks. Light rail vehicles are powered by overhead catenary systems (OCS). To support rail operations, Metro owns and maintains traction power substations (TPSS), maintenance yards, and other infrastructure.



Metrolink/Regional Rail: Metro owns a majority of the ROW within LA County on which the Southern California Regional Rail Authority (SCRRA) operates Metrolink service. Metrolink is a commuter rail system with seven lines that span 388 miles across five counties, including: Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego. As a SCRRA member agency and property owner, Metro reviews development activity adjacent to Metro-owned ROW on which Metrolink operates, and coordinates with Metrolink on any comments or concerns. Metrolink has its own set of standards and processes, see link on page 1.



Metro Bus Rapid Transit (BRT): Metro operates accelerated bus transit, which acts as a hybrid between rail and traditional bus service. Metro BRT may operate in a dedicated travel lane within a street or freeway, or off-street along dedicated ROW. Metro BRT stations may be located on sidewalks within the public right-of-way, along a median in the center of streets, or off-street on Metro-owned property.



Metro Bus: Metro operates 170 bus lines across more than 1,400 square miles in LA County. The fleet serves over 15,000 bus stops with approximately 2,000 buses. Metro operates "Local" and "Rapid" bus service within the street, typically alongside vehicular traffic, though occasionally in "bus-only" lanes. Metro bus stops are typically located on sidewalks within the public right-of-way, which is owned and maintained by local jurisdictions. Metro's NextGen Bus Plan re-envisions bus service across LA County to make service improvements that better serve riders.

Why is Metro interested in adjacent development?

Metro Supports Transit Oriented Communities: Metro is redefining the role of the transit agency by expanding mobility options, promoting sustainable urban design, and helping transform communities throughout LA County. Metro seeks to partner with local, state, and federal jurisdictions, developers, property owners and other stakeholders across LA County on transit-supportive planning and developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Adjacent Development Leads to Transit Oriented Communities: Metro supports private development adjacent to transit as this presents a mutually beneficial opportunity to enrich the built environment and expand mobility options. By connecting communities, destinations, and amenities through improved access to public transit, adjacent developments have the potential to:

- reduce auto dependency,
- reduce greenhouse gas emissions,
- promote walkable and bikeable communities that accommodate more healthy and active lifestyles,
- improve access to jobs and economic opportunities, and
- create more opportunities for mobility – highly desirable features in an increasingly urbanized environment.

Opportunity: Acknowledging an unprecedented opportunity to influence how the built environment develops along and around transit and its facilities, Metro has created this document. The Handbook helps ensure compatibility between private development and Metro's transit infrastructure to minimize operational, safety, and maintenance issues. It serves as a crucial first step to encourage early and active collaboration with local stakeholders and identify potential partnerships that leverage Metro initiatives and support TOCs across LA County.



Metro Purview & Concerns

Metro Purview for Review & Coordination

Metro is interested in reviewing development, construction, and utility projects within 100 feet of Metro transit facilities, real estate assets, and ROW – as measured from the edge of the ROW outward – both to ensure the structural safety of existing or planned transit infrastructure and to maximize integration opportunities with adjacent development. The Handbook seeks to:

- Improve communication and coordination between developers, jurisdictions, and Metro.
- Identify common concerns associated with developments adjacent to Metro ROW.
- Highlight Metro operational needs and requirements to ensure safe, continuous service.
- Prevent potential impacts to Metro transit service or infrastructure.
- Maintain access to Metro facilities for riders and operational staff.
- Avoid preventable conflicts resulting in increased development costs, construction delays, and safety impacts.
- Streamline the review process to be transparent, clear, and efficient.
- Assist in the creation of overall marketable and desirable developments.

Key Audiences for Handbook

The Handbook is intended to be used by:

- Local jurisdictions who review, entitle, and permit development projects and/or develop policies related to land use, development standards, and mobility,
- Developers, property owners,
- Architects, engineers, design consultants,
- Builders/contractors,
- Entitlement consultants,
- Environmental consultants,
- Utility companies, and
- other Third Parties.

Metro Assets & Common Concerns for Adjacent Development

The table on the facing page outlines common concerns for development projects and/or construction activities adjacent to Metro transit facilities and assets. These concerns are discussed in greater detail in the following chapters of the Handbook.

METRO ASSETS	COMMON ADJACENCY CONCERNS
 **UNDERGROUND ROW** Transit operates below ground in tunnels.	• Excavation near tunnels and infrastructure • Clearance from support structures (e.g. tiebacks, shoring, etc) • Coordination with utilities • Clearance from ventilation shafts, surface penetrations (e.g. emergency exits) • Surcharge loading of adjacent construction • Explosions • Noise and vibration/ground movement • Storm water drainage
 **AERIAL ROW** Transit operates on elevated guideway, typically supported by columns.	• Excavation near columns and support structures • Column foundations • Clearance from OCS • Overhead protection and crane swings • Setbacks from property line for maintenance activities to occur without entering ROW • Coordination with utilities • Noise reduction (e.g. double-paned windows)
 **AT-GRADE ROW** Transit operates in dedicated ROW at street level; in some cases tracks are separated from adjacent property by fence or wall.	• Pedestrian and bicycle movements and safety • Operator site distance/cone of visibility • Clearance from OCS • Crane swings and overhead protection • Trackbed stability • Storm water drainage • Noise/vibration • Driveways near rail crossings • Setbacks from property line for maintenance activities to occur without entering ROW • Utility coordination
 **BUS STOPS** Metro operates bus service on city streets. Bus stops are located on public sidewalks.	• Lane closures and re-routing service during construction • Temporary relocation of bus stops • Impacts to access to bus stops
 **NON-REVENUE/OPERATIONAL** Metro owns and maintains property to support operations (e.g. bus and rail maintenance facilities, transit plazas, traction power substations, park-and-ride parking lots).	• Excavation and clearance from support structures (e.g. tiebacks, shoring, etc) • Ground movement • Drainage • Utility coordination • Access to property

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Metro Coordination Process

Typical Stages of Metro Review and Coordination

Early coordination helps avoid conflicts between construction activities and transit operations and maximizes opportunities to identify synergies between the development project and Metro transit services that are mutually beneficial.



*Phases above may include fees for permits and reimbursement of Metro staff time for review and coordination.

Coordination Goal: Metro encourages developers to consult with the Development Review Team early in the design process to ensure compatibility with transit infrastructure and minimize operational, safety, and maintenance issues with adjacent development. The Development Review team will serve as a case manager to developers and other Third Parties to facilitate the review of plans and construction documents across key Metro departments.

Level of Review: Not all adjacent projects will require significant review and coordination with Metro. The level of review depends on the Project's proximity to Metro, adjacency conditions, and the potential to impact Metro facilities and/or services. For example, development projects that are excavating near Metro ROW or using cranes near transit facilities require a greater level of review and coordination. Where technical review and construction monitoring is needed, Metro charges fees for staff time, as indicated by asterisk in the above diagram.

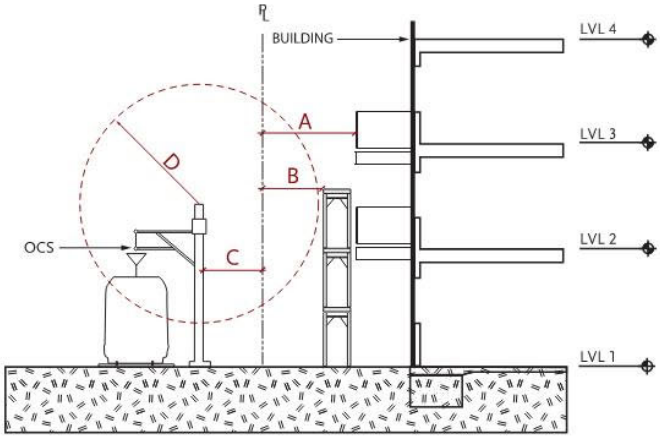
Permit Clearance: Within the City of Los Angeles, Metro reviews and clears Building & Safety permits for projects within 100 feet of Metro ROW, pursuant to Zoning Information 1117. To ensure timely clearance of these permits, Metro encourages early coordination as noted above.

To begin consultation, submit project information via an online In-Take Form, found on Metro's website. Metro staff will review project information and drawings to screen the project for any potential impacts to transit facilities or services, and determine if require further review and coordination is required. The sample sections on the facing page illustrate adjacency condition information that helps Metro complete project screening.

Contact:
Metro Development Review Team
Website: https://www.metro.net/devreview
Online In-take Form: https://jpropublic.metro.net/in-take-form
Email: devreview@metro.net
Phone: 213.418.3484

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Sample Section: Adjacency Conditions



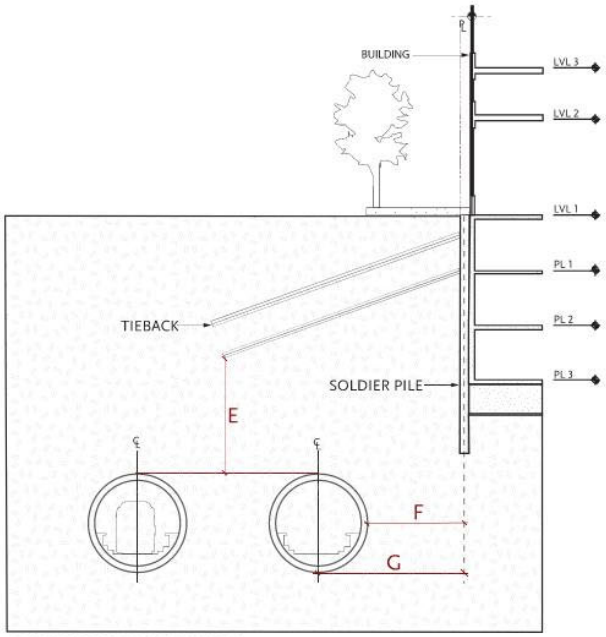
AT-GRADE CONDITION

A. Distance from property line to nearest permanent structure (e.g. building facade, balconies, terraces). Refer to Section 1.3 Building Setback of Handbook.

B. Distance from property line to nearest temporary construction structures (e.g. scaffolding).

C. Distance from property line to nearest Metro facility.

D. Clearance from nearest temporary and/or permanent structure to overhead catenary system (OCS). Refer to Section 1.4, OCS Clearance of Handbook.



BELOW-GRADE CONDITION

E. Vertical distance from top of Metro tunnel to closest temporary and/or permanent structure (e.g. tiebacks, foundation). Refer to Section 2.2, Proximity to Tunnels & Underground Infrastructure of Handbook.

F. Horizontal distance from exterior tunnel wall to nearest structure.

G. Horizontal distance from Metro track centerline to nearest structure.

Best Practices

Best Practices for Developer Coordination

Metro encourages developers of projects adjacent to Metro ROW and/or Real Estate Assets to take the following steps to facilitate Metro project review and approval:

1. **Review Metro resources and policies:** The Metro Development & Construction Coordination website and Handbook provide important information for those interested in constructing on, adjacent, over, or under Metro ROW, non-revenue property, or transit facilities. Developers and other Third Parties should familiarize themselves with these resources and keep in mind common adjacency concerns when planning a project.

2. **Contact Metro early during design process:** Metro welcomes the opportunity to provide feedback early in project design, allowing for detection and resolution of important adjacency issues, identification of urban design and system integration opportunities, and facilitation of permit approval. Metro encourages project submittal through the online In-Take Form to begin consultation.

3. **Maintain communication:** Frequent communication with Metro during project design and construction will reinforce relationships and allow for timely project completion. Contact us at devreview@metro.net or at 213.418.3484.

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Best Practices for Local Jurisdiction Notification

To improve communication between Metro and the development community, Metro suggests that local jurisdictions take the following steps to notify property owners of coordination needs for properties adjacent to Metro ROW by:

- **Updating GIS and parcel data:** Integrate Metro ROW files into the City/County GIS and/or Google Earth Files for key departments (e.g. Planning, Public Works, Building & Safety) to notify staff of Metro adjacency and need for coordination during development approval process.Download Metro's ROW files here.

- **Flag Parcels:** Create an overlay zone as part of local Specific Plan(s) and/or Zoning Ordinance(s) to tag parcels that are within 100 feet Metro ROW and require coordination with Metro early during the development process [e.g. City of Los Angeles Zone Information and Map Access System (ZI-1117)].

- **Provide Resources:** Direct all property owners and developers interested in parcels within 100 feet of Metro ROW to Metro's resources (e.g. website, Handbook).


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1.1 Supporting Transit Oriented Communities

Transit-oriented communities (TOCs) are places that, by their design, make it more convenient to take transit, walk, bike or roll than to drive. By working closely with the development community and local jurisdictions, Metro seeks to ensure safe construction near Metro facilities and improve compatibility with adjacent development to increase transit ridership.

RECOMMENDATION: Consider site planning and building design strategies to that support transit ridership, such as:

- Leveraging planning policies and development incentives to design a more compelling project that capitalizes on transit adjacency and economy of scales.
- Programming a mix of uses to create lively, vibrant places that are active day and night.
- Utilizing Metro policies and programs that support a healthy, sustainable, and welcoming environment around transit service and facilities.
- Prioritizing pedestrian-scaled elements to create spaces that are comfortable, safe, and enjoyable.
- Activating ground floor with retail and outdoor seating/activities to bring life to the public environment.
- Reducing and screening parking to focus on pedestrian activity.
- Incorporating environmental design elements that help reduce crime (e.g. windows and doors that face public spaces, lighting).



The Wilshire/Vermont Metro Joint Development project leveraged existing transit infrastructure to catalyze a dynamic and accessible urban environment. This project accommodates portal access into the Metro Rail system and on-street bus facilities.

1.2 Enhancing Access to Transit

Metro seeks to create a comprehensive, integrated transportation network and supports infrastructure and design that allows safe and convenient access to its multi-modal services. Projects in close proximity to Metro's services and facilities present an opportunity to enhance the public realm and connections to/from these services for transit riders as well as users of the developments.

RECOMMENDATION: Design projects with transit access in mind. Project teams should capitalize on the opportunity to improve the built environment and enhance the public realm for pedestrians, bicyclists, persons with disabilities, seniors, children, and users of green modes. Metro recommends that projects:

- Orient major entrances to transit service, making access and travel safe, intuitive, and convenient.
- Plan for a continuous canopy of shade trees along all public right-of-way frontages to improve pedestrian comfort to transit facilities.
- Add pedestrian lighting along paths to transit facilities and nearby destinations.
- Integrate wayfinding and signage into project design.
- Enhance nearby crosswalks and ramps.
- Ensure new walkways and sidewalks are clear of any obstructions, including utilities, traffic control devices, trees, and furniture.
- Design for seamless, multi-modal pedestrian connections, making access easy, direct, and comfortable.



The City of Santa Monica leveraged investments in rail transit and reconfigured Colorado Avenue to form a multi-modal first/last mile gateway to the waterfront from the Downtown Santa Monica Station. Photo by PWP Landscape Architecture

Site Plan & Conceptual Design

1.3 Building Setback

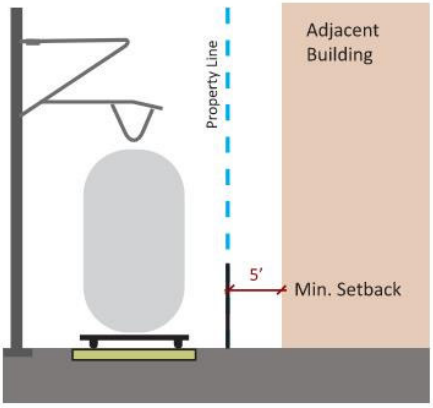
Buildings and structures with a zero lot setback that closely abut Metro ROW can pose concerns to Metro during construction. Encroachment onto Metro property to construct or maintain buildings is strongly discouraged as this presents safety hazards and may disrupt transit service and/or damage Metro infrastructure.

RECOMMENDATION: Include a minimum setback of five (5) feet from the property line to building facade to accommodate the construction and maintenance of structures without the need to encroach upon Metro property. As local jurisdictions also have building setback requirements, new developments should comply with the greater of the two requirements.

Entry into the ROW by parties other than Metro and its affiliated partners requires written approval. Should construction or maintenance of a development necessitate temporary or ongoing access to Metro ROW, a Metro Right of Entry Permit must be requested and obtained from Metro Real Estate for every instance access is required. Permission to enter the ROW is granted solely at Metro's discretion.

Coordination between property owners of fences, walls, and other barriers along property line is recommended. See Section 1.5.

Refer to Section 3.2 – Track Access and Safety for additional information pertaining to ROW access in preparation for construction activities.



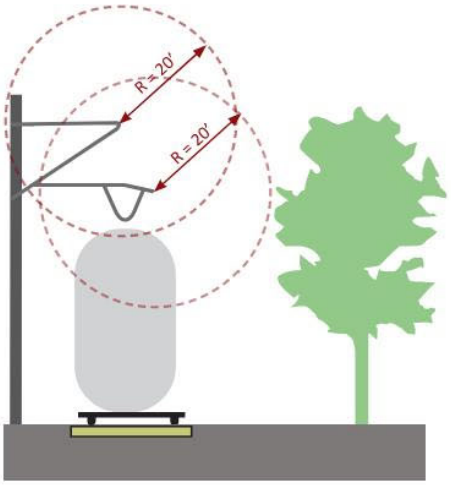
A minimum setback of five (5) feet between an adjacent structure and Metro ROW is strongly encouraged to allow project construction and ongoing maintenance without encroaching on Metro property.

1.4 Overhead Catenary System (OCS) Clearance

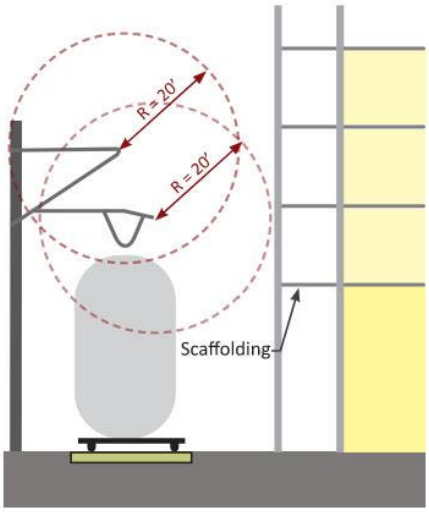
Landscaping and tree canopies can grow into the OCS above light rail lines, creating electrical safety hazards as well as visual and physical impediments for trains. Building appurtenances facing rail ROW, such as balconies, may also pose safety concerns to Metro operations as objects could fall onto the OCS.

RECOMMENDATION: Design project elements facing the ROW to avoid potential conflicts with Metro transit vehicles and infrastructure. Metro recommends that projects:

- Plan for landscape maintenance from private property and prevent growth into Metro ROW. Property owners will not be permitted to access Metro property to maintain private development.
- Design buildings such that balconies do not provide building users direct access to Metro ROW.
- Maintain building appurtenances and landscaping at a minimum distance of ten (10) feet from the OCS and support structures. If Transmission Power (TP) feeder cable is present, twenty (20) feet from the OCS and support structures is required. Different standards will apply for Metro Trolley Wires, Feeder Cables (wires) and Span Wires.



Adjacent structures and landscaping should be sited and maintained to avoid conflicts with the rail OCS.



Scaffolding and construction equipment should be staged to avoid conflicts with the rail OCS.

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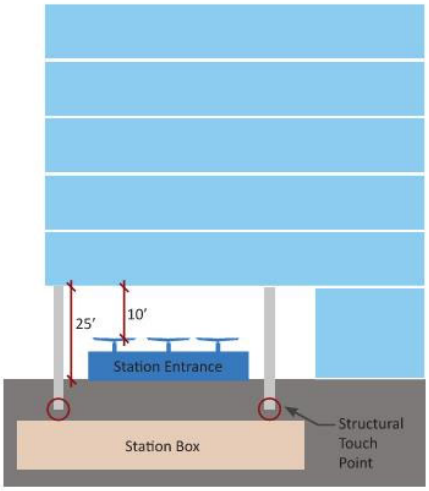
Site Plan & Conceptual Design

1.5 Underground Station Portal Clearance

Metro encourages transit-oriented development. Where development is planned above station entrances, close coordination is needed for structural safety as well as access for patrons, operations, and maintenance. Below are key design rules of thumb for development planned to cantilever over an entrance to an underground Metro Rail station.

RECOMMENDATION:

1. Preserve 25 feet clearance at minimum from plaza grade and the building structure above.
2. Preserve 10 feet clearance at minimum between portal roof and building structure above.
3. Coordinate structural support system and touchdown points to ensure a safe transfer of the building loads above the station portal.
4. Coordinate placement of structural columns and amenities (e.g. signage, lighting, furnishings) at plaza level to facilitate direct and safe connections for people of all mobile abilities to and from station entrance(s).
5. Develop a maintenance plan for the plaza in coordination with Metro.



Projects that propose to cantilever over Metro subway portals require close coordination with Metro Engineering.

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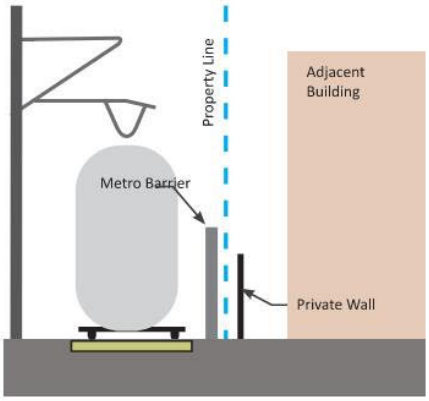
1.6 Shared Barrier Construction & Maintenance

In areas where Metro ROW abuts private property, barrier construction and maintenance responsibilities can be a point of contention with property owners. When double barriers are constructed, the gap created between the Metro-constructed fence and a private property owner's fence can accumulate trash and make regular maintenance challenging without accessing the other party's property.

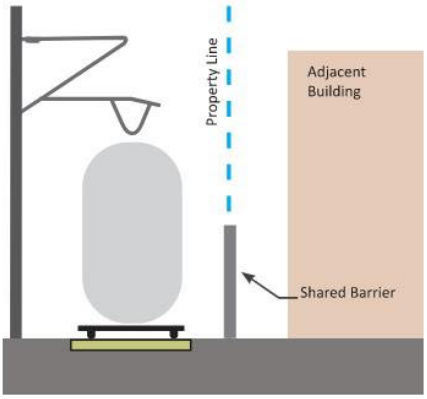
RECOMMENDATION: Coordinate with Metro Real Estate to create a single barrier condition along the ROW property line. With an understanding that existing conditions along ROW boundaries vary throughout LA County, Metro recommends the following, in order of preference:

- **Enhance existing Metro barrier:** if structural capacity allows, private property owners and developers should consider physically affixing improvements onto and building upon Metro's existing barrier. Metro is amenable to barrier enhancements such as increasing barrier height and allowing private property owners to apply architectural finishes to their side of Metro's barrier.
- **Replace existing barrier(s):** if conditions are not desirable, remove and replace any existing barrier(s), including Metro's, with a new single "shared" barrier built on the property line.

Metro is amenable to sharing costs for certain improvements that allow for clarity in responsibilities and adequate ongoing maintenance from adjacent property owners without entering Metro's property. Metro Real Estate should be contacted with case-specific questions and will need to approve shared barrier design, shared financing, and construction.



Double barrier conditions allow trash accumulation and create maintenance challenges for Metro and adjacent property owners.



Metro prefers a single barrier condition along its ROW property line.

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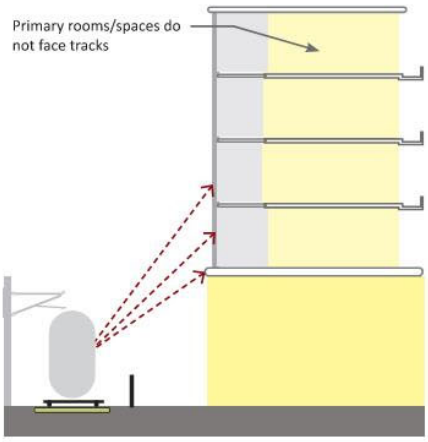
1.7 Project Orientation & Noise Mitigation

Metro may operate in and out of revenue service 24 hours per day, every day of the year, which can create noise and vibration (i.e. horns, power washing). Transit service and maintenance schedules cannot be altered to avoid noise for adjacent developments. However, noise and vibration impacts can be reduced through building design and orientation.

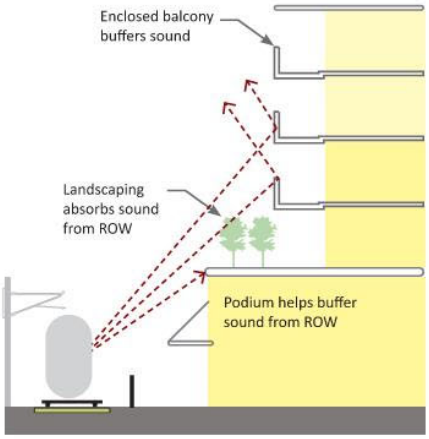
RECOMMENDATION: Use building orientation, programming, and design techniques to reduce noise and vibration for buildings along Metro ROW:

- Locate secondary or "back of house" rooms (e.g. bathrooms, stairways, laundry rooms) along ROW, rather than primary living spaces that are noise sensitive (e.g. bedrooms and family rooms).
- Use upper level setbacks and locate living spaces away from ROW.
- Enclose balconies.
- Install double-pane windows.
- Include language disclosing potential for noise, vibration, and other impacts due to transit proximity in terms and conditions for building lease or sale agreements to protect building owners/ sellers from tenant/buyer complaints.

Developers are responsible for any noise mitigation required, which may include engineering designs for mitigation recommended by Metro or otherwise required by local municipalities. A recorded Noise Easement Deed in favor of Metro may be required for projects within 100 feet of Metro ROW to ensure notification to tenants and owners of any proximity issues.



Building orientation can be designed to face away from tracks, reducing the noise and vibration impacts.



Strategic placement of podiums and upper-level setbacks on developments near Metro ROW can reduce noise and vibration impacts.

1.8 At-Grade Rail Crossings

New development is likely to increase pedestrian activity at rail crossings. Safety enhancements may be needed to upgrade existing rail crossings to better protect pedestrians.

RECOMMENDATION: Coordinate with Metro, the California Public Utilities Commission (CPUC), and any other transit operators using the crossing (e.g. Metrolink) to determine if safety enhancements are needed for nearby rail crossings.

While Metro owns and operates the rail ROW, the CPUC regulates all rail crossings. Contact the CPUC early in the design process to determine if they will require any upgrades to existing rail crossings. The CPUC may request to review development plans and hold a site visit to understand future pedestrian activity. Metro's Corporate Safety Department can support the developer in coordination with the CPUC.



Gates and pedestrian arms are common types of safety elements for pedestrians at rail crossings.



Safety elements of a gate and pedestrian arms have been constructed at the Monrovia Station.

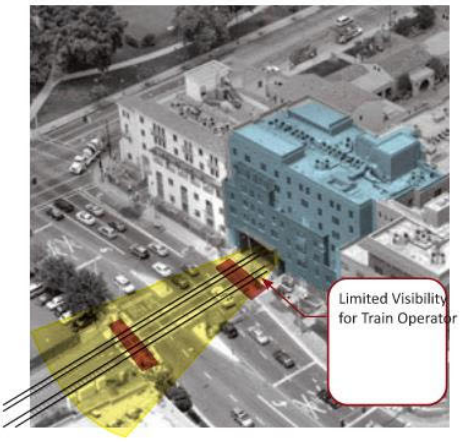
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1.9 Sight-Lines at Crossings

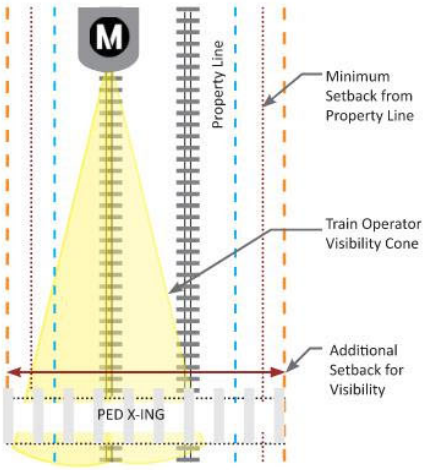
Developments adjacent to Metro ROW can present visual barriers to transit operators approaching vehicular and pedestrian crossings. Buildings and structures in close proximity to transit corridors can reduce sight-lines and create blind corners where operators cannot see pedestrians. This requires operations to reduce train speeds, which decreases efficiency of transit service.

RECOMMENDATION: Design buildings to maximize transit service sight-lines at crossings, leaving a clear cone of visibility to oncoming vehicles and pedestrians.

Metro Rail Operations will review, provide guidance, and determine the extent of operator visibility for safe operations. If the building envelope overlaps with the visibility cone near pedestrian and vehicular crossings, a building setback may be necessary to ensure safe transit service. The cone of visibility at crossings and required setback will be determined based on vehicle approach speed.



Limited sight-lines for trains approaching street crossings create unsafe conditions.



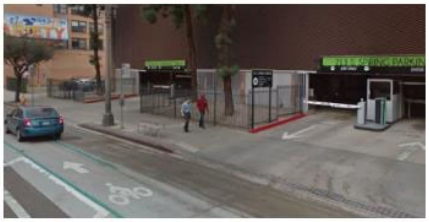
Visibility cones allow train operators to respond to safety hazards.

1.10 Driveway/Access Management

Driveways adjacent to on-street bus stops can create conflict for pedestrians walking to/from or waiting for transit. Additionally, driveways accessing parking lots and loading zones at project sites near Metro Rail and BRT crossings can create queuing issues along city streets and put vehicles in close proximity to fast moving trains and buses, which pose safety concerns.

RECOMMENDATION: Site driveways and other vehicular entrances to avoid conflicts with pedestrians, bicycles, and transit vehicles by:

- Placing driveways along side streets and alleys, away from on-street bus stops and transit crossings to minimize safety conflicts between active ROW, transit vehicles, and people, as well as queuing on streets.
- Locating vehicular driveways away from transit crossings or areas that are likely to be used as waiting areas for transit services.
- Placing loading docks away from sidewalks where transit bus stop activity is/will be present.
- Consolidating vehicular entrances and reduce width of driveways.
- Using speed tables to slow entering/exiting automobiles near pedestrians.
- Separating pedestrian walkways to minimize conflict with vehicles.
- Encouraging safe non-motorized travel.



Driveways in close proximity to each other compromise safety for those walking to/from transit and increase the potential for vehicle-pedestrian conflicts.

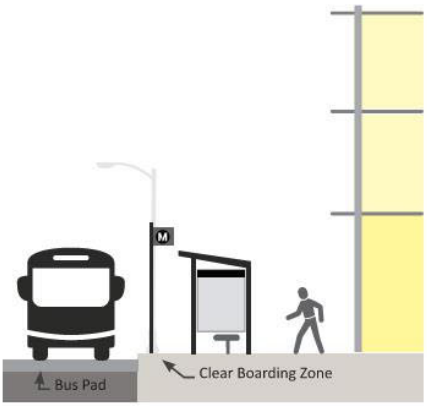
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1.11 Bus Stop & Zones Design

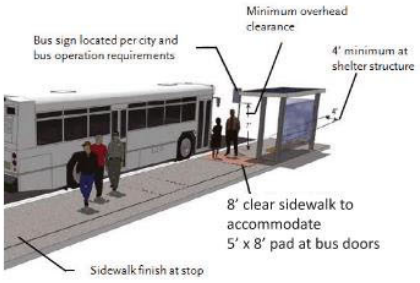
Metro Bus serves over 15,000 bus stops throughout the diverse landscape that is LA County. Typically located on sidewalks within public right-of-way owned and maintained by local jurisdictions, existing bus stop conditions vary from well-lit and sheltered spaces to uncomfortable and unwelcoming zones. Metro is interested in working with developers and local jurisdictions to create a vibrant public realm around new developments by strengthening multi-modal access to/ from Metro transit stops and enhancing the pedestrian experience.

RECOMMENDATION: When designing around existing or proposed bus stops:

- Review Metro's Transit Service Policy, which provides standards for design and operation of bus stops and zones for near-side, far-side, and mid-block stops.
- Review Metro's Transfers Design Guide for more information at https://www.metro.net/projects/station-design-projects/
- Accommodate 5' x 8' landing pads at bus doors (front and back door, which are typically 23 to 25 feet apart).
- Locate streetscape elements (e.g. tree planters, street lamps, benches, shelters, trash receptacles and newspaper stands) outside of bus door zones to protect transit access and ensure a clear path of travel.
- Install a concrete bus pad within each bus stop zone to avoid street asphalt damage.
- Replace stand-alone bus stop signs with bus shelters that include benches and adequate lighting.
- Design wide sidewalks (15' preferred) that accommodate bus landing pads as well as street furniture, landscape, and user travel space.
- Consider tree species, height, and canopy shape (higher than 14' preferred) to avoid vehicle conflicts at bus stops. Trees should be set back from the curb and adequately maintained to prevent visual and physical impediments for buses when trees reach maturity. Avoid planting of trees that have an invasive and shallow root system.



A concrete bus pad should be located at bus stops and bus shelters should be located along sidewalks to ensure an accessible path of travel to a clear boarding area.



Well-designed and accessible bus stops are beneficial amenities for both transit riders and users of adjacent developments.



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Engineering
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Engineering & Technical Review

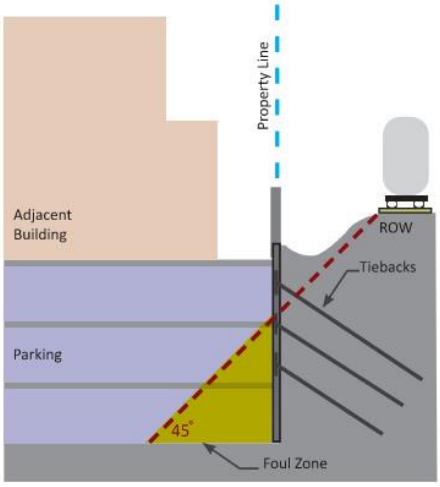
2.1 Excavation Support System Design

Excavation near Metro ROW has the potential to disturb adjoining soils and jeopardize support of existing Metro infrastructure. Any excavation which occurs within the geotechnical foul zone relative to Metro infrastructure is subject to Metro review and approval and meet Cal/OSHA requirements. This foul zone or geotechnical zone of influence shall be defined as the area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast. Construction within this vulnerable area poses a potential risk to Metro service and requires additional Metro Engineering review.

RECOMMENDATION: Coordinate with Metro Engineering staff for review and approval of the excavation support system drawings and calculations prior to the start of excavation or construction. Tiebacks encroaching into Metro ROW may require a tieback easement or license, at Metro's discretion.

Any excavation/shoring within Metrolink operated and maintained ROW will require compliance with SCRRA Engineering standards and guidelines.

See page 7 for a sample section showing Metro adjacent conditions.



An underground structure located within the ROW foul zone would require additional review by Metro.

2.2 Proximity to Tunnels & Underground Infrastructure

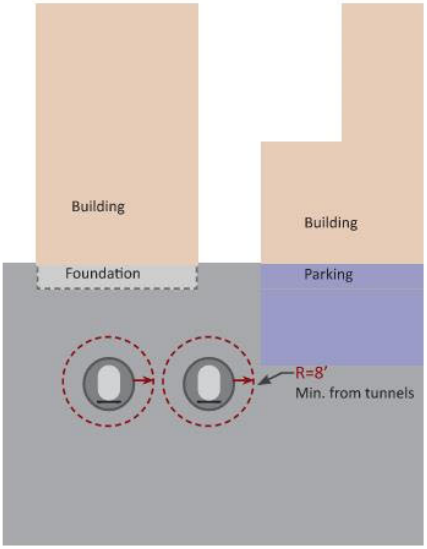
Construction adjacent to, over, or below underground Metro facilities (tunnels, stations and appendages) is of great concern and should be coordinated closely with Metro Engineering.

RECOMMENDATION: Coordinate with Metro early in the design process when proposing to build near underground Metro infrastructure. Metro typically seeks to maintain a minimum eight (8) foot clearance from existing Metro facilities to new construction (shoring or tiebacks). It will be incumbent upon the developer to demonstrate, to Metro's satisfaction, that both the temporary support of construction and the permanent works do not adversely affect the structural integrity, safety, or continued efficient operation of Metro facilities.

Dependent on the nature of the adjacent construction, Metro will need to review the geotechnical report, structural foundation plans, sections, shoring plan sections and calculations.

Metro may require monitoring where such work will either increase or decrease the existing overburden (i.e. weight) to which the tunnels or facilities are subjected. When required, the monitoring will serve as an early indication of excessive structural strain or movement. See Section 3.4, Excavation Drilling/Monitoring for additional information regarding monitoring requirements.

See page 7 for a sample section showing Metro adjacent conditions.



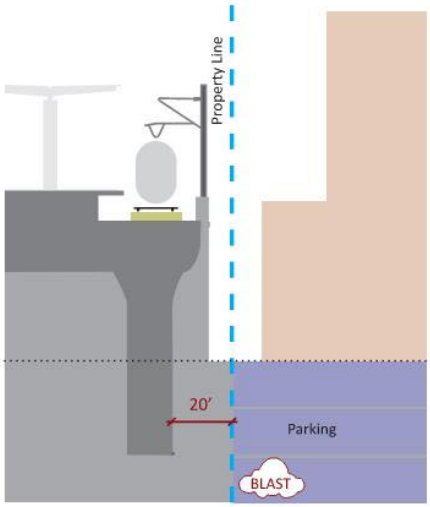
Adjacent project structures in close proximity to underground Metro infrastructure will require additional review by Metro.

Engineering & Technical Review

2.3 Protection from Explosion/Blast

Metro is obligated to ensure the safety of public transit infrastructure from potential explosive sources which could originate from adjacent underground structures or from at-grade locations, situated below elevated guideways or near stations. Blast protection setbacks or mitigation may be required for large projects constructed near critical Metro facilities.

RECOMMENDATION: Avoid locating underground parking or basement structures within twenty (20) feet from an existing Metro tunnel or facility (exterior face of wall to exterior face of wall). Adjacent developments within this 20-foot envelope may be required to submit a Threat Assessment and Blast/Explosion Study for Metro review and approval.



An underground structure proposed within twenty (20) feet of a Metro structure may require a Threat Assessment and Blast/Explosion Study.



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Construction
Safety &
Management

Construction Safety & Management

3.1 Pre-Construction Coordination

Metro is concerned with impacts to service requiring rail single line tracking, line closures, speed restrictions, and bus bridging occurring as a result of adjacent project construction. Projects that will require work over, under, adjacent, or on Metro property or ROW and include operation of machinery, scaffolding, or any other potentially hazardous work are subject to evaluation in preparation for and during construction to maintain safe transit operations and passenger well-being.

RECOMMENDATION: Following an initial screening of the project, Metro may determine that additional on-site coordination may be necessary. Dependent on the nature of the adjacent construction, developers may be requested to perform the following as determined on a case-by-case basis:

- Submit a construction work plan and related project drawings and specifications for Metro review.
- Submit a contingency plan, show proof of insurance coverage, and issue current certificates.
- Provide documentation of contractor qualifications.
- Complete pre-construction surveys, perform baseline readings, and install movement instrumentation.
- Complete readiness review and perform practice run of transit service shutdown per contingency plan.
- Designate a ROW observer or other safety personnel and an inspector from the project's construction team.
- Establish a coordination process for access and work in or adjacent to ROW for the duration of construction.

Project teams will be responsible for the costs of adverse impacts to Metro transit operations caused by work on adjacent developments, including remedial work to repair damage to Metro property, facilities, or systems. Additionally, a Construction Monitoring fee may be assessed based on an estimate of required level of effort provided by Metro.

All projects adjacent to Metrolink infrastructure will require compliance with SCRRA Engineering Standards and Guidelines.





Metro may need to monitor development construction near Metro facilities.

3.2 Track Access and Safety

Permission from Metro is required to enter Metro property for rail construction and maintenance along, above, or under Metro ROW as these activities can interfere with Metro utilities and service and pose a safety hazard to construction teams and transit riders. Track access is solely at Metro's discretion and is discouraged to prevent electrocution and collisions with construction workers or machines.

RECOMMENDATION: Obtain and/or complete the following to work in or adjacent to Metro Rail ROW:

1. **Construction Work Plan:** Dependent on the nature of adjacent construction, Metro may request a construction work plan, which describes means and methods and other construction plan details, to ensure the safety of transit operators and riders.

2. **Safety Training:** All members of the project construction team will be required to attend Metro Rail Safety Training before commencing work activity. Training provides resources and procedures when working near active rail ROW.

3. **Right of Entry Permit/Temporary Construction Easement:** All access to and activity on Metro property, including easements necessary for construction of adjacent projects, must be approved through a Right-of-Entry Permit and/or a Temporary Construction Easement obtained from Metro Real Estate and may require a fee.

4. **Track Allocation:** All work on Metro Rail ROW must receive prior approval from Metro Rail Operations Control. Track Allocation identifies, reserves, and requests changes to normal operations for a specific track section, line, station, location, or piece of equipment to allow for safe use by a non-Metro entity. If adjacent construction is planned in close proximity to active ROW, flaggers must be used to ensure safety of construction workers and transit riders.



Trained flaggers ensure the safe crossing of pedestrians and workers of an adjacent development.

Construction Safety & Management

3.3 Construction Hours

Building near active Metro ROW poses safety concerns and may require limiting hours of construction which impact Metro ROW to night or off-peak hours so as not to interfere with Metro revenue service. To maintain public safety and access for Metro riders, construction should be planned, scheduled, and carried out in a way to avoid impacts to Metro service and maintenance.

RECOMMENDATION: In addition to receiving necessary construction approvals from the local jurisdiction, all construction work on or in close proximity to Metro ROW must be scheduled through the Track Allocation Process, detailed in Section 3.2.

Metro prefers that adjacent construction with potential to impact normal, continuous Metro operations take place during non-revenue hours (approximately 1am-4am) or during non-peak hours to minimize impacts to service. The developer may be responsible for additional operating costs resulting from disruption to normal Metro service.





Construction during approved hours ensures the steady progress of adjacent development construction and minimizes impacts to Metro's transit service.

3.4 Excavation/Drilling Monitoring

Excavation is among the most hazardous construction activities and can pose threats to the structural integrity of Metro's transit infrastructure.

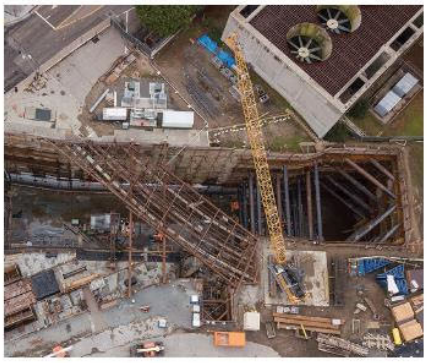
RECOMMENDATION: Coordinate with Metro Engineering to review and approve excavation and shoring plans during design and development, and well in advance of construction (see Sections 2.1 and 2.2).

Geotechnical instrumentation and monitoring will be required for all excavations occurring within Metro's geotechnical zone of influence, where there is potential for adversely affecting the safe and efficient operation of transit vehicles. Monitoring of Metro facilities due to adjacent construction may include the following as determined on a case-by-case basis:

- Pre- and post-construction condition surveys
- Extensometers
- Inclinometers
- Settlement reference points
- Tilt-meters
- Groundwater observation wells
- Movement arrays
- Vibration monitoring



Excavation and shoring plans must be reviewed by Metro to ensure structural compatibility with Metro infrastructure and safety during adjacent development construction.



A soldier pile wall used for Regional Connector station at 2nd/Hope.

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Construction Safety & Management

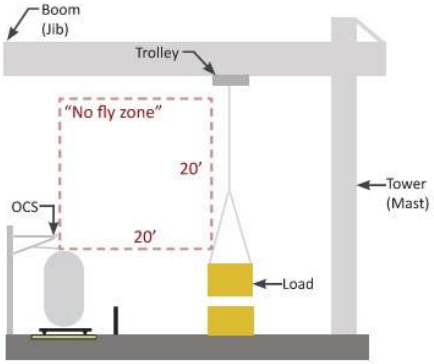
3.5 Crane Operations

Construction activities adjacent to Metro ROW may require moving large, heavy loads of building materials and machinery using cranes. Cranes referenced here include all power-operated equipment that can hoist, lower, and horizontally move a suspended load. To ensure safety for Metro riders, operators, and transit facilities, crane operations adjacent to Metro ROW must follow the safety regulations and precautions below and are subject to California Occupational Safety and Health Administration (Cal/OSHA) standards.

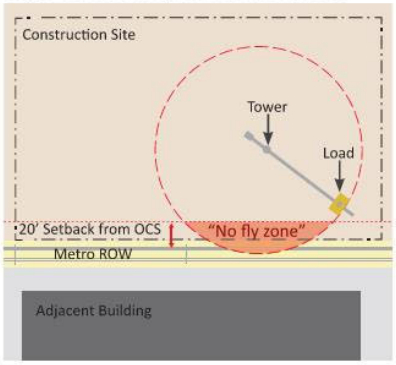
RECOMMENDATION:
Coordinate with Metro to discuss construction methods and confirm if a crane work plan is required. Generally, crane safety near Metro's ROW and facilities largely depends on the following factors: 1) Metro's operational hours and 2) swinging a load over or near Metro power lines and facilities. Note:

1. Clearance: A crane boom may travel over energized Metro OCS only if it maintains a vertical 20-foot clearance and the load maintain a horizontal 20-foot clearance.
2. Power: Swinging a crane boom with a load over Metro facilities or passenger areas is strictly prohibited during revenue hours. To swing a load in the "no fly zone" (see diagrams to right), the construction team must coordinate with Metro to de-energize the OCS.
3. Weathervaning: When not in use, the crane boom may swing 360 degrees with the movement of the wind, including over energized Metro OCS, only if the trolley is fully retracted towards the crane tower and not carrying any loads.
4. Process: Developers and contractors must attend Metro Track Allocation (detailed in Section 3.2) to determine if Metro staff support is necessary during crane erection and load movement.
5. Permit: Developers must apply for a Metro Right-of-Entry permit to swing over Metro facilities.

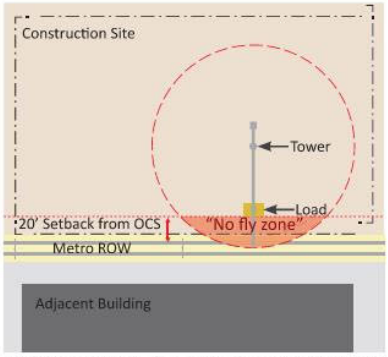
Project teams will bear all costs associated with impacts to Metro Rail operations and maintenance.



Cranes and construction equipment should be staged to avoid conflicts with the rail OCS.



Plan View: Crane swing and load are restricted near Metro ROW.



Plan View: While crane boom swings over "no fly zone," the trolley and load are retracted to maintain clearance from OCS.

3.6 Construction Barriers & Overhead Protection

During construction, falling objects can damage Metro facilities and pose a safety concern to the riders accessing them.

RECOMMENDATION: Erect vertical construction barriers and overhead protection compliant with Metro and Cal/OSHA requirements to prevent objects from falling into Metro ROW or areas designed for public access to Metro facilities. A protection barrier shall be constructed to cover the full height of an adjacent project and overhead protection from falling objects shall be provided over Metro ROW as necessary. Erection of the construction barriers and overhead protection for these areas shall be done during Metro non-revenue hours.



Overhead protection is required when moving heavy objects over Metro ROW or in areas designated for public use.



Constructed above is a wooden box over the entrance portal for overhead protection at the 4th/Hill Station.

Construction Safety & Management

3.7 Pedestrian & Emergency Access

Metro's riders rely on the consistency and reliability of access and wayfinding to and from stations, stops, and facilities. Construction on adjacent property must not obstruct pedestrian access, fire department access, emergency egress, or otherwise present a safety hazard to Metro operations, its employees, riders, and the general public. Fire access and safe escape routes within all Metro stations, stops, and facilities must be maintained at all times.

RECOMMENDATION: Ensure pedestrian and emergency access from Metro stations, stops, and transit facilities is compliant with the Americans with Disabilities Act (ADA) and maintained during construction:

- Temporary fences, barricades, and lighting should be installed and watchmen provided for the protection of public travel, the construction site, adjacent public spaces, and existing Metro facilities.
- Temporary signage should be installed where necessary and in compliance with the latest California Manual on Uniform Traffic Control Devices (MUTCD) and in coordination with Metro Art and Design Standards.
- Emergency exits shall be provided and be clear of obstructions at all times.
- Access shall be maintained for utilities such as fire hydrants, stand pipes/connections, and fire alarm boxes as well as Metro-specific infrastructure such as fan and vent shafts.



Sidewalk access is blocked for a construction project, forcing pedestrians into the street or to use less direct paths to the Metro facility.

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3.8 Impacts to Bus Routes & Stops

During construction, bus stop zones and routes may need to be temporarily relocated. Metro needs to be informed of activities that require stop relocation or route adjustments in order to ensure uninterrupted service.

RECOMMENDATION: During construction, maintain or relocate existing bus stops consistent with the needs of Metro Bus Operations. Design of temporary and permanent bus stops and surrounding sidewalk areas must be compliant with the ADA and allow passengers with disabilities a clear path of travel to the transit service. Existing bus stops must be maintained as part of the final project. Metro Bus Operations Control Special Events Department and Metro Stops & Zones Department should be contacted at least 30 days before initiating construction activities.



Temporary and permanent relocation of bus stops and layover zones will require coordination between developers, Metro, and other municipal bus operators and local jurisdictions.

Construction Safety & Management

3.9 Utility Coordination

Construction has the potential to interrupt utilities that Metro relies on for safe operations and maintenance. Utilities of concern to Metro include, but are not limited to, condenser water piping, potable/fire water, storm and sanitary sewer lines, and electrical/ telecommunication services.

RECOMMENDATION: Coordinate with Metro Real Estate during project design to gauge temporary and permanent utility impacts and avoid conflicts during construction.

The contractor shall protect existing above-ground and underground Metro utilities during construction and coordinate with Metro to receive written approval for any utilities pertinent to Metro facilities that may be used, interrupted, or disturbed.

When electrical power outages or support functions are required, approval must be obtained through Metro Track Allocation in coordination with Metro Real Estate for a Right of Entry Permit.

To begin coordination with Metro Real Estate, visit www.metro.net/devreview and select the drop-down "Utility Project Coordination."



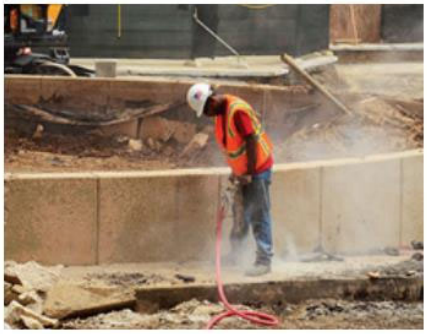
Coordination of underground utilities is critical to safely and efficiently operate Metro service.

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3.10 Air Quality & Ventilation Protection

Hot or foul air, fumes, smoke, steam, and dust from adjacent construction activities can negatively impact Metro facilities, service, and users.

RECOMMENDATION: Ensure that hot or foul air, fumes, smoke, and steam from adjacent facilities are discharged beyond 40 feet from existing Metro facilities, including but not limited to ventilation system intake shafts and station entrances. Should fumes be discharged within 40 feet of Metro intake shafts, a protection panel around each shaft shall be required.



A worker breaks up concrete creating a cloud of silica dust.

Glossary

Cone of Visibility
A conical space at the front of moving transit vehicles allowing for clear visibility of travel way and/or conflicts.

Construction Work Plan (CWP)
Project management document outlining the definition of work tasks, choice of technology, estimation of required resources and duration of individual tasks, and identification of interactions among the different work tasks.

Flagger/Flagman
Person who controls traffic on and through a construction project. Flaggers must be trained and certified by Metro Rail Operations prior to any work commencing in or adjacent to Metro ROW.

Geotechnical Foul Zone
Area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast.

Guideway
A channel, track, or structure along which a transit vehicle moves.

Heavy Rail Transit (HRT)
Metro HRT systems include exclusive ROW (mostly subway) trains up to six (6) cars long (450') and utilize a contact rail for traction power distribution (e.g. Metro Red Line).

Joint Development (JD)
JD is the asset management and real estate development program through which Metro collaborates with developers to build housing, retail, and other amenities on Metro properties near transit, typically through ground lease. JD projects directly link transit riders with destinations and services throughout LA County.

Light Rail Transit (LRT)
Metro LRT systems include exclusive, semi-exclusive, or street ROW trains up to three (3) cars long (270') and utilize OCS for traction power distribution (e.g. Metro Blue Line).

Measure R
Half-cent sales tax for LA County approved in November 2008 to finance new transportation projects and programs. The tax expires in 2039.

Measure M
Half-cent sales tax for LA County approved in November 2016 to fund transportation improvements, operations and programs, and accelerate projects already in the pipeline. The tax will increase to one percent in 2039 when Measure R expires.

Metrolink
A commuter rail system with seven lines throughout Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego counties governed by the Southern California Regional Rail Authority (SCRRA).

Metro Adjacent Construction Design Manual
Volume III of the Metro Design Criteria & Standards, which outlines the Metro adjacent review procedure as well as operational requirements when constructing over, under, or adjacent to Metro facilities, structures, and property.

Metro Bus
Metro "Local" and "Rapid" bus service runs within the street, typically alongside vehicular traffic, though occasionally in "bus-only" lanes.

Metro Bus Rapid Transit (BRT)
High quality bus service that provides faster and convenient service through the use of dedicated ROW, branded vehicles and stations, high frequency and intelligent transportation systems, all-door boarding, and intersection crossing priority. Metro BRT may run within dedicated ROW or in mixed flow traffic on streets.

Metro Design Criteria and Standards
A compilation of documents that govern how Metro transit service and facilities are designed, constructed, operated, and maintained.

Metro Rail
Urban rail system serving LA County consisting of six lines, including two subway lines and four light rail lines.

Metro Rail Design Criteria (MRDC)
Volume IV of the Metro Design Criteria & Standards which establishes design criteria for preliminary engineering and final design of a Metro Rail Project.

Metro Transit Oriented Communities
Land use planning and community development program that seeks to maximize access to transportation as a key organizing principle and promote equity and sustainable living by offering a mix of uses close to transit to support households at all income levels, as well as building densities, parking policies, urban design elements, and first/last mile facilities that support ridership and reduce auto dependency.

Noise Easement Deed
Easement granted by property owners abutting Metro ROW acknowledging noise due to transit operations and maintenance.

Overhead Catenary System (OCS)
One or more electrified wires situated over a transit ROW that transmit power to light rail trains via pantograph, a current collector mounted on the roof of an electric vehicle. Metro OCS is supported by hollow poles placed between tracks or on the outer edge of parallel tracks.

Right of Entry Permit
Written approval granted by Metro Real Estate to enter Metro ROW and property.

Right of Way (ROW)
Legal right over property reserved for transportation purposes to construct, protect, maintain and operate transit services.

Southern California Regional Rail Authority (SCRRA)
A joint powers authority made up of an 11-member board representing the transportation commissions of Los Angeles, Orange, Riverside, San Bernardino and Ventura counties. SCRRA governs and operates Metrolink service.

Threat Assessment and Blast/Explosion Study
Analysis performed when adjacent developments are proposed within twenty (20) feet from an existing Metro tunnel or facility.

Track Allocation/Work Permit
Permit granted by Metro Rail Operations Control to allocate a section of track and perform work on or adjacent to Metro Rail ROW. This permit should be submitted for any work that could potentially foul the envelope of a train.

Wayfinding
Signs, maps, and other graphic or audible methods used to convey location and directions to travelers.


metro.net/projects/devreview/
Metro

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ATTACHMENT NO. 2

RESOLUTION NO. 2024-5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 23-02 TO AMEND THE LAND USE ELEMENT TO CHANGE THE LAND USE DESIGNATIONS OF CERTAIN PROPERTIES AND MAKING A DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3) (COMMON SENSE EXEMPTION)

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, the City of West Covina adopted the West Covina General Plan on December 20, 2016. The General Plan Land Use Maps were amended on November 7, 2017, November 5, 2019, May 4, 2021, and July 20, 2021; and

WHEREAS, Chapter 20 (Subdivision Regulations) and Chapter 26 (Zoning) of the West Covina Municipal Code have not been comprehensively updated in more than 46 years and require revisions to ensure they align with the current aspirations and values of the community and comply with state laws and regulations; and

WHEREAS, concurrent with updates to the City's Municipal Code and the rezoning of various properties, the City initiated General Plan Amendment No. 23-02 to change to the land use designations of two City-owned properties (Assessor's Parcel Nos. 8724-013-901 and 8724-013-900) to match their actual usage; and

WHEREAS, on October 10, 2023, October 24, 2023, and November 1, 2023, the Planning Commission conducted duly noticed public hearings as prescribed by law to consider in part General Plan Amendment No. 23-02, gave all persons interested therein an opportunity to be heard, and voted to recommend the City Council's approval of General Plan Amendment No. 23-02; and

WHEREAS, after the close of all of the public hearings, the Planning Commission recommended that the City Council adopt the changes to the land use designations of the two properties listed above; and

WHEREAS, the proposed amendments implement the policies of the General Plan by providing an orderly, functional and compatible land use pattern; and

WHEREAS, the City Council conducted a duly noticed public hearing on January 16, 2024, in part to consider the changes to the land use designations of the two properties listed above.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein as findings.

SECTION 2. Approval of General Plan Amendment. The City Council of the City of West Covina hereby adopts General Plan Amendment No. 23-02, amending the Land Use Element by redesignating Assessor's Parcel Nos. 8724-013-901 and 8724-013-900 from "Neighborhood Low" to "Parks and Open Space" as set forth in Exhibit A and amending the Land Use Map of the City of West Covina accordingly to reflect such redesignations.

SECTION 3. Environmental Compliance. The redesignation of these two parcels from "Neighborhood Low" to "Parks and Open Space" is exempt from CEQA under the common sense exemption of CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that the change will not have any environmental effects. The change in land use designation does not authorize or allow for any additional development. The change reflects that the property is undeveloped land owned by the City. The change in land use designation will not allow any greater development than under the previous land use designation. There is no possibility that the changes will have a significant effect on the environment. Therefore, the City Council finds that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and staff is directed to file a Notice of Exemption with the County Clerk's office and post the Notice of Exemption on the City's website.

SECTION 4. Certification. The City Clerk shall certify to the adoption of this Resolution and shall enter it into the book of original resolutions.

SECTION 5. Effective Date. This resolution shall take effect on the 31st day after passage.

APPROVED AND ADOPTED this 16th day of January, 2024.

_____

Brian Calderón Tabatabai
Mayor

APPROVED AS TO FORM

Thomas P. Duarte
City Attorney

ATTEST

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2024-5 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 16th day of January, 2024, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

CHANGES TO LAND USE DESIGNATIONS

Assessor's Parcel Nos. 8724-013-900 and 8724-013-901



Indicates the areas to be changed from "Neighborhood Low (NL)" to "Parks and Open Space (POS).

ATTACHMENT NO. 3

ORDINANCE NO. 2519

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CODE AMENDMENT NO. 23-01, THE DEVELOPMENT CODE UPDATE, AMENDING CHAPTER 7 (BUILDINGS AND BUILDING REGULATIONS), CHAPTER 15 (MISCELLANEOUS PROVISIONS RELATING TO PUBLIC HEALTH, AND SAFETY), CHAPTER 17 (PLANNING), CHAPTER 19 (STREETS, SIDEWALKS, AND PUBLIC PLACES), AND CHAPTER 24 (VEGETATION) OF THE WEST COVINA MUNICIPAL CODE, AND AMENDING THE DOWNTOWN PLAN AND CODE

WHEREAS, the City's Subdivision Ordinance and Zoning Ordinance have not been comprehensively updated in more than 46 years and require revisions to ensure that they align with current aspirations and values of the community, and complies with current state law and regulations; and

WHEREAS, the City initiated Code Amendment No. 23-01, known as "Development Code Update" which proposes to amend the City of West Covina Municipal Code including the combination of the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26) into one Development Code (Chapter 26); and

WHEREAS, it is necessary to amend Chapters 7, 15, 17, 19, and 24 of the West Covina Municipal Code as part of the Development Update to move Division 29 (Wireless Telecommunication Facilities in the Public Right-of-Way) of Article XII of Chapter 26 to Article X of Chapter 19 (Streets, Sidewalks, and Public Places) and revise cross-references within the West Covina Municipal Code to certain articles, divisions, and sections of Chapter 26; and

WHEREAS, it is necessary to amend Table 4.3.1 (Permitted Land Uses) of Section 3 (Land Use Standards) of the West Covina Downtown Plan & Code to remove Drive-through services the permitted uses in the Downtown Plan area since the Development Code makes reference to Drive-through uses not being allowed in the Downtown Plan area; and

WHEREAS, it is necessary to increase park dedication requirements from 3.0 acres per 1,000 residents to 3.2 acres per 1,000 residents since the City has 4.1 acres of existing park area per 1,000 population/residents; and

WHEREAS, the City conducted community outreach meetings, which were held within each of the five Council districts on March 14, 2022, March 16, 2022, March 23, 2022 March 28, 2022, and March 30, 2022; and

WHEREAS, the City held outreach meetings with the Development Code Subcommittee on May 12, 2022, June 30, 2022 and November 17, 2022 to discuss the subdivision code, entitlement review process, non-residential code and residential code updates; and

WHEREAS, the City created a webpage to host all content created for the Development Code Update. The website has been updated periodically to include the latest project information; and

WHEREAS, on October 10, 2023, October 24, 2023, and November 1, 2023, the Planning Commission conducted duly noticed public hearings as prescribed by law to consider in part Code Amendment No. 23-01 (Development Code Update), gave all persons interested therein an opportunity to be heard, and voted to recommend the City Council's approval and adoption of the Development Code Update; and

WHEREAS, after the close of all of the public hearings, the Planning Commission recommended that the City Council adopt the Development Code Update; and

WHEREAS, on January 16, 2024, the City Council upon giving the required notice, conducted a duly advertised public hearing as prescribed by law in part on this Ordinance; and

WHEREAS, prior to adopting this Ordinance, the City Council adopted Resolution No. 2024-4, adopting a Negative Declaration for the Project; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that all of the facts set forth in the recitals to this Ordinance are true and correct and incorporated herein as findings.

SECTION 2. Record. The findings made in this Ordinance are based upon the information and evidence that has been presented at the hearings and in the record of the proceedings. The IS/ND, agenda reports, and other documents and materials that constitute the record of proceedings are on file for public examination during normal business hours in the office of the West Covina Planning Division, 1444 West Garvey Avenue South, Room 208, West Covina, CA 91790 and available on the City's website at https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents. The custodian of these documents and other materials is the West Covina Community Development Director.

SECTION 3. Notice and Opportunity to Comment. The City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on Code Amendment No. 23-01.

SECTION 4. General Plan Consistency. Based on the evidence presented, Code Amendment No. 23-01 is found to be consistent with the City's General Plan (as amended).

SECTION 5. Approval of Code Amendment. Based on the findings and conclusions set forth in the above sections, and based on all the other evidence in the record, the City Council hereby approves Code Amendment No. 23-01, known as the Development Code Update, as set forth in Exhibit "A," attached hereto and incorporated herein, which amends the City of West Covina Municipal Code including the combination of the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26) into one Development Code (Chapter 26). Chapter 20 shall be deleted and be labeled as a "Reserved" chapter within the West Covina Municipal Code. The following provides a summary of the Development Code updates:

A. Creation of a flexible code with modified land uses.
B. Eliminate Area Districts and incorporate those development standards into the underlying zone.
C. Eliminate zones that are not widely used in the code (e.g., Planned Industrial zone [I-P]).
D. Increase park dedication requirements from 3.0 acres per 1,000 residents to 3.2 acres per 1,000 residents.
E. Reduce the reviewing authority of parcel maps (subdivisions of four parcels or less) from the Planning Commission to the Community Development Director.
F. Reduce and simplify the number of planning permits, predominantly for administrative processes.
G. Increase the public notification requirement from 300-foot radius from a project site to 500-foot radius (1,000-foot radius for wireless facilities).
H. Replace newspaper posting requirement for development applications with on-site posting.
I. Allow for and add regulations for new types of uses (e.g., craft manufacturing facilities, craft breweries/distilleries) to align with new ABC regulations.
J. Reduce required discretionary review for "permanent make-up" uses to permitted "by-right."
K. New section for outdoor dining, including not requiring parking for the first 500 square feet of outdoor dining areas per business.
L. Add design requirements for outdoor dining areas.
M. Incorporate the recently adopted Mixed-Use Overlay requirements into the existing commercial zoning regulations.
N. Increase parking lot landscape requirements for multi-family residential, commercial and industrial zones from 1 tree per 10 parking spaces and 8% of parking lot to either: a) 1 tree per 6 parking spaces and 8% of the parking lot, OR b) 1 tree per 10 spaces and 12% of parking lot.

O. Require the use of recycled water for irrigation purposes, provided there is adequate capacity to serve the site.
P. Clarify and provide updated standards for garden and retaining walls.
Q. Update the Density Bonus Ordinance for consistency with State Law and define concessions and waivers.
R. Eliminate the Large Home and Large Addition processes for single-family residential units.
S. Update Large Family Daycare facilities to be permitted by-right, consistent with State Law.
T. Update animal keeping provisions.
U. Allow for alternative permeable materials on a driveway (e.g., pavers, grasscrete, etc.). Code currently requires only concrete or asphalt.
V. Include requirements and administrative process for synthetic turf use in the front yards of single-family residential units.
W. Incorporate minimum parking stall and aisle dimensions.
X. Simplify parking requirements for full-service restaurants to 1 space per 100 gross square feet rather than current requirements which is 1 space for every 3.5 permanent seats and one for every 40 square feet of assembly area that is not occupied by permanent seats.
Y. Reduce medical office parking requirement from 1 space per 200 square feet to 1 space per 250 square feet.
Z. Increase multi-family guest parking requirement from 10% of the required spaces (for apartments) or 1 space per 5 units (condominiums) to spaces per 4 units.
AA. Allow small electronic reader board signs for institutional uses.
BB. Subdivision Ordinance revisions include flag lot requirements such as a limitation on the number of residential flag lots and flag lot design standards.

SECTION 6. Quimby Act. The proposed amendments to the Municipal Code are consistent with the Quimby Act (Government Code § 66477) because the parkland dedication and Quimby Fee requirements only apply to residential developments that require the approval of a tentative map or parcel map and the proposed amendments to the Municipal Code contain definite standards for determining the proportion of a subdivision to be dedicated for parks and recreational facilities and the amount of any Quimby Fees.

SECTION 7. Code Amendment. Table 4.3.1 (Permitted Land Uses) of Section 3 (Land Use Standards) of the West Covina Downtown Plan & Code shall be amended to remove Drive-through services associated with retail, restaurants, and bank from the permitted uses which will not be allowed in the Downtown Plan area.

SECTION 8. Code Amendment. Section 7-280.6(f) of Article XVIII of Chapter 7 shall be amended to read as follows:

(f) Any decision by the building official or his/her designee made pursuant to this chapter may be appealed to the planning commission in accordance with the procedure set forth in section 26~~-212~~193 of Chapter 26 of this Code.

SECTION 9. Code Amendment. Section 15-604(a) of Article XIV of Chapter 15 shall be amended to read as follows:

(a) Impounding. The city may impound any cart without the permanently affixed sign required by section 26-115 ~~26-685.14200~~ of this Code and/or any cart that has the required permanently affixed sign, provided both of the following conditions have been met:
(1) The shopping cart is located outside the business premises.
(2) The shopping cart is not retrieved within twenty-four (24) hours from the date the shopping cart owner receives actual notice from the city of such cart's discovery and location.

SECTION 10. Code Amendment. Section 15-604(i) of Article XIV of Chapter 15 shall be amended to read as follows:

(i) Revocation. An approved cart containment plan per section ~~26-685.14200~~26-115 of this Code authorizing the use of carts by the business establishment may be revoked by the director upon his/her determination that any of the following grounds for revocation exist, and shall be subject to revocation procedures in division 12 of article VI of chapter 26 of this Code (Revocation Procedures):
(1) The owner of any establishment has received notice that the establishment is operating, or is permitting operation of, the establishment in violation of one or more of the provisions of said approved plan(s) and has failed to correct said violation(s) for a period of at least sixty (60) calendar days following the date of receipt of written notice of such violation(s) from the city.
(2) The mandatory cart containment and retrieval plan is inadequate to reasonably prevent the removal of shopping carts from the premises of the retail establishment or to reasonably provide for the prompt retrieval of lost, stolen, or abandoned shopping carts which have been removed from the premises of the retail establishment.

SECTION 11. Code Amendment. Section 17-2(b) of Article II of Chapter 17 shall be amended to read as follows:

(b) *Planning commission review.* The planning commission shall be responsible for reviewing and rendering decisions regarding art in public places applications. The determination of the planning commission shall be final unless appealed to the city council within ten (10) days of the planning commission decision pursuant to procedures set forth in Section 26-~~212~~190.

SECTION 12. Code Amendment. Division 29 (Wireless Telecommunication Facilities in the Public Right-of-way) of Article XII of Chapter 26 shall be relocated to Article X of Chapter 19 with the following change to the section numbers:

Sec. 19-300. Purpose.
Sec. 19-301. Applicability.
Sec. 19-302. Definitions.
Sec. 19-303. Wireless Telecommunications Facility Permit (WTFP) Review Authority.
Sec. 19-304. Wireless Telecommunications Facility Permit Application Submittal Requirements.
Sec. 19-305. Review Procedure.
Sec. 19-306. Design and Development Standards.
Sec. 19-307. Operation and Maintenance Standards.
Sec. 19-308. No Dangerous Condition or Obstructions Allowed.
Sec. 19-309. Nonexclusive Grant; No Possessory Interests.
Sec. 19-310. Permit Expiration; Abandonment of Applications.
Sec. 19-311. Cessation of Use or Abandonment.
Sec. 19-312. Removal and Restoration—Permit Expiration, Revocation or Abandonment.
Sec. 19-313. Effect on Other Ordinances.
Sec. 19-314. State or Federal Law.
Sec. 19-315. Legal Nonconforming Wireless Telecommunications Facilities in the Right-of-Way.

SECTION 13. Code Amendment. Section 19-303(b) of Article X of Chapter 19 shall be amended to read as follows:

(b) *Administrative Permit ~~review~~ ("Minor WTFP") required.*

SECTION 14. Code Amendment. Section 19-304(b)(8)e.2. of Article X of Chapter 19 shall be amended to read as follows:

2. Whether and why the proposed wireless facility meets each required finding for a SWF permit as provided in section ~~12.18.060~~19-305 (Review Procedure).

SECTION 15. Code Amendment. Section 19-305(d)(1) of Article X of Chapter 19 shall be amended to read as follows:

(1) *Major WTFP applications.* Any major WTFP application shall require notice and a public hearing. The public hearing notices shall be provided as set forth in section 26-~~206~~187 of the West Covina Municipal Code.

SECTION 16. Code Amendment. Section 19-306(a)(2)e. of Article X of Chapter 19 shall be amended to read as follows:

e. Wireless telecommunication facilities shall not be located within the dripline of any tree located on private property as set forth in Section ~~26-294 (Protection of trees during development activity)~~ 26-259 (Preservation, Protection and Removal of Trees) of this Code.

SECTION 17. Code Amendment. Section 19-306(i) of Article X of Chapter 19 shall be amended to read as follows:

(i) *Eligible facilities request design and development standards*. Approved eligible facilities requests for which the findings set forth in ~~section 26-685.11500~~ Section 19-305 have been made are subject to the following, unless modified by the approving authority.

SECTION 18. Code Amendment. Section 24-17 of Article II of Chapter 24 shall be amended to read as follows:

The planting and maintenance of all trees in or upon any street, park, parkway or public place in the city, and the pruning, trimming and removal of the same, shall be at all times subject to the supervision of the director, under the authority of the city council. In the case where the public tree(s) is a significant tree(s), or a heritage tree(s) as defined in section 26-~~289~~259 of this Code, or has a caliper of one (1) foot or more measured at four (4) feet six (6) inches above grade, then said tree(s) shall be subject to the tree permit procedure outlined in section 26-293. Except as otherwise provided in Chapter 26, Article VI, Division 8, the director may authorize the removal or pruning by the city or by any other person, as herein provided, of any tree in or upon any street, park, parkway or public place which interferes with the construction work, or the maintenance thereof, or any tree which is dead, or which creates a hazard to the public safety or which does not conform to the type or variety designated for the particular place in which the same is situated.

SECTION 19. Code Amendment. Section 24-18 of Article II of Chapter 24 shall be amended to read as follows:

The director shall develop and maintain a street tree plan as approved by the city council upon the recommendation of the recreation and parks commission including a master list of trees approved for planting in streets and parkways throughout the city. The plan will also include rules and regulations governing the planting, location, spacing and maintenance of the various varieties of the listed trees. The director shall designate the kind and variety of trees to be planted upon any street, park, parkway or public place of the city and the location, spacing and planting procedure to be followed. No person shall plant or install any tree upon any portion of any street, park, parkway or other public place which does not conform to the type, variety, location and spacing designated by the director for that area. Owners of property, however, fronting upon any street for which a type or variety of tree has not been designated by the director, or who are dissatisfied with such designation, may petition the director to designate such type and variety or to change the designation. If said petition would ultimately require the removal of any street tree(s) that has a caliper of one (1) foot or more, and/or qualifies as a significant tree(s) or heritage tree(s) as defined in Chapter 26, section ~~289~~259, then approval of the same shall be subject to the tree permit procedures outlined in section 26-~~293~~263. If they are dissatisfied with the action of the director, they may appeal to the recreation and parks commission which shall have the authority to change the designation. If they are

dissatisfied with any determination rendered on the tree permit, they may appeal in the manner described in section ~~293~~26-263(d). Any action of the director or of the commission may be set aside, changed or altered by the city council.

SECTION 20. Code Amendment. Section 24-22 of Article II of Chapter 24 shall be amended to read as follows:

Except as otherwise provided in this article and Chapter 26, Article VI, Division 8, it shall be unlawful for any person to plant, maintain (except watering), or remove any street trees without prior written permission from the director in accordance with section 24-18 and when applicable section 26-~~293~~263 I. The director may grant permission subject to the condition that any removed street tree be replaced by a tree in accordance with section 24-18 ~~and when applicable section 26-193I~~. No such permission shall be valid for a period longer than thirty (30) days after its date of issuance.

SECTION 21. Code Amendment. Section 24-23 of Article II of Chapter 24 shall be amended to read as follows:

The city may require reimbursement from persons responsible for removing or damaging public trees. Reimbursement may include the value of the tree, costs incurred for procurement and replacement, and costs incurred for treatment of such trees. Costs shall be determined by the director. In the case where the removed or damaged public tree is also a significant tree(s) or heritage tree(s) as defined in Chapter 26, section 26-~~289~~259, reimbursement shall be subject to section 26-~~295~~265.

SECTION 22. Code Amendment. Section 24-25 of Article II of Chapter 24 shall be amended to read as follows:

During the erection, repair, alteration or removal of any building, house or structure in the city, no person in charge of such work shall leave any tree, in any street, park, parkway or public place of the city in the vicinity of such building or structure without such good and sufficient guards or protectors as shall prevent injury to such good and sufficient guards or protectors as shall prevent injury to such tree, arising out of or by reason of such erection, repair, alteration or removal. In the case of a significant tree(s), or a heritage tree(s) as defined in Chapter 26, section ~~289~~259, or if a tree(s) has a caliper of one (1) foot or more measured at four (4) feet six (6) inches above grade, then said protective measures shall be subject to section 26-~~294~~264.

SECTION 23. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 24. Certification. The City Clerk shall certify passage of this Ordinance and shall cause the same to be published as required by law.

SECTION 25. Effective Date. This Ordinance shall take effect and be in force on the 31st days after the date of its passage. Notwithstanding the effective date of this Ordinance, the increase parkland dedication shall not apply to any tentative map or parcel map until the Ordinance has been in effect for a period of 30 days in accordance with Government Code section 66477.

PASSED, APPROVED AND ADOPTED this ___day of _____, 2024.

Brian Calderón Tabatabai
Mayor

APPROVED AS TO FORM

Thomas P. Duarte
City Attorney

ATTEST

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2519 was introduced at a regular meeting of the City Council held on the 16th day of January, 2024, and adopted at a regular meeting of the City Council held on the _____ day of _____, 2024, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

DEVELOPMENT CODE UPDATE

City of West Covina

Comprehensive Development Code Update: Draft

Chapter 26 Zoning

Prepared by:

[Rincon Consultants, Inc.]

November 2023

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Chapter 26 Zoning

ARTICLE I. ENACTMENT AND APPLICABILITY

DIVISION 1 PURPOSE AND APPLICABILITY OF THE DEVELOPMENT CODE *NEW*

26-1 Title

Chapter 26 of the West Covina Zoning Code shall be known and officially cited as the "Development Code of West Covina, California" and referred to in this Chapter as "the Development Code."

26-2 Purpose and Objectives

The Development Code is adopted to implement the City of West Covina General Plan and to protect and promote the health, safety and welfare of West Covina residents.

(a) The Intent of this Development Code is:

(1) To guide the physical development of the City in such a manner as to achieve progressively the general arrangement of land uses depicted in the General Plan.

(2) To promote the stability of existing land uses that conform with the General Plan and protect them from inharmonious influences and harmful intrusions.

(3) To foster harmonious, convenient, workable relationship among land uses.

(4) To respect the City's environmental setting and constraints, and meet the needs of the City for adequate public services and infrastructure.

(5) To provide regulations for the logical subdivision of land.

(6) To facilitate the appropriate location of community facilities and institutions.

(7) To safeguard and improve the appearance of the City.

26-3 Applicability of the Development Code

The Development Code applies to all land uses, structures, subdivisions, and development within the City of West Covina, as follows:

(a) *New Land Uses or Structures, Changes to Land Uses or Structures.* It shall be unlawful, and a violation of the Development Code for any persons to establish, construct, reconstruct, enlarge, alter or replace any use of land or structure, except in compliance with the requirements of Chapter 26. No building permit or grading permit shall be issued by the City unless the proposed construction conforms to all applicable provisions of this Development Code.

(b) *Subdivisions.* Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of the applicable zone by Article II, the City's subdivision regulations set forth in Article VIII, and all applicable requirements of this Development Code.

(c) *Minimum Requirements*. The provisions of this Development Code shall be minimum requirements for the promotion of public health, safety, and general welfare. When this Development Code provides for discretion on the part of a city official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and other purposes of the Development Code.

(d) *Conflicting Requirements*:

(1) Development Code and Municipal Code Provisions. If a conflict occurs between the requirements of this Development Code or between this Development Code, the City of West Covina Municipal Code, other regulations of the City or California State Law, the most restrictive shall apply.

(2) Development Agreements or Specific Plans. If conflicts occur between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

(3) Private Agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures of land than a private agreement of restriction (eg., CC&Rs), without affecting the applicability of any agreement of restriction.

(e) *Other Requirements May Apply.* Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulation of any state, or federal agency.

26-4 Relationship to Prior Ordinances

The provisions of this Development Code, as it existed to the effective date of Ordinance No. 1333 are repealed and superseded as provided in the ordinance enacting this Article I. No provision of the Development Code shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Development Code as it existed prior to the repeal by the Development Code enacting this Development Code, except as addressed by nonconformities created by this Development Code.

26-5 Relationship to General Plan

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

26-6 Relationship to Other City Ordinances

(a) The provisions of this title shall not be interpreted to repeal, amend, modify, alter, or change any other code that is not specifically repealed, amended, modified, altered, or changed.

(b) Nothing in this title shall be interpreted to authorize the use of a lot or parcel in any way that is in violation of any other applicable statute, code, or regulation.

(c) Whenever the provisions of this title are different from the provisions of any other ordinance or adopted code, the more restrictive provisions shall apply, except as the same may be superseded by resolution or ordinance.

(d) The rights granted by any permit, license, or other approval under any ordinance repealed by this title shall be continued, but in the future, to the extent permitted by law, such rights shall be exercised in accordance with the provisions of this title.

(e) The provisions of this title are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of this title.

26-7 Severability, Partial Invalidation of Development Code

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

DIVISION 2 INTERPRETATION OF THE DEVELOPMENT CODE *NEW*

26-8 Purpose

This Division provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this chapter are intended to ensure the consistent interpretation and application of the provisions of this Development Code and the General Plan.

26-9 Procedures for Interpretation

Authority. The Community Development Director or their designee shall have the responsibility and authority to interpret the meaning and applicability of any part of this Development Code.

26-10 Land Uses Not Classified

(a) Uses not listed are not allowed. If a proposed use of land is not specifically listed in Article II, the use shall not be allowed except as provided below:

(b) Director's determination. Based on the authority granted in 26-9 above, the Community Development Director or their designee may determine that a proposed land use that is not listed in Article II may be allowed. In making this determination, the community development director shall first make all of the following findings:

(1) The characteristics of, and activities associated with the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic congestion, parking, dust, odor, noise, emissions, or similar impacts than the uses classified in the zone;

(2) The proposed use will meet the purpose and/or intent of the zone that is applied to the location of the use; and

(3) The proposed use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable specific plan or planned development permit.

(4) The Decision of the Community Development Director is appealable to the Planning Commission pursuant to the provisions set forth in Article VI, Division 1. All such final determinations shall be recorded in writing to include a finding that the proposed use is substantially similar to uses permitted in the proposed zone and consistent with the intent of the applicable zone.

(c) *Applicable standards and permit requirements.* Upon the community development director's determination that a proposed but unclassified land use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use if allowed, what permits are required, and what additional standards and requirements of this Development Code apply.

26-11 Headings and Illustrations

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

DIVISION 3 ZONING DISTRICTS AND ZONING MAP *NEW*

26-12 Purpose

This section establishes the zoning districts to property within the City and determines how the zoning districts are applied on the zoning map.

26-13 Establishment of Zoning Districts

In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings and to regulate the density of population, the various zones hereinafter named and set forth in this chapter are hereby established.

26-14 Official Zoning Map

The zones established by this chapter and the boundaries of such zones are shown upon a map which is made a part of this title and which is designated as the "Official Zoning Map." Such zoning map may, for convenience, be divided into parts, and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units, and each such part and unit may be separately used for purposes of amending the zoning map or for any official reference to the zoning map.

26-15 Uncertainty of Zoning District Boundaries

If uncertainty exists as to the boundary of any zone shown on the zoning map, the following rules shall apply:

(a) Street, alley, right-of-way or Lot Lines. If the indicated zone boundaries are approximately street, alley, right-of-way or lot lines, such lines shall be construed to be the boundaries; otherwise such boundaries shall be determined by use of the scale appearing on the zoning map unless specifically indicated by dimensions.

(b) Vacated Street or Alley. If a street or alley is officially vacated or abandoned, the zone boundary shall be changed to include such vacated or abandoned street or alley in the same zone as the adjoining property to which it reverts.

(c) Determination by Community Development Director. If there is uncertainty about a zone boundary, the Community Development Director or their designee shall, by written decision, determine the location of the zone boundary.

(d) The Decision of the Community Development Director is appealable to the Planning Commission pursuant to the provisions set forth in Article VI, Division 1. All such final zone boundary determinations shall be recorded in writing.

26-16 Classification of Annexed Parcels

Before property is annexed to the City it shall be pre-zoned to a district that is consistent with the General Plan. If a General Plan land use designation has not been placed upon the property, a general plan amendment will be required to establish a land use designation for the property before the property can be pre-zoned and annexed to the City.

DIVISION 4 DEFINITIONS

26-17 General Definitions

26-18 "A" Definitions

Accessory building or structure. A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone on the same parcel of land with the main building or use. Buildings and/or uses that are attached to the main building or primary use by a common wall less than fifty (50) percent of both structures, may be considered a separate accessory building or structure. ~~A part or the whole of a building or structure, the use of which is subordinate and incidental to the main use and/or structure. Where fifty (50) percent or more of the wall of an accessory building or structure constitutes a common wall with the main building, or where less than fifty (50) percent of the wall of the accessory building or structure constitutes a common wall with the main building but in which wall there is contained an opening that permits direct pedestrian passage from one to the other, then such an accessory building or structure shall be considered a part of the main building.~~

Accessory dwelling unit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Accessory habitable quarters/guest houses. A permanently constructed habitable quarters, separate from the primary residence, and having no kitchen facilities, which is clearly subordinate or incidental to the primary residence on the same lot. The accessory habitable quarters may include only a sleeping area, living area, and bathroom within an attached or detached accessory structure and for use by guests or occupants of the primary residence. The accessory habitable quarters shall not be separately rented, leased or let (by direct or indirect compensation) or otherwise occupied separately from the primary residence. Accessory habitable quarters were historically known as guest houses. New accessory habitable quarters/guest houses are no longer allowed.

Accessory use. A use of the land or building which is clearly incidental and subordinate to the principal use of the land or building (but which does not alter the main use), both of which uses are located on the same lot and/or within the same building.

Adult cat or adult dog. Any dog cat or cat dog over four (4) months of age.

Adult day care facility means a state-licensed establishment providing care or supervision on less than a 24-hour-per-day basis for senior citizens.

Adult oriented business ***[RELOCATED FROM EX. SECTION 26-685.4200]*** means adult arcades, adult bookstores, adult cabarets, adult hotels/motels, adult motion picture theaters, adult theaters, sexual encounter centers, modeling studios, and any other business or establishment which offers and/or provides to its patrons merchandise, services or entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, but not including those activities, the regulation of which are preempted or prohibited by state law. "Adult oriented business" shall also include any establishment which, on a regular basis, provides or allows performers, models, or employees to appear in any place in non-opaque clothing, covering, or lingerie or in any opaque covering which is at any time altered to become non-opaque such that specified anatomical areas become visible. For the purposes of this section, emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas is found to be in existence in situations which include, but are not limited to, one (1) or more of the following:

(a) One (1) of the principal purposes of the business or establishment is to operate as an adult oriented business as evidenced by the name, signage, advertising or other public promotion utilized by said establishment.

(b) One (1) of the principal purposes of the business or establishment is to operate as an adult oriented business as demonstrated by its services, materials, products or entertainment constituting a substantial or significant portion of total business operations where such services, products or entertainment are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or

specified anatomical areas. As used in this division, the term "distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrases. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal. App. 3d 151 (1981).

(c) As applied in this division, no business shall be classified as an adult oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

(d) *Adult arcade* means an establishment having as one (1) of its principal business purposes, for any form of consideration, one (1) or more still or motion picture projectors, or similar machines show films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(e) *Adult bookstore* means an establishment having as one (1) of its principal business purposes the display and/or distribution of adult merchandise, books, periodicals, magazines, photographs, drawings, sculpture, motion pictures, films, or videos, or other visual representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activity or specified anatomical areas.

(f) *Adult cabaret* means a nightclub, restaurant, or similar business establishment which: (1) regularly features live entertainment as defined herein; and/or (2) which regularly features persons who display specified anatomical areas; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(g) *Adult hotel/motel* means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a twenty-four-hour period.

(h) Adult merchandise means sexually oriented implements and paraphernalia, such as, but not limited to: dildo, auto suck, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices.

(i) Adult motion picture theater means an establishment having as one of its principal business purposes, the showing of, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(j) Adult oriented material means any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, CD-ROM, laser disk, DVD, flash drives, steaming subscriptions, or other visual representation distinguished or characterized by an emphasis upon the depiction or description of specified sexual activity or specified anatomical areas.

(k) Adult theater means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features, as one of its principal business purposes, live performances which are distinguished or characterized by an emphasis on the display of specified sexual activities or specified anatomical areas.

(l) Business permit, adult-oriented means a permit validly issued by the City of West Covina to operate an adult oriented business.

(m) Employee, adult-oriented means any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. "Employee" does not include a person exclusively on the premises for repair or perform maintenance of the premises or for the delivery of goods to the premises.

(n) Establishment of an adult oriented business means:

(1) The opening or commencement of any adult oriented business as a new business;

(2) The conversion of an existing business, whether or not an adult oriented business, to any adult oriented business, as defined;

(3) The addition of any adult oriented business to any existing business or an existing adult oriented business;

(4) The relocation of any adult oriented business;

(5) A change in twenty-five (25) percent or more of the ownership of an existing adult oriented business.

(o) *Existing adult-oriented business* means a business that has been in operation within the past six (6) months. An adult oriented business shall only be considered an existing business if it has been in operation as an adult oriented business within the past six (6) months.

(p) *Individual viewing area* means any area designed for occupancy of only one (1) person at any time for the purpose of viewing live performances, pictures, movies, videos, or other presentations.

(q) *Live entertainment, adult oriented* means any display or performance by a human being which is characterized by an emphasis on specified sexual activities or specified anatomical areas.

(r) *Modeling studio, adult-oriented* means an establishment having as one of its principal business purposes, provides, for any form of compensation, models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted, or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available specified sexual activities.

(s) *Nudity* or *nude* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

(t) *Operator, adult-oriented* means any person who causes an adult oriented business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated an adult oriented business whether or not that person is an owner, part owner, or permittee of the business.

(u) *Owner* or *manager, adult -oriented* means any person who operates, owns, or otherwise has control over an adult oriented business.

(v) *Performer* or *adult oriented business performer* means any dancer, model, entertainer, or other person who publicly performs specified sexual activities or publicly displays specified anatomical areas, or otherwise engages in performances distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(w) *Adult-oriented performer permit* means a permit validly issued by the City of West Covina for a person to work as an adult oriented business performer within the City of West Covina.

(x) *Adult-oriented permittee* means a person in whose name a permit to operate an adult oriented business has been issued, including the individual or individuals listed as an applicant on the application for an adult oriented business permit. In the case of a performer, it means the person in whose name the adult oriented performer

permit has been issued. "Permittee" shall include the permittee's employees, agents, partners, directors, officers, shareholders or managers.

(y) *Premises, adult-oriented* means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the permittee, as described in the application for a sexually oriented business permit.

(z) Principal adult-oriented business purpose means that the establishment:

(1) Has a substantial portion of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;

(2) Has a substantial portion of the wholesale value of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;

(3) Has a substantial portion of the retail value of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;

(4) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration of live performances, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;

(5) Maintains a substantial section of its net floor area for the sale or rental of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas; or

(6) Regularly features live performances, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas; and prohibits access by minors, by reason of age, to its premises, and regularly advertises, on signage visible from a public right-of-way, as providing items that the advertising describes using the term "adult," "xxx," "triple-x," "x-rated," "erotic," "sexual," or a term or terms with similar import.

(aa) *Sexual encounter center* means any business, agency or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purposes of engaging in specified sexual activities or exposing specified anatomical areas.

(bb) Specified anatomical areas means:

(1) Less than completely and opaquely covered human genitals; pubic region; buttock; or female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(cc) Specified sexual activities means:

(1) The exposure, display or depiction of human genitals in a state of sexual stimulation or arousal;

(2) Acts of sexual intercourse, human masturbation, sexual stimulation or arousal; or

(3) Fondling or other erotic touching of one's own or another(s)' body/bodies, human genitals, pubic region, buttock, or female breast whether covered or not.

(dd) *Specified criminal activity* means any of the following specified crimes:

(1) Rape, child molestation, sexual assault, sexual battery, aggravated sexual assault, aggravated sexual battery, or public indecency;

(2) Prostitution, keeping a place of prostitution, pimping, or pandering;

(3) Obscenity, disseminating or displaying matter harmful to a minor, or use of child in sexual performance;

(4) Any offense related to any sexually-oriented business, including controlled substance offenses, tax violations, racketeering, crimes involving sex, crimes involving prostitution, or crimes involving obscenity;

(5) Any attempt, solicitation, or conspiracy to commit one (1) of the foregoing offenses; or

(6) Any offense in another jurisdiction that, had the predicate act(s) been committed in California, would have constituted any of the foregoing offenses.

(ee) *Substantial* means at least twenty-five (25) percent.

Advisory Agency. The Planning Commission is hereby designated as the advisory agency referred to in the Subdivision Map Act. As such, it will be charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, and having the authority to approve, conditionally approve or disapprove tentative maps of subdivisions.

Aircraft. A device that is used or intended to be used for flight in the air, including, but not limited to hang gliders, motorized hang gliders, ultralights, hot-air balloons, planes and helicopters.

Alley. A public or private right-of-way less than forty (40) feet wide which affords a means of vehicular access to the side or rear of properties abutting a street or highway.

Allowable building area. That site area not included in the required front, side or rear setbacks. See "Floor area Ratio."

Amendment. A change in the wording, content or substance of this chapter, or a change in the zone boundaries upon the zoning map, a part of this chapter, when adopted by the City Council in the manner prescribed by law.

Appeal board. The City Council is hereby designated as the "appeal board" referred to in the Subdivision Map Act, with all the functions and powers thereof.

Applicant means a person who has applied for, but not obtained any license, permit, certification, or renewal.

Areas of undue concentration. A census tract (as defined by Section 23958.4 of the California Business and Professions Code.) where an undue concentration in the number of alcohol licenses exists as determined by the department of alcoholic beverage control (ABC).

Arborist. ***[RELOCATED FROM EX. SECTION 26-689]*** A person who is a California Certified Arborist; a person accredited by the International Society of Arboriculture in California.

Architectural extension. A tower, or other tall element that extends beyond the roof of a building for the sole purpose of serving as an architectural or aesthetic feature.

Architectural lighting. Any arrangement, other than signage, of lighting to outline or highlight certain features such as the shape of a building or the decoration of a wall or window.

Athletic club. A site containing two (2) or more indoor or outdoor facilities such as gymnasiums, racquetball courts, and swimming pools, which devotes less than ten (10) percent of its building floor area to massage or bathhouse activities (also called health spa).

Attic. The space between a pitched roof and ceiling of the highest floor of the house.

Automaker shall mean a company that manufactures cars.

Automobile wrecking. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Awning. A structure of malleable material which is designed to provide shelter and is attached to the underlying permanent structure.

26-19 "B" Definitions

Bachelor apartment. One (1) room and bath, without cooking facilities, in a multiple dwelling.

Basement. That portion of a building where perimeter walls and floor are completely below adjacent grade except for six (6) inches of wall as measured from the bottom of the sole to the bottom plate. ~~That portion of the building below the first story of the building except that a basement,~~ The basement, when designed for, or occupied for business, manufacturing, or for dwelling purposes (subterranean garages exempted), shall be considered a story.

Bedroom. A bedroom is a room used for sleeping purposes that is separable from other rooms by walls with a door and/or an opening/doorway less than 5 feet in width whether designated as a bedroom or den, study, library, bonus room, media room, or other similar term. A kitchen, hall, powder room, pantry, kitchen nook, laundry room, garage, and bathroom shall be specifically excluded, without limitations.

Billiards. ***[RELOCATED FROM EX. SECTION 26-685.2]*** Billiard and pool games shall mean any of the several games on a table (including those coin-operated), surrounded by an elastic ledge or cushions, with balls which are intended to be propelled by cues.

Billiard parlor, main use. ***[RELOCATED FROM EX. SECTION 26-685.2]*** Any place containing billiard tables not as an accessory to a main use.

Billiard parlor, accessory use. ***[RELOCATED FROM EX. SECTION 26-685.2]*** A use accessory to a main use, containing four (4) or more billiard tables and no more than 10 percent of the total floor area available for customer assembly and/or dining.

Block. All property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Body piercing. The business of perforating the skin using a needle or otherwise, so as to produce a piercing on the cartilaginous part of the ear or any part of the body.

Box size. The size of a tree's container when sold, if boxed.

Building. Any structure having a roof built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind; but excluding all forms of vehicles even though immobilized. Where this chapter requires, or where special authority granted pursuant to this chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

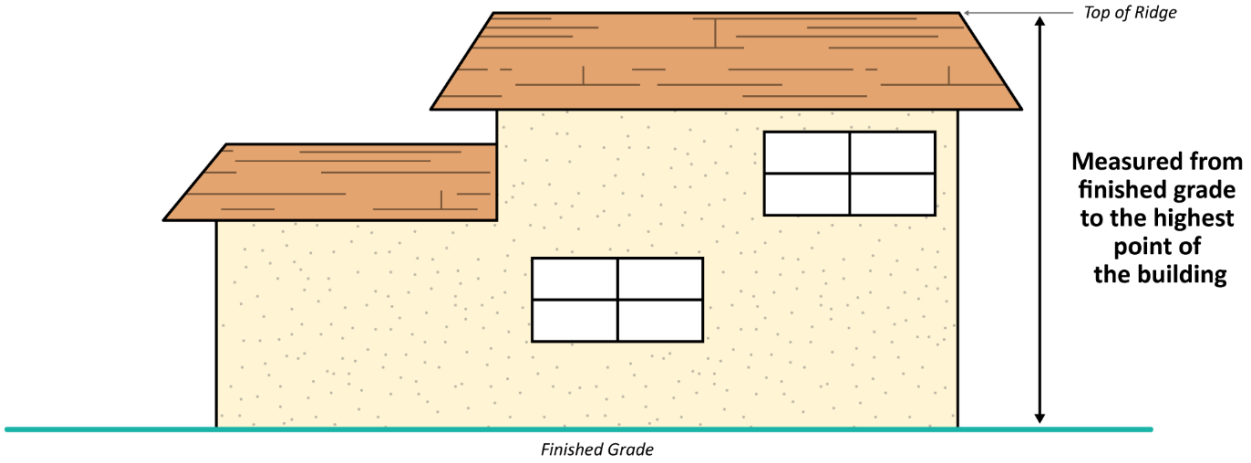
Building, Enclosed. A Building enclosed on all sides.

Building coverage. The area of a lot covered by buildings or other roofed structures, including any eaves extending more than two (2) feet beyond any support structure. Permeable roof materials (e.g., lattice-work) covering two hundred (200) square feet or less will not be included in the lot coverage calculation.

Building frontage. That side of a building which contains the main entrance for pedestrian ingress and egress. If more than one (1) main entrance exists, the one that most nearly faces or is oriented to the street of highest classification as portrayed on the current master plan of streets and highways shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest lineal dimension containing a main entrance shall be considered the building frontage.

Building height. The vertical distance measured from ~~any~~ the highest point of the roof structure to the lowest adjacent finished "grade" ~~directly below said point~~ of the same structure, but exclusive of vents, air conditioners, chimneys, or other such incidental appurtenances~~.~~ and/or the necessary depth needed to accommodate subterranean parking in commercial and multiple family residential zones.

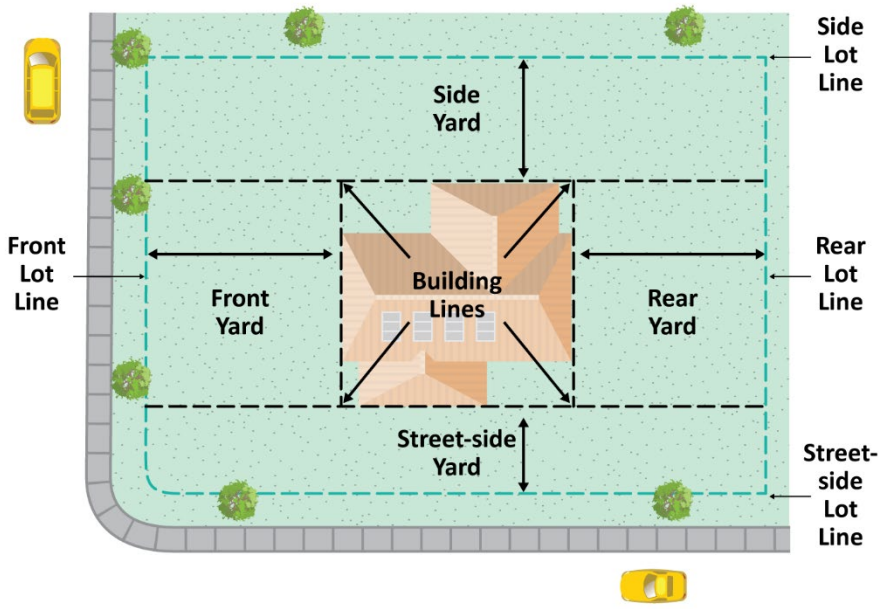
Figure 1-1 Measuring Building Height *NEW*



Building identification sign. A sign or signs which portray, through the use of words or symbols, the identifying name assigned to the building by the owner thereof.

Building line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.

Figure 1-2 Building Lines *NEW*



Building site shall mean:

(a) The ground area of one (1) lot or parcel, or

(b) The ground area of two (2) or more lots or parcels when used in combination for a building or permitted group of buildings, together with all open spaces as required by this chapter.

Business or *commerce.* The purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering services.

26-20 "C" Definitions

Cannabis shall have the same definition as that set forth in California Health and Safety Code section 11018.

(a) *Medical cannabis* shall mean cannabis used for medical purposes in accordance with California Health and Safety Code section 11362.5.

(b) *Cannabis cultivation* shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Canopy structure. A sheet of flexible material, fabric or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood or plastic or any other similar material. Canopy structures may be used as tents or to provide shelter or covering for storage of automobiles, boats, recreational vehicles, or other similar uses. Canopy structures include but are not limited to, prefabricated canopies ready-made for simple assembly, and canopies which are built, constructed or composed of parts joined together in some definite manner, but excludes awnings attached to buildings and temporary coverings used to protect property during government-ordered aerial sprayings.

Caliper. ***[RELOCATED FROM EX. SECTION 26-689]*** A The maximum diameter of the trunk of a tree measured at four-and-a-half (4.5) feet above the natural grade. In the case of multi-trunked trees, "caliper" shall mean the sum of the calipers of each individual trunk measured at four-and-a-half (4.5) feet above grade.

Car dealership shall mean a dealership selling new vehicles that has obtained permission and authority to sell vehicles as a direct agent of a major automaker.

Carport. A shelter for an automobile consisting of a roof; with or without walls, but not containing a door.

Child day care facility. A facility, licensed by the State of California, which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. Child day care facilities include day care centers, and family day care home.

Club, nonprofit. An association of persons for some common nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business. The serving of alcohol in conjunction with a club shall be permitted only when the use is as defined in Section 23428.9 of the California Business and Professions Code.

Commercial cannabis activity includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of: 1) cannabis and cannabis products, including medical cannabis, medical cannabis and medical cannabis products within the meaning of California Business and Professions Code Section 26000, et seq., and 2) Adult-use cannabis, cannabis products and,, cannabis and cannabis products, except for personal cultivation as permitted in Section 26-113 of the West Covina Development Code.

(a) *Cannabis dispensary* means a premises where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

(b) *Cannabis transport dispensary* means any person or entity that transports or offers to transport cannabis in any vehicle or by any other means. A person who is transporting cannabis to a qualified patient for whom he or she is the primary caregiver shall not be a "cannabis transport business."

(c) *Primary caregiver, cannabis* is an individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person as is further defined in California Health and Safety Code section 11362.7.

(d) *Qualified cannabis patient* is a person who is entitled to the protections of the California Health and Safety Code section 11362.7, inclusive of a person with an identification card as that term is defined in California Health and Safety Code section 22362.7.

Commission. The Planning Commission of the City.

Community Development Director. The Community Development Director, or their designee.

Composting. ***[RELOCATED FROM EX. SECTION 26-685.91]*** A method of waste treatment in which organic solid wastes are biologically decomposed under controlled, aerobic or anaerobic conditions.

Computer game/internet access centers. ***[RELOCATED FROM EX. SECTION 26-685.2]*** Any place of business providing one (1) or more computers for public use for the purpose of playing computer games, accessing the internet, or other computer use as a main use or as a secondary or incidental to another use. For the purpose of the chapter, government facilities providing computers for public use shall not be considered as computer game/internet access centers.

Convalescent home. An institution where nursing, dietary and other personal services are rendered to convalescents, but excluding mental cases and cases of contagious or communicable diseases and excluding surgery or primary treatment. Convalescents are persons who are gradually recovering health after an illness; or persons requiring post-operative attention.

Coordinated entry system. A centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

Court. Any portion of the interior of a lot or building site which is wholly or partially surrounded by buildings, and which is not a required front, side or rear yard.

26-21 "D" Definitions

Dance, cabaret. Any dance or dancing held or engaged in at any place or premises licensed by the state to sell, serve or dispense intoxicating liquor for consumption in or at such place or premises.

Dance or dancing schools. The teaching of dancing in any room or building where food is not served as a normal part of its operation and the hours of operation do not extend beyond 10:00 p.m.

Day care center. Any child day care facility, licensed by the State of California, other than a family day care home, and includes infant care centers, preschools, and extended day care facilities.

Decorative block. Masonry units having significant texture, scoring and/or clay faces.

Dedication. A conveyance of land from the private to the public interest for public use pursuant to a request for approval of a final map.

Density. The number of residential units per net acre of land.

Development activity. ***[RELOCATED FROM EX. SECTION 26-689]*** The work done pursuant to a development proposal approved by the City.

Development application. ***[RELOCATED FROM EX. SECTION 26-689]*** Any application for a construction permit, precise plan of design, conditional use permit, variance, tentative subdivision map, or a similar approval for the development of property.

Division. Synonymous with the term "subdivision" as used in Article VIII.

Dog-proof fence. A fence six (6) feet high of heavy gauge chain link, masonry block, or comparable weatherproof material, or a combination thereof, with a footing which is at least four (4) inches wide and twelve (12) inches deep, below grade.

Donation drop boxes. ***[RELOCATED FROM EX. SECTION 26-685.91]*** A Any metal, plastic, cardboard or wooden box, bin, container, trailer, accessory structure, or similar facility located outside of an enclosed building or in a parking lot or public place, provided by a person, organization, or collection center for the primary purpose of receiving or storing donated items, including household goods and clothing. The term "donation drop box" does not include any such box located inside of a building or structure.

Dripline. ***[RELOCATED FROM EX. SECTION 26-689]*** An imaginary line on the ground, at the furthest extension of the canopy around the circumference of the tree. Typically, the dripline is not a perfect circle.

Drive-through facility. Any establishment which is designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies and other commercial uses.

Driveway. A paved area for access to an approved parking area or for parking of vehicles.

(a) A "primary driveway" shall be defined as that area providing direct access from the street to a garage, carport, or required parking space(s). No driveway established prior to June 1, 1991, by permit, shall be considered nonconforming.

(b) A "secondary driveway" shall be defined as that area providing direct access to a fully-screened side or rear yard area for the purpose of parking or storing recreational vehicles, recreational equipment and trailers, and/or utility trailers.

Dwelling. A building or portion thereof designed and used exclusively for residential purposes and occupancy, with exception of permitted home occupations, including single family, and multiple dwellings, but shall not include hotels or motels.

(a) *Dwelling unit.* One (1) or more rooms in a dwelling or apartment house designed for occupancy by one (1) family or similar household unit for living or sleeping purposes, and having only one (1) kitchen.

(b) *Dwelling, single-family.* A detached building designed exclusively for occupancy by one (1) family or similar household unit and containing one (1) dwelling unit.

(c) *Dwelling, multiple.* A cluster of attached or detached dwelling units.

(1) *Apartment.* A room or group of rooms that is designed, used or intended to be used as a single-family unit and is located in a multiple-family dwelling.

(2) *Attached townhouse*. Two or more single-family dwelling units connected by common walls along the sides with either shared or unshared foundations.

(3) *Condominium.* The ownership of single units in a multi-unit project with common elements.

26-22 "E" Definitions

Eating place, bona fide. An eating place as defined in Section 23038 of the California Business and Professions Code.

Efficiency units. Also known as single-room occupancy (SRO) residential hotels. A facility that contains five (5) of more guestrooms containing no more than four hundred (400) square feet of habitable space.

Emergency shelters (homeless). A facility that provides immediate and short-term housing, limited to occupancy of six (6) months or less, to homeless persons or families on a first-come, first serve basis. The facility may offer minimal supplemental group services that may include counseling, food, and access to social programs. No individual or household may be denied emergency shelter because of an inability to pay (consistent with Section 50801(e) of the California Health and Safety Code).

Employee Housing. Employee Housing refers to housing that accommodated six (6) or fewer employees, as defined by Health and Safety Code section 17021.5.

Encroach. To extend beyond the allowed limits.

Entertainment, live (in conjunction with a commercial use). Any performance conducted in conjunction with and accessory to a commercial use including, but not limited to, live bands or performances, public singing (for karaoke, see separate definition), and similar activities.

26-23 "F" Definitions

Family. Family means one or more persons, related or unrelated, living together as a single household in a dwelling unit. ~~Family means an individual or group of individuals, related or unrelated, living together as a single housekeeping unit, including necessary servants. A family does not include institutional group living situations such as a residential facility, rest home, dormitory, or similar use, nor does it include such commercial group living arrangements such as a roominghouse, motel, hotel, or similar uses.~~

Family child care home. A home, licensed by the State of California, which regularly provides care, protection and supervision of children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and includes the following:

(a) *Large family child care home* means a home that provides family child care for up to twelve (12) children, or for up to fourteen (14) children if certain requirements are met per State law.

(b) *Small family child care home* means a home which that provides family child care for up to six (6) children, or for up to eight (8) children if certain requirements are met per State law.

Farmworker. An agricultural employee engaged in agricultural work or farming and any practices performed on a farm in conjunction with farming including the cultivation and tillage of soil, raising of animals and the preparation of agricultural products for market and or to carriers for transportation to market.

Farmworker Housing. Farmworker (agricultural) housing is a residential use of one or more single or multi-family dwelling units and accessory dwellings of the same type and in the same zone, and/or group quarters structures with common dining area.

Flag Lot. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than twenty (20) feet in width at any point connecting the main building site area to the frontage street.

Floor area. The square footage of lot areas under solid roof within the surrounding exterior walls of a building, including, but not limited to, habitable attics, basements, lofts, enclosed patios, and sunrooms.

Floor area ratio (FAR). The total gross floor area included within the surrounding exterior walls of all buildings on a lot divided by the net lot area of the subject property. Underground and above-grade parking structures shall not be included in the FAR calculations for commercial and/or multifamily residential development. Parking structures/garages on properties developed with a single-family residential use exceeding 650 square feet shall be included in the FAR calculations.

Frontage. Same definition as Building Frontage.

Front façade. One or more exterior sides of a primary structure, not screened by a solid six (6) foot tall fence/wall, that face the front property line.

Fund-raising events.

(a) Noncommercial purpose as used herein shall mean the stated purpose of a nonprofit organization as defined in the Internal Revenue Code Section 501(c) [a public entity raising money for an authorized program or purpose].

(b) Participants as used herein means an individual household, group, family or organization who will pledge or donate any and all proceeds and profits from the sale of such goods to the noncommercial purpose and does not include participants selling such goods for a commercial or personal purpose or profit.

(c) Sales events as used herein means the indoor or outdoor sale of items which are made or owned by the project sponsors or participants including but not limited to art work, crafts, baked goods, jewelry, quilts, clothing, potted plants, macrame, toys, games, novelties, and knick-knacks for a noncommercial purpose.

(d) Swap meets means "swap meets" as defined in the Business and Professions Code Section 21661 are prohibited in any zone.

26-24 "G" Definitions

Game arcade, main use. ***[RELOCATED FROM EX. SECTION 26-685.2]*** Any place of business containing one (1) or more games of skill or science not as an accessory to a main use.

Game arcade, accessory use. ***[RELOCATED FROM EX. SECTION 26-685.2]*** A use accessory to a main use, containing four (4) or more coin-operated games of skill or science.

Garage, private. An accessory building or an accessory portion of the main building designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building, having three (3) walls, a roof and a door.

Garage, public. A building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for remuneration, hire or sale.

Garage, subterranean. A garage which is a portion of the main structure and so located that (a) all sides but the side which has the main entrance are enclosed by finished grades which are parallel to the garage ceiling and (b) the main entrance is not visible from a street.

Garbage. Every refuse accumulation of animal, fruit, vegetable or other putrescible matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowls, fruit, vegetables or grains. See also "solid waste."

General Plan. The official statement of the City Council of the City of West Covina which sets forth its major long-range policies concerning desirable future physical development of the City.

Grade, average. The average of the finished grade at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the average grade shall be measured at the sidewalk.

Grade, existing. The surface of the ground as it exists prior to disturbance in preparation for a project regulated by this chapter.

Grade, finished. The manufactured surface of the ground as it exists after the completion of a project regulated by this chapter.

Grand opening event. A promotional event held for the purpose of advertising the original opening of a business, a reopening after closure, change in business name, or change in ownership, and completed within six (6) months of that opening or change.

Gross floor area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of:

(a) Shaft enclosure.

(b) Courts.

(c) Floor area space devoted entirely to heavy mechanical equipment (e.g., air conditioning unit).

(d) Public restrooms.

(e) Janitorial equipment room.

(f) Any other facility common to a central service core.

Group home. A group home shall mean any residential care facility for six (6) or fewer persons who are mentally disordered or otherwise handicapped or supervised. A group home must be licensed by the State under the provisions set forth in Chapter 2 of Division 2 of the California Health and Safety Code. Group home does not include any facility for wards of the juvenile court.

Gymnasium. A room or building equipped for physical training, sports or exercise that may include accessories such as locker rooms and showers.

26-25 "H" Definitions

Hardscape means any durable, pervious or imperious surface material, including paving for pedestrians and vehicles.

Health and Beauty Spas (Also known as Day spas). Bathhouse. A business that provides a variety of services for the purpose of improving health, beauty, and relaxation through personal care treatments such as massages, facials, body wraps, manicures/pedicures, saunas, steam rooms, or other relaxation treatments.

(a) Esthetician mean a person trained to administer facials, advise customers on makeup and the care of skin and hair and other cosmetic and maintenance procedures.

(b) Health officer means the county health officer or any other person exercising the duties of health officer of the City.

(c) License, health and beauty means the license to operate a health and beauty spa as required by the Development Code.

(d) License authority, health and beauty spa means the police chief or his/her designee charged with the administration of health and beauty spas.

(e) Massage means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibration, manipulating, or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or other appliance or device, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or similar preparations.

(f) Massage technician means any person who administers massage to another person for any consideration whatsoever. "Massage technician" shall include masseur and masseuse.

(g) Outcall service means the engaging in, conducting or carrying on of any massage or health and beauty spa service for consideration at a location other than a massage parlor or health and beauty spa which has been licensed pursuant to this article.

(h) Permit, health and beauty spa means the permit to engage in the activities of a massage technician or esthetician or health and beauty spa employee as required by this article.

(i) Recognized school of massage means any school or institution of learning which has been approved by the superintendent of public instruction of this state pursuant to Education Code Section 94300 et seq., and California Administrative Code, Title 5, Section 18823 et seq. or any successor statute or regulation. Any school or institution of learning offering or allowing courses of a massage technician not approved by the superintendent of public instruction shall not be deemed a recognized school of message.

Heritage tree. ***[RELOCATED FROM EX. SECTION 26-689]*** Any trees identified as such by the Planning Commission resolution upon the commission findings that the tree or group of trees:

(a) Is of historical value because of its association with a place, building, natural feature, or an event of local, regional, or national historic significance;

(b) Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site, or historic district;

(c) Is representative of a significant period of the City's development; or

(d) Is designated for protection or conservation in a specific plan, conditional use permit, precise plan of design, tract or parcel map or similar development approval.

Heritage tree ***[RELOCATED FROM EX. SECTION 26-689]*** shall also mean any of the Southern California black walnut tree species (Juglans californica), located in the San Jose Hills as found within West Covina's jurisdictional boundaries.

(a) This definition shall not affect those Southern California black walnut trees located on R-1 and R-A lots created by any subdivision approved and recorded prior to the effective date of the ordinance enacting this subsection.

(b) Any Southern California black walnut tree located on those O-S (Open Space) lots created under the density transfer standards outlined in section 26-59, shall further be protected under the guidelines contained in this section.

Hillside areas means those areas which form the complex of hilly topography commonly known as the San Jose Hills, and are so designated on the City's zoning map.

Home occupation. An accessory use or activity of a business nature conducted on residential property by the occupant(s) of the residence. A home occupation shall be clearly incidental and secondary to the primary residential use of the property and shall not change the residential character of said property or adversely affect the residential neighborhood within which it is located.

Hospital, animal. An establishment in which veterinary services, clipping, bathing, boarding, and other services are rendered to dogs, cats, and other animals.

Hospital and sanitarium. An institution specializing in giving clinical, temporary and emergency services of a medical or a surgical nature to injured persons and patients other than persons suffering from a mental sickness, mental disease, mental disorder or mental ailment.

Hospital, mental. An institution licensed by state agencies under provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders but not licensed to provide facilities and services in surgery, obstetrics and general medical practice. Establishments limiting services to juveniles below the age of five (5) years, and establishments housing and caring for cases of cerebral palsy are specifically excluded from this definition.

Hotel. A building where lodging in sleeping units or suites is available to the transient public and is provided with or without meals for compensation, all for the temporary use of a transient individual who remains as a guest of such establishment less than thirty (30) days, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under a legal restraint.

26-26 "I" Definitions

Indoor multi-tenant retail center and *indoor swap meet.* An indoor commercial area used to accommodate multiple vendors and/or multiple sales areas offering a variety of goods and/or services for sale wherein said sales areas are separated and/or distinguished from one another by means of (1) partitions, screens, walls, barriers, or similar physical devices; and/or (2) different business or sub-business names or other forms of identification as displayed on signs and/or as indicated on sales receipts.

Institution. An establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals.

26-27 "J" Definitions

Junior accessory dwelling unit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

26-28 "K" Definitions

Karaoke. A use whereby a song act is performed or participated in by one (1) or more persons when accompanied by audio and/or visual devices. Karaoke entertainment shall be permitted only when in conjunction with a bona fide eating place and when conducted in the main dining area or in an accessory lounge area open to the general public.

Kennel, boarding. Any lot, building, structure, enclosure or premises whereupon or wherein are kept seven or more dogs, cats, or similar small animals in any combination, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

Kennel, hobby. The owning, keeping or harboring for show or breeding purposes of four (4) or more adult dogs or five (5) or more adult cats maintained on the same lot and incidental to the occupancy of the lot for residential purposes, but shall exclude boarding kennels.

Kiosk. A small structure with one or more open sides that is used to vend or sale merchandise or other services.

Kitchen. Any room or any portion of a dwelling unit, guest house or accessory living quarter used, intended or designed to be used for cooking and/or preparing food, including but not limited to counter space, sink(s), microwave ovens, hot plates, refrigeration, and/or wet bars.

Kitchen, efficiency. Limited kitchen facilities which contains a sink, food preparation counter, food storage cabinet, and electric circuitry for common kitchen appliances.

26-29 "L" Definitions

Landfill. A facility located within California that is permitted by CalRecycle to accept and bury solid waste from jurisdictions within and outside of California.

Landscape means an area planted with vegetative materials, such as lawns, shrubs, flowers, trees, drought tolerant groundcover, or plants.

Landscape/vegetation, live means plant matter, including trees, shrubs and ground cover.

Legislative Body. The City Council is hereby designated as the legislative body referred to in the Subdivision Map Act. As such, it will be charged with approval or disapproval of final and parcel maps.

Lot as used in this chapter does not mean or include a condominium, but does include:

(a) A parcel of real property when shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the county recorder; or

(b) A parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the subdivision map act of the state in the office of the county recorder;

(c) A parcel of real property not delineated as in (a) or (b) above and containing not less than the prescribed minimum square footage required in the zone in which it is located and which abuts at least one (1) public street, an alley or a private easement determined by the commission to be adequate for purposes of access from a street, and provided further that before building improvements are erected upon such a lot or parcel the private easement right-of-way shall be improved to a standard not less than that defined by the city's specifications for a local street;

(d) A parcel of land registered under the Land Title Law (Torrens Title), and held under separate ownership from adjacent property on the effective date of this chapter.

Lot area or *parcel area.* The total horizontal area within the boundary lines of a lot or parcel.

Lot area, net. The lot/parcel area, excluding any public or private access easements such as an alley, highway, street, parkway, or similar right-of-way, or a private driveway serving another property, excluding the flag-strip portion of any lot necessary for vehicle ingress/egress access, and excluding above-ground easements for paved flood control channels not available for use by the property owner.

Lot, corner. A lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

Lot depth. The horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, flag. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than twenty (20) feet in width at any point connecting the main building site area to the frontage street.

Lot, hairpin. A lot having frontage on a single street comprising more than fifty (50) percent of the total perimeter of the lot.

Lot, interior. A lot other than a corner lot, reversed corner lot, hairpin lot, or through lot with a frontage on only one street.

Lot, key. The first lot to the rear of a reversed corner lot and whether or not separated by an alley.

Lot line, front. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot line, rear. A lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two (2) or more lines, the following shall apply:

(a) For a triangular or irregular lot, a line ten (10) feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;

(b) In the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line; or

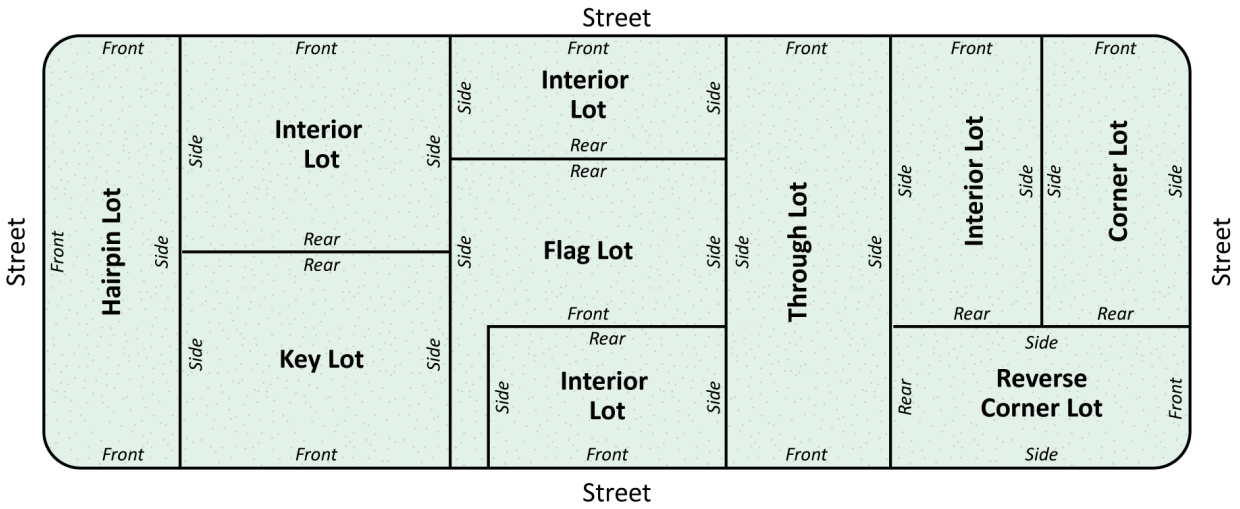
(c) In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

Lot line, side. Any lot boundary line not a front lot line or a rear lot line.

Lot, reversed corner. A corner lot, where the rear of such corner lot abuts the side of another corner lot.

Lot, through. A lot having frontage on two (2) parallel or approximately parallel streets.

Figure 1-3 Lots *NEW*



Lot width, average. The width of the lot as measured from a line drawn perpendicular to a line connecting the mid-points of the front and rear property lines and intersecting the line at a point located one-third the length of the line from the front property line. ~~The horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.~~

Low-and moderate-income and senior citizen housing. **[RELOCATED FROM EX. 26-677]**

(a) *Affordable housing costs.* Monthly housing expenses expressed as a proportion of gross monthly income that can be reasonably allocated for this purpose. Housing costs for rental dwelling units shall include (1) monthly rent, and (2) a reasonable allowance for utilities. Housing costs for "for-sale" dwelling units shall include the sum of the actual or projected monthly payments for (1) principal and interest on a mortgage loan, including

any loan insurance fees, (2) property taxes and assessments, (3) fire and casualty insurance, (4) property maintenance and repairs, (5) homeowners association fees (if any), and (6) a reasonable allowance for utilities. For households of the following income levels, affordable housing costs shall not exceed the following limits:

(1) Very low income households: Thirty (30) percent of fifty (50) percent of the area median income for Los Angeles County, adjusted for household size, divided by twelve (12).

(2) Lower-income households: Thirty (30) percent of seventy (70) percent of the area median income for Los Angeles County, adjusted for household size, divided by twelve (12).

(3) Moderate-income households: Thirty-five (35) percent of one hundred ten (110) percent of the area median income for Los Angeles County, divided by twelve (12).

(b) *Affordable sales price.* A sales price at which very low income and lower-income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the housing development.

(c) *Affordable unit.* A dwelling unit within a residential development which will be reserved for sale or rent to very low, low, or moderate-income households at an affordable sales price or affordable rents in a manner to qualify the residential development for a density bonus under this chapter.

(d) *Area median income.* Area median income for Los Angeles County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.

(e) *Common interest development.* Housing that qualifies as a common interest development under Civil Code Section 1551, such as condominiums and housing cooperatives, provided that all units in the development are offered to the public for purchase.

(f) *Concession, incentive or waiver* means one of the following for a housing development with a density bonus:

(1) A concession is a modification or deviation from a development standards (setbacks, lot coverage, open space and/or objective development standard in the Objective Development Standards document. The number of concessions granted for a development shall be subject to CGC 65915, as amended.

(2) A waiver is a modification for only objective development standards that results in an identifiable, financial sufficient and actual cost reduction of the housing development. A waiver cannot be requested for a codified development standard. Only waivers from objective development standards may be permitted.

(3) Other regulatory incentives or concessions proposed by the developer or the city that result in an identifiable, financially sufficient and actual cost reduction of the housing development.

(g) *Density bonus*. A density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density, as defined in Government Code Section 65915(f).

(h) *Density bonus housing agreement.* A legally binding agreement between a developer and the City of West Covina and/or the City of West Covina redevelopment agency to ensure that the requirements of this division are satisfied. The agreement, among other things, shall establish (1) the number, size, and location of target units, (2) terms and conditions of affordability, and (3) production schedule.

(i) *Density bonus units.* Units that are built due to a grant of a density bonus and which exceed the otherwise maximum allowable residential density for the development site.

(j) *Eligible household.* A household that satisfies the size and income requirements applicable to an affordable unit.

(k) *Eligible housing development.* A development project for five (5) or more residential units; a project to substantially rehabilitate and convert an existing commercial building to residential use; or the substantial rehabilitation of an existing multifamily dwelling as defined in Government Code Section 65863.4(d), where the result of the rehabilitation would create a net increase in residential units.

(l) *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 Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

(m) *Incentives, additional.* Incentives granted in addition to the incentives required to be granted pursuant to Government Code Section 65915(b).

(n) *Mandating operating period.* A period of at least thirty (30) years during which the affordable units, the qualified childcare facility, or the senior citizen housing development is operated in accordance with the requirements of state law and this chapter.

(o) *Moderate income household.* Households whose income does exceed the moderate income limits applicable to the Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

(p) *Senior citizen housing development.* A housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the Federal Fair Housing Amendments Act (42 U.S.C. § 3607(b)) and implementing regulations and as that phrase is used in California Civil Code Sections 51.2 and 51.3.

(q) *Specific adverse impact.* A "specific adverse impact" as defined in Government Code Section 65589.5.

(r) *State law.* California Government Code Sections 65915 through 65918.

(s) *Substantial rehabilitation.* The rehabilitation of dwelling units including correction of code violations, Title 24 upgrades, seismic rehabilitation (where appropriate) and accessibility upgrades such that the units is returned to the City's housing supply as decent, safe and sanitary housing. The minimum cost threshold for substantial rehabilitation is forty thousand dollars ($40,000.00) per unit, which shall be adjusted each calendar year, beginning in 2014, to account for the cumulative change in the Consumer Price Index published for Los Angeles County, or if such index is no longer published, such equivalent index as shall be selected by the planning community development director.

(t) *Target units.* Those dwelling units within a housing development that are produced in exchange for a density bonus and/or other incentives, including dwelling units that will be reserved for sale or rent to very low income households, lower-income households, and/or qualifying residents pursuant to the terms of a density bonus housing agreement.

(u) *Very low income households.* Households whose income does not exceed the very low income limits applicable to Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

Low barrier navigation center. A Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

26-30 "M" Definitions

Major hotel or major motel. A hotel or motel that has a minimum of one hundred (100) rooms or suites, and has conference rooms, banquet rooms or ballrooms available for hire by the public.

Major promotional event shall mean an outdoor or grand opening event where outdoor display, sale or dispensing of merchandise or food, temporary signs, and/or activities relating thereto, conducted wholly on private property, may encroach into any driveway, parking or landscape areas.

Manufactured home shall mean a residential building or dwelling unit which is either wholly manufactured or is in substantial part manufactured at an off-site manufacturing facility for installation and/or assembly at the building

site, bearing a label that the structure was constructed in compliance with the National Manufactured Home Construction and Safety Standards.

Maps: ***[FROM EX. CHAPTER 20]***

(a) *Final Map.* Refers to the land division map creating five (5) or more lots submitted to the City Council for final approval and to the city engineer for compliance with all applicable regulations of this chapter and of the Subdivision Map Act. Such map shall substantially conform to the tentative map approved by the planning commission. Subsequent to approval by the city council, the map shall be recorded with the county recorder.

(b) *Parcel map.* Refers to the land division map creating four (4) or less lots or as required by the Subdivision Map Act and subject to Administrative Review for final approval and to the city engineer for compliance with all applicable regulations of this chapter and of the Subdivision Map Act. Subsequent to approval, the map shall be recorded with the county recorder.

(c) *Tentative map.* A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.

Master plan of streets. The plan as adopted and amended by the City Council indicating the width and alignment of existing and proposed principal arterial, minor arterial and collector streets.

Materials recovery facility or *MRF*. A permitted recycling facility that receives recyclable material, including, but not limited to, any covered material, for mechanical or manual sorting into specification-grade commodities for sale to a broker or end market.

Medical services, clinic/office. A facility other than a hospital primarily focused on the care of outpatients where individuals receive medical, dental, mental health, surgery and/or other personal health care services from a State-licensed healthcare professional.

Membrane structure. A sheet of flexible material, fabric, or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood, or plastic or any other similar material. Membrane structures may be used as tents or to provide shelter or covering for storage of automobiles, boats, recreational vehicles, or other similar uses. Membrane structures include but are not limited to, prefabricated canopies ready-made for simple assembly, and canopies which are built, constructed, or composed of parts joined together in some definite manner, but excludes awnings attached to buildings and temporary coverings used to protect property during government-ordered aerial sprayings.

Miniature pot-bellied pig. A pig or hog and commonly referred to as a pygmy pig or mini pig, which stands no higher than twenty (20) inches at the shoulder, and is no longer than forty (40) inches from the tip of the snout to the end of the buttocks, and weighs no more than one hundred twenty (120) pounds.

Mobile food vendor. Mobile food vendor shall mean any person or entity operating a vehicle, trailer, cart, wagon bicycle, dray, conveyance, or structure on wheels, not firmly fixed to a permanent foundation and which is required to be registered with the California Department of Motor Vehicles, that offers the sale of food or beverages. This does not include food caterers providing services for private events and ice cream trucks selling exclusively ice cream products from a motor vehicle.

Mobile home shall mean a structure (including manufactures homes) used as semi-permanent housing and designed for human habitation, with or without a permanent foundation and can be transported by motor vehicle. Mobile homes shall be considered structures when such mobile homes are parked in a mobile home park.

Mobile home park. Any area used to accommodate one (1) or more mobile homes.

Mobile home marketing complex. A sales complex consisting of not more than ten (10) models, a sales office, a children's play area, landscaping and off-street parking designed and used only for the marketing of dwellings or lots within a subdivision or within a planned residential development overlay zone or in a planned community development zone.

Motel. A group of attached buildings containing individual sleeping units or suites available to the transient public for compensation where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients where such an individual remains as a guest of the establishment less than thirty (30) days; and such words of this definition shall include motor lodges.

Multi-family, definitions pertaining to Article II, Division 1.

(a) *Common areas* shall mean the entire condominium project excepting all units therein granted or reserved to individual ownership.

(b) *CC&R's* shall mean conditions, covenants, and restrictions of any condominium project, community apartment house or any other planned development.

(c) *Condominium:*

(1) Condominium shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in a space in a residential building on such property.

(2) *Stock cooperative:* A "stock cooperative" is a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

(3) *Community apartment:* An apartment in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

(d) Condominium project shall mean either of the following:

(1) The entire parcel of real property divided, or to be divided, into condominiums, including all structures thereon.

(2) The entire parcel of real property converted or to be converted into condominiums, as defined in section c above.

(e) *Unit, condominium* means either of the following:

(1) The element of a condominium project which is not owned in common with the owners of other condominiums in the project.

(2) Dwelling unit of a condominium project defined in section d above.

Multi-trunked tree. ***[RELOCATED FROM EX. SECTION 26-689]*** A tree with a division of its trunk at less than four-and-a-half (4.5) feet above natural grade.

26-31 "N" Definition

Nonconforming building. A building, or portion thereof, which was lawfully erected or altered and maintained, but which, because of the application of this chapter to it, no longer conforms to the development standards of the zone in which it is located.

Nonconforming use. A use which was lawfully established and maintained but which, because of the application of this chapter to it, no longer conforms to the use regulations of the zone in which it is located.

(a) *Illegal Non-Conforming Status.* A use, structure, site feature, or parcel shall be designated as having Illegal Non-Conforming status if it was not lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment or has not continuously remained in compliance with all terms and

conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter.

(b) *Legal Non-Conforming Status.* A use, structure, or site feature shall be designated as having Legal Non-Conforming status if it was lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment and has continuously remained in compliance with all terms and conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter, based on evidence provided by the property owner, tenant, or applicant. Legal Non-Conforming status shall also be assigned if non-conformities were created by a public improvement, such as a street widening project.

Noncommercial purpose. The purpose of any nonprofit organization which has obtained recognized state or federal tax-exempt status.

Nonprofit organization means an organization as defined in section 113841 of the Cal. Health and Safety Code

26-32 "O" Definitions

Open Space, as used in section Article II, Division 1, and Article II, Division 3, means land areas which are not occupied by buildings, structures, streets, or alleys excepting other special landscaped areas of recreationally oriented uses.

(a) *Common open space* (usable, maximum twenty (20) percent grade). Open space which is suitably located and improved for common recreational purposes.

(b) *Private open space* (usable, maximum twenty (20) percent grade). Open space which is designed and maintained for the sole and exclusive use of the occupants of not more than one (1) dwelling and may include covered patio areas.

Open space land. Any parcel or area of land or water which is primarily unimproved and devoted to an open space use, and which is designated in the city's environmental quality element and General Plan as any of the following:

(a) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other specific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(b) Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(c) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic corridors.

(d) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

Organization. Any partnership, corporation, or association, including any firm, company, society, congregation, assembly, or league, and shall include any director, officer, trustee, receiver, assignee, agent, or other similar representative.

Outdoor display. A display of a business' goods or services, placed outside the building.

Outside display. The storage of goods, equipment, merchandise, or exhibit outside of a building for any purpose other than outside display.

Outside storage. The storage of goods, equipment, or materials outside of a building for any purpose other than outside display.

26-33 "P" Definitions

Parapet. The extension of an exterior building wall above the roof structure.

Parcel. A legally divided plot of land. In the context of this chapter, "parcel" will be interchangeable with the word "lot."

Parties of interest. Any corporation or entity owning or controlling in fee or by easement land within the subdivision; any person, corporation or entity making application for the subdivision; any person, corporation or entity having a beneficiary interest in the subdivision, including lenders and mortgage holders.

Passageway shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Patio, covered means any attached or freestanding solid or lattice cover open on at least three sides.

Patio, enclosed means any attached or freestanding patio that is enclosed by walls on all sides.

Permanent make-up. The business of inserting pigment under the surface of the skin in the facial area by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. The application of permanent make-up is intended to principally consist of, but not necessarily limited to, the application of permanent eyeliner, eyebrows, lip liner, lip color, and beauty marks.

Pet store. Every person, place or premises engaging in the business of selling dogs, at retail, and by virtue of the sales of dogs is required to possess a permit pursuant to Section 6066 of the Revenue and Taxation Code, as defined in California Health and Safety Code Section 122125.

(a) *License authority* means the agency charged with the administration of this article.

(b) *Permit* means the permit to engage in the activities of a pet store as required by this article.

(c) *Person* means any individual, partnership, corporation or association.

Planter. An area devoted to vegetation and closely bounded by paving, building walls, garden walls, or other edge features.

Plot plan. A site plan showing construction or other improvements and the location of existing structures and construction on the site or plot.

Pool bathroom or detached bathroom. A bathroom that is detached and incidental to the house for the purpose of use by individuals outside the house and having only an exterior entrance to access the bathroom.

Porte cochere. A porch roof projecting over a driveway at the entrance to a building and sheltering those getting in or out of vehicles.

Porch means a roofed approach to a doorway extending from the exterior wall of the structure that has a floor, a roof, and structural supports but is not permanently, seasonally, or temporarily enclosed with solid materials.

Precise street plan. The plan indicating the exact width, grades and alignment of proposed streets as approved by the city engineer.

Proprietor. A person with an ownership or managerial interest in a business. An ownership interest is deemed to exist when a person has a ten (10) percent or greater interest in the stock, assets, or income of a business other than

the sole interest of security for debt. A managerial interest is deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

Public Tree. ***[RELOCATED FROM EX. SECTION 26-689]*** Any tree planted in or upon any street, park, parkway, or public area in the city.

Public transit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

26-34 "Q" Definition

26-35 "R" Definitions

Recreation equipment includes;

(a) A commercial coach, mobile home, recreational vehicle or travel trailer, as defined in the California Health and Safety Code, Division 13, Chapter 1, Part 2, Section 18000, et seq. This definition excludes pickups with shells that do not extend above the height of the cab, and vehicles not over six feet high and fourteen (14) feet long.

(b) A mobile home, camp trailer, house car, trailer coach, camper, trailer, or utility trailer as defined in the California Vehicle Code, Division 1, Sections 100, et seq.

(c) A boat, defined as a vessel or any other description of watercraft used, or capable of being used, as a means of transportation on water.

(d) A boat trailer, defined as a vehicle used to transport a boat.

(e) Any other vehicle or structure originally designed, or permanently altered in such a manner to permit occupancy or use for living or sleeping purposes. The vehicle or structure may be designed or equipped with wheels, or be capable of being mounted on wheels and used as a conveyance on roadways used by the public; it may be propelled or drawn by its own or other motive power.

Recreation vehicle shall mean a vehicle which is:

(f) Built on a single chassis;

(g) 400 square feet or less when measured at the largest horizontal projection;

(h) Designed to be self-propelled or permanently towable by a light duty truck; and

(i) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational center (private). Any use, on a site or enclosed in a building, that is operated by private enterprise and open to the public to provide recreation services or facilities, such as but not limited to tennis, racquetball, skateboard courses, and is not listed separately in Article II as a use allowed by right or with a conditional use permit, such as billiard parlors, bowling alleys, dance halls, game arcades, golf courses, gymnasiums, race tracks, skating rinks, slot cars, and theaters.

Recyclable material. ***[RELOCATED FROM EX. SECTION 26-685.91]*** Reusable material, including, but not limited to, metals, glass, plastic, and paper, which may be intended for reuse, remanufacture or reconstitution. Recyclable material does not include solid waste or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with sections 52250.11 and 25143.2(b)(4) of the California Health and Safety Code.

Recycle. ***[RELOCATED FROM EX. SECTION 26-685.91]*** The process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products and not intended for disposal.

Religious facility. Includes, but is not limited to, any building, structure, or place intended to be used primarily or exclusively by a religious body or organization for religious uses, including but not limited to: worship, religious meetings, study of religious texts, spiritual retreats, religious counseling, or other purposes connected with the body or organization's formal or informal system of beliefs and faith.

Rest home. A facility in which nursing, dietary and other personal services are furnished to invalids and aged persons; but in which are kept no persons suffering from a mental sickness, mental disease, mental disorder or mental ailment or from a contagious or communicable disease, and in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals or in which no person are kept or served who normally would be admittable to a mental hospital.

Retail uses. A use wherein goods or articles are sold directly to the consumer.

Rooming house. A residence or dwelling, other than a hotel, motel, or rest home, wherein either three (3) or more rooms are rented, or housing is provided to three (3) or more individuals, under three or more separate written or oral rental agreements, lodger agreements, leases or subleases or combination thereof, regardless of whether the owner, agent or rental manager resides within the residence.

Rubbish. Discarded bottles, cans, jars, scrap metals, paper, wood, glass, crockery, rags, garden and lawn trimmings, and other normal refuse except garbage.

26-36 "S" Definitions

Sanitarium. See "hospital."

Screening. Blocking of a potentially disruptive object from sensitive surroundings or blocking of a disruptive object from a potentially sensitive object.

Schools, charter, elementary, junior high and high. Institutions of learning which offer instruction in the several branches of learning and study required to be taught in the public schools by the education code of the state.

Second-hand store. A business involved in the retail sale of used goods and merchandise, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops.

Senior citizen housing. Projects designed only for senior citizen (age 55 or older) and handicapped housing.

Service station. A use where one (1) of the primary functions is the retail sale of motor fuel for motor vehicles. In addition, a service station may offer and consist of minor sales, services, and facilities. See section 26-129 of this chapter for permitted and prohibited sales, services, and facilities.

Setback. A portion of the lot required to remain free of construction and/or any structure.

Setback line, corner lot street side. A line which is the minimum required horizontal distance between the side street lot line and a line parallel thereto on the lot.

Setback line, required front. A line which is the minimum required horizontal distance between the front lot line and a line parallel thereto on the lot.

Setback line, required rear. A line which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot.

Setback line, required side interior. A line which is the minimum required horizontal distance between the interior side lot line and a line parallel thereto on the lot.

Short term rental. A rental of any dwelling, in whole or in part, to any person(s) suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Sign shop. A commercial space dedicated to the production of identification, advertising, and other signs (including banners). Sign shops are considered retail/service uses unless they include operations producing noise, dust, smoke, odor, or other irritants, such as but not limited to metal working, screen printing, casting, glass-working, outdoor storage of materials, or other industrial processes incompatible with a retail or mixed-use district. Such a business shall be classified as a "sign shop, industrial."

Significant Tree. ***[RELOCATED FROM EX. SECTION 26-689]*** A tree located on private and/or public property that meets one (1) or more of the following requirements:

(a) is located in the front yard of a lot or parcel and has a caliper of one (1) foot or more;

(b) is located in the street-side yard of a corner lot and has a caliper of one (1) foot or more;

(c) is located anywhere on a lot, has a caliper of six (6) inches, or more, and is one of the following species:

Common Name	Genus/Species
Oak (any oak tree native to California, including, but not limited to:	
Valley Oak	Quercus lobata
California Live Oak	Quercus agrifolia
Canyon Oak	Quercus chrysolepis
Scrub Oak	Quercus dumoso
Mesa Oak	Quercus engelmanii
Interior Live Oak	Quercus wislezenii
California Sycamore	Platanus racemosa
American Sycamore	Platanus occidentalis

Signs. **[RELOCATED FROM EX. DIVISION 2 OF ARTICLE VII]**

(a) *A-Frame sign.* A temporary freestanding sign, usually hinged at the top, or attached in a similar fashion, and widening at the bottom to form a shape similar to the letter "A."

(b) *Advertising sign.* A sign that identifies one (1) or more uses, products, or a service obtainable on the premises through the use of words, letters, symbols, or combination thereof.

(c) *Awning sign.* A non-electric sign printed on, painted on, or attached to a cloth awning. The awning structure itself shall be subject to building setbacks. Awning signs, for the purposes of the regulations of this article, shall be treated as wall signs.

(d) *Balloon display.* An arrangement of one (1) or more balloons, with or without any message thereon, which are individually less than thirty-six (36) inches in any dimension and inflated with air, helium, or gas, that are tethered at a fixed location and are primarily intended to draw attention to that location. Balloon displays shall not include balloons arranged in a manner that cumulatively spell out a word.

(e) *Banner.* A sign made of cloth, heavy duty plastic, or similar lightweight, flexible material (except paper), attached to or suspended from any structure, building, staff, pole, line, framing, or other projection, and used for temporary advertising purposes, not including "flags."

(f) *Canopy sign, building.* A sign, placed on a vertical plane, affixed flat against the fascia of a permanent covering that projects from the building (building canopy), and that does not extend above or below the edges of such fascia. As used in this definition, canopy shall not include awnings and other canopy covers made of cloth, metal, and other materials, which are not an integral part of the building. Building canopy signs, for the purposes of the regulations of this article, shall be treated as wall signs.

(g) *Canopy sign, cloth.* A non-electrical sign printed on, painted on, or attached to a cloth canopy. The canopy structure itself shall be subject to building setbacks. Cloth canopy signs, for the purposes of the regulations of this article, shall be treated as wall signs.

(h) *Commercial sign.* Any sign that does not meet the definition of a noncommercial sign, including, but not limited to, signs on commercial sites.

(i) *Detached signs.* A free-standing sign that is not attached to a building. Detached signs include monument signs, pylon signs, and pole signs.

(j) *Directional sign.* A sign intended for the purpose of directing pedestrians and/or motorists.

(k) *Double-faced sign.* A sign with two (2) faces, with each face oriented one hundred eighty (180) degrees from the other.

(l) *Flag.* Any fabric or bunting containing distinctive colors, patterns, symbols, or logos of a government agency, political subdivision, corporation, church, or other entity.

(m) *Hand-held sign*. A commercial sign held by a person or persons in a manner to attract attention to an area, development, business, or service.

(n) *Hanging sign.* A sign that is attached to, but hangs or projects below the underside of an awning, canopy, arcade, eave, overhang, or other covering that projects outward from the face of a building.

(o) *Sign height.* The vertical distance from the ground (measured from the adjacent street curb elevation) to the top of the highest element of a sign, including any structural element. Where specified, however, height may also mean the vertical dimension of the sign area or sign face.

(p) *Identification sign.* A sign that portrays, through the use of words, letters, logos, or symbols, the name and/or type of business conducted on the premises, or any product or service obtainable on the premises.

(q) *Information sign.* A sign that provides information related to a use, product, event, business, or activity on the premises and that is not displayed for the purpose of advertising products or services. Information signs include signs indicating the location of business facilities (e.g. entrances, walk-up windows, self-service operations), and operational information (e.g. hours of operation, menus, credit card logos, restroom labels).

(r) *Inflatable sign.* An inflated balloon, in any shape or in the form of any character or animal, and over thirty-six (36) inches in diameter in any dimension, made of vinyl, fabric, cloth, or other similar, lightweight, flexible material, held up by means of cold air, and primarily intended to draw attention to that location.

(s) *Logo.* A word, letter, symbol, design, or other graphic representation, separate from the sign text that identifies a business, activity, product, or company. A logo is considered a sign or part of a sign.

(t) *Menu board sign.* A sign on the site of a drive-through restaurant, either detached or attached to the building, displaying the type and price of food and beverages sold in connection with and oriented towards the drive-through lane.

(u) *Monument sign.* A detached sign with a wide base.

(v) *Moving sign.* A sign that moves or creates an appearance of movement, flashing, blinking, reflecting, revolving, or any other similar sign constructed or maintained to, in any way, simulate motion.

(w) *Nameplate.* A sign that contains only the name and/or address of the occupants of the building or portion thereof.

(x) *Neon lighting and sign.* Any electric gas tube lighting and any sign containing argon, neon, krypton, helium, or xenon.

(y) *Noncommercial sign.* A sign not connected with a commercial business or activity.

(z) *On-site sign.* A sign that identifies, informs, or advertises a use, product, activity, event, business message, or service located or provided at the site upon which the sign is located. On-site signs may include noncommercial signs.

(aa) *Off-site sign.* A sign that identifies, informs, or advertises a use, product, activity, event, business message, or service not located or provided at the site upon which the sign is located, including, but not limited to, billboards and noncommercial signs.

(bb) *Pageantry sign.* A type of signage that is intended to be elaborate and ceremonious. Examples include banners, kiosks, and similar signage used for advertising (on- or off-site), decorative purposes, or to announce festivals and other special events.

(cc) *Pennant.* Any lightweight plastic, paper, fabric, or other similar, flexible material, suspended from or attached to a rope, wire, string, or pole, usually in a series, designed to move in the wind.

(dd) *Pole sign.* A detached sign, other than a monument sign, affixed to the ground by a single support structure.

(ee) *Political sign.* A sign that contains a political message such as a message supporting a candidate for public office, a political party, or a position on a particular political or ideological issue. Political signs shall be considered as temporary noncommercial signs.

(ff) *Portable sign.* A temporary sign which is not permanently affixed to a building, structure, or on the ground, and is capable of being carried or readily moved from one location to another. This may include, but is not limited to, "A" frame or sandwich signs, or a sign which leans on a stationary object, building, or structure. Portable signs shall not include banners, pennants, flags, inflatable signs, vehicle signs, and hand held signs, which are defined separately.

(gg) *Primary frontage.* The side of a building where the main entrance for its pedestrian ingress and egress is located. If more than one (1) main entrance exists, the entrance that most nearly faces or is oriented toward the street of highest classification as portrayed on the current master plan of streets and highways shall be considered the primary frontage. If all streets are of the same classification, the side of the building with the shortest lineal dimension containing a main entrance shall be considered the primary frontage.

(hh) *Projecting sign.* A sign that projects from and is supported by a wall or building with the display surface of the sign at or near a ninety (90) degree angle to the building facade. Projecting signs are separate from "hanging signs" that are attached to the underside of a covering that projects from the building.

(ii) *Promotional sign.* A sign, in addition to permanent signage, placed on a temporary basis and used to promote a special event or product available at the site on which the sign is located.

(jj) *Pylon sign.* A detached sign affixed to the ground by two (2) supports.

(kk) *Readerboard sign.* A sign designed to allow the changing of copy through manual, mechanical, or electrical means.

(ll) *Roof sign.* A sign attached to a building that is characterized by one (1) or more of the following:

(1) Sign is placed atop, or projects above the top edge of, a roof, mansard roof, canopy, or a similar structure not at a vertical plane; or

(2) Sign is placed atop, or projects above the top edge of, a parapet wall, canopy fascia, or a similar structure at or near a vertical plane, or

(3) Sign is placed on a tower or similar wall structure that extends above the top of the roof or parapet wall of a building.

(mm) *Sign.* A device or structure for visual communication which shall include any announcement, declaration, demonstration, display, illustration, or insignia visible from outside, which is used to identify, inform, or promote the interests of any person, business, or organization.

(nn) *Sign area.* The entire area within straight lines that form up to a maximum of two rectangles outlining the extremities of the element (including panel, placard, cabinet) upon which the sign is placed. Where no such element exists (for example, individual channel letter signs mounted on a building), sign area shall mean the entire area within two rectangles and outline each individual character or symbol. Support structure shall not be included in this area unless such support structures are designed in such a manner as to form an integral part of the sign or display.

(oo) *Sign face or surface.* The surface of the sign upon, against, or through which the copy is displayed or illustrated on the sign.

(pp) *Sign copy.* The words, letters, logos, or symbols displayed on a sign.

(qq) *Sign program.* Comprehensive design standards and/or sign criteria for particular sites that signs are subject to, in addition to sign regulations contained in this Development Code.

(rr) *Single-faced sign.* A sign with one (1) face.

(ss) *Temporary noncommercial sign.* A sign, constructed of cloth, banner, canvas, light fabric, cardboard, wallboard, plywood, or other material, with or without frames, which is erected for a limited period of time to convey a noncommercial message, including signs regarding time specific events, such as elections. Temporary noncommercial signs shall include political signs.

(tt) *Tenant directory sign.* A sign listing two (2) or more tenants or occupants of a building, complex, or shopping center.

(uu) *Trademark.* A sign permanently or temporarily attached or placed on a vehicle or trailer, as defined by the California Vehicle Code.

(vv) *Wall sign.* A sign affixed flat against a building wall at a vertical plane that does not project above top edge of a parapet wall, and that does not extend above or below the edges of the building wall fascia. Building canopy signs, cloth canopy signs, and awning signs shall, for the purposes of this article, be treated as wall signs.

(ww) *Window sign.* A sign that is applied or attached to a window or located within two and one-half (2.5) feet of the inside of a window.

Single apartment. One (1) room and bath, with cooking facilities in a multiple dwelling.

Small collection facility, as distinguished from a MRF. ***[RELOCATED FROM EX. SECTION 26-685.91]*** A facility for the collection and acceptance by donation, redemption of purchase of recyclable materials. As used herein, such a facility does not occupy an area of more than five hundred (500) square feet unless operated on the same site and in conjunction with a materials recovery facility or solid waste transfer station. A recycling center does not include storage containers or collection activity located on the premises of a residential, commercial, or manufacturing use and is used solely for the recycling of material generated by that residential property, business or manufacturer and not held out for public use.

(a) Small collection facilities centers are further defined to include, but are not limited to, these following specific types:

(1) *Buy back recycling center*. A recycling facility which pays a fee for the delivery and transfer of ownership to the facility of source separated materials for the purpose of recycling or composting.

(2) *Drop-off center.* A facility which accepts delivery or transfer of ownership of source separated materials for the purpose of recycling or composting without paying a fee.

(3) *Reverse vending machine(s).* An automated mechanical device which accepts at least one (1) or more types of empty beverage containers, including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state.

(4) *Bulk reverse vending machines.* a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one (1) container at a time, and will pay by weight instead of by container.

Small residential rooftop solar energy system shall mean all of the following:

(b) A solar energy system that is not larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.

(c) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City of West Covina and all State of California health and safety standards.

(d) A solar energy system that is installed on one- and two-family homes of R3 occupancy as defined by the California Building Code.

(e) A solar panel or module array that does not exceed the maximum legal building height as defined by the City of West Covina.

Solar Energy Systems shall mean either of the following:

(f) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

(g) Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

Solicit and commercial [solicitations]. The request, directly or indirectly, for the purpose of selling, or taking orders for any goods, wares or merchandise for future delivery and shall include traveling, or going from door-to-door of residential dwellings, in any public street or sidewalk, or in any public place or building. A solicitation shall be complete when the request is made, whether or not the person being solicited makes a purchase or places an order.

Solid waste. ***[RELOCATED FROM EX. SECTION 26-685.91]*** All putrescible and non-putrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition, and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

Solid waste transfer or processing station or transfer station. ***[RELOCATED FROM EX. SECTION 26-685.91]*** A facility as defined and permitted under state law used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle including railroad cars for transport to a solid waste handling facility. Transfer station may also include material recovery facilities and recycling centers, except that permits shall be required only as required by state law.

Source separated material. ***[RELOCATED FROM EX. SECTION 26-685.91]*** The segregation, by the generator, of materials designated for separate collection for some form of materials recovery or special handling.

Special group residence. Special group residence includes, but is not limited to, fraternity and sorority houses, college dormitories, residential care facilities (for seven or more persons), convalescent hospitals, housing for persons with disabilities, halfway houses, communal housing, and military barracks. Special group residence does not include group homes as defined by this Development Code.

Stable, private. A detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

Stable, public. A stable other than a private stable.

Stand. A structure for the display and sale of products with no space for customers within the structure itself.

State freeway. Any section of a state highway which has been declared to be a freeway by resolution of the California Highway Commission pursuant to section 100.3 of the Streets and Highways Code.

Storage container. Any portable or moveable structure or container, constructed of varied materials including metal, wood, plastic or synthetic substances, or any combination thereof, which is designed and intended for the storage or transport of items, goods, clothing, furniture, equipment, or materials, etc. Storage containers that have been permanently fixed to a location on the ground shall still be deemed to meet this definition. Storage containers do not include non-habitable structures of less than one hundred twenty (120) square feet.

Storage lot. A site devoted to the commercial outdoor or indoor storage (mini-warehouses) of goods and vehicles.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, garage, or unused underfloor space is more than six (6) feet above finished grade for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above the finished grade at any point, such basement, cellar, garage, or unused underfloor space shall be considered as a story.

Streets and *Highways:*

(a) *Adjoining Exterior streets.* Streets contiguous to the boundaries of the subdivision and/or streets within which boundaries of the subdivision are contained. The streets may or may not provide direct access to the subdivision.

(b) *Private streets.* Undedicated streets built to the standards and specifications as adopted from time to time by resolution of the planning commission and shall be not less than twenty-eight (28) feet in width between curbs.

(c) *Street.* A public thoroughfare which affords primary means of access to abutting property.

(d) *Street, arterial* means any street or road passing adjacent to, or through a subdivision which carries the major flow of traffic and for which the traffic entering from side road and streets may be controlled.

(e) *Street line.* The boundary line between a street and the abutting property.

(f) *Street, side.* A street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

(g) *Subdivision Streets.* Streets contained entirely within the boundaries of the subdivision. The street's primary function is to provide access to the subdivision.

Structure. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height.

Structural alteration. Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Subdivision. The division, by any subdivider, of any units or unit of improved or unimproved contiguous land shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. Subdivision includes a condominium project, as defined herein or in California Civil Code Section 1351(f), a community apartment project, as defined herein or in California Civil Code Section 1351(d), a stock cooperative, as defined herein or in California Civil Code Section 1351(m), a cooperative apartment as defined herein, or 2 or more air space lots as defined herein. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. "Subdivision" does not include anything excluded from the definition of subdivision in the Subdivision Map Act unless otherwise provided for herein.

Sunroom. A room with large windows and sometimes a glass roof, designed to allow in a lot of sunlight.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Stock cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

26-37 "T" Definitions

Tandem parking shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Tattooing. The business of inserting pigment under the surface of the skin by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This definition is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice. Tattooing does not include application of permanent makeup that is performed as an incidental service in a beauty shop.

Theme shopping use. Retail uses sharing the same facility and selling merchandise similar in characteristics and related in kind, including but not limited to antique malls, jewelry marts, and other uses identified by the planning director.

Trailer park and public camp. Any area or tract of land used or designed to accommodate two (2) or more automobile trailers or two (2) or more camp parties, including tents or other camping outfits and including trailer camps as defined by law.

Tree permit. ***[RELOCATED FROM EX. SECTION 26-689]*** A tree removal and/or relocation permit, and pruning of any tree in the Oak family City protected tree.

Tree protection. ***[RELOCATED FROM EX. SECTION 26-689]*** The safeguarding of trees through proper maintenance, pruning, treatment, fertilizing, feeding, and any other necessary means (standards of California Certified Arborists.)

Tree removal. ***[RELOCATED FROM EX. SECTION 26-689]*** The uprooting, cutting, or severing of the main trunk of the tree or any act which causes, or may be reasonably expected to cause a tree to die or to be seriously damaged. These acts include, but are not limited to, damaging the root system by machinery, storage of materials within the dripline, soil compaction within the dripline, substantially changing the grade around the root system or trunk, excessive pruning, paving with concrete, asphalt, or other inadequate irrigation; or by attachment of signs or artificial material piercing the bark of the tree by means of nails, spikes, or other piercing objects.

Transitional Housing. Transitional housing refers to buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. Transitional housing facilities with supportive services exclusively designated and targeted for recently homeless persons that include families, youth, persons with physical and mental disabilities, people who are addicted to alcohol and drugs, people living with HIV/AIDS, veterans, the elderly, and pregnant women. "Transitional housing" includes self-sufficiency development and support services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

26-38 "U" Definitions

Unattended business. A business which does not have an attendant or other representative of the owner of the business on the premises at all times during which the business is open to the public.

Unmanned aircraft system or drone. An aircraft without a human pilot on board, that is controlled by an operator on the ground, and operated without the possibility of direct human intervention from within, or on the aircraft.

Use. The purpose for which land a building is arranged, designed or intended, or for which either is or may be occupied or maintained.

26-39 "V" Definitions

Vehicle definitions (for zoning purposes only).

(a) *Commercial vehicle.* A vehicle of a type required to be registered under the State Vehicle Code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

(b) *Inoperable vehicle.* Any vehicle (whether partially or fully assembled) in a state of being immobile, unlicensed, or otherwise unable to legally perform its design function on public streets.

(c) *Gross vehicle weight.* The maximum weight in pounds of the chassis of a truck or truck tractor with full payload as authorized by the chassis manufacturer.

(d) *Motor vehicle.* A self-propelled vehicle used for the transportation of people or goods on streets.

(e) *Passenger vehicle.* A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and sport-utility vehicles. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

(f) *Recreational vehicle.* A vehicle, with or without motive power which is for human occupancy on an intermittent basis, excluding boats. Recreational vehicle is divided into two (2) categories as follows:

(g) *Motor home.* A motorized vehicle designed for human occupancy on an intermittent basis. A pickup or other truck with a camper mounted on the back is considered to be a motor home. A pickup or other truck with a camper shell (i.e., a fiberglass or aluminum shell used strictly to cover or enclose a truck bed) mounted on the back of such vehicle is not considered to be motor home or recreational vehicle.

(h) *Accessory recreational vehicle.* Any nonmotorized vehicle designed for human occupancy on an intermittent basis, such as a vacation trailer or fifth-wheel trailer.

(i) *Recreational equipment and trailers.* Recreational vehicles designed for off-road use, such as off-road vehicles, motorcycles, dune buggies, and recreational boats and watercraft and trailers to accommodate them. Recreational equipment mounted or placed on an appropriate trailer are deemed as one (1) vehicle.

(j) *Truck.* A motor vehicle designed primarily for the movement of property or special purpose equipment, or a motor vehicle designed to carry more than ten (10) persons. Truck includes vehicles commonly called trucks, pickups, vans, cargo vans, buses, motor homes, and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration, in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Pickup trucks, passenger vans, and cargo vans are defined below.

(k) *Pickup truck.* A truck with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred (11,500) pounds, which is equipped with an open flat, stake, or box-type bed not exceeding nine (9) feet in length. "Pickup truck" includes a motor vehicle otherwise meeting the above definition that is equipped with a bed-mounted storage compartment unit commonly called a "utility body."

(l) *Passenger van.* A vehicle commercially available in configurations with seating for up to fifteen (15) passengers, with a single rear axle and single rear wheels, and with a gross vehicle weight of less than ten thousand (10,000) pounds.

(m) *Cargo van.* A vehicle otherwise available as a passenger van (as defined above) but without its normal passenger seating and often without windows.

(n) *Tow truck.* Motor vehicles specifically equipped to tow or otherwise transport passenger cars or trucks are considered either medium or heavy trucks, as appropriate.

(o) *Medium truck.* A truck or similar vehicle, other than a pickup truck, passenger van, or cargo van, with a single rear axle and single or dual rear wheels. Truck tractors are in the heavy truck category.

(p) *Heavy truck.* A truck, including a truck tractor, and similar vehicles with two (2) or more rear axles.

(q) *Utility trailer.* A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is sixteen (16) feet or less in length. Utility trailers that are longer than sixteen (16) feet in length are considered commercial vehicles.

(r) *Vehicle.* A device by which any person or property may be drawn or moved over a distance by way of a street, excepting devices moved by human power.

(s) *Vehicle code.* The Vehicle Code of the State of California. Where operation of vehicles on streets is concerned, the definitions in the vehicle code shall apply rather than those delineated here.

Vesting tentative Map. A "vesting tentative map" is a tentative map as defined in this Article which shall have printed conspicuously on its face the words "Vesting Tentative Map" and which is processed in accordance with Article VIII.

26-40 "W" Definitions

Wireless telecommunication facilities. **[FROM EX. SECTION 26-685.982]**

(a) *Accessory equipment* means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, vaults, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

(b) *Amateur and/or citizen band antenna* shall mean any antenna used for the operation of amateur and/or citizen band radio stations and which is licensed by the Federal Communications Commission.

(c) *Antenna* shall mean any system of wires, poles, rods, reflecting discs, or similar devices of various sizes, materials and shapes including but not limited to solid or wire-mesh dish, horn, spherical, or bar configured arrangements, used for the transmission or reception of electromagnetic signals.

(d) *Antenna array* shall mean two (2) or more antennas having active elements extending in one (1) or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

(e) *Antenna, building-mounted* shall mean any antenna, other than an antenna with its supports resting on the ground, that is directly attached or affixed to the fascia or side wall of a building or structure.

(f) *Antenna, ground-mounted* shall mean any antenna which is attached or affixed to a free-standing wireless facility with its base placed directly on the ground, specifically including, but not limited to, monopoles and faux trees.

(g) *Antenna, roof-mounted* shall mean any antenna, other than an antenna with its supports resting on the ground, that is directly attached or affixed to the roof of a building or a mechanical penthouse or parapet enclosure wall which is located on the rooftop of a building.

(h) *Antenna height* shall mean, when referring to any free-standing wireless facility, the distance measured from ground level to the highest point on the support structure, including antennas measured at their highest point.

(i) *Approval authority* means the city official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve, or deny such applications.

(j) Base station shall have the meaning as set forth in 47 C.F.R. § 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network (regardless of the technological configuration, and encompassing DAS and small cells). "Base station" does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

(1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cells).

(3) Any structure other than a tower that, at the time the relevant application is filed with the City under this division, supports or houses equipment described in subsections (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

(4) "Base station" does not include any structure that, at the time the relevant application is filed under this division, does not support or house equipment described in subsections (1) and (2) of this definition. Other structures that do not host wireless telecommunications facilities are not "base stations."

(5) *Cellular* means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

(6) *Collocation* shall mean the placement of antennas, dishes, or similar devices owned or used by two (2) or more telecommunication providers on one (1) antenna support structure, building, or structure.

(7) *Concealed* or *concealment* means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique.

(8) *COW* means a "cell on wheels," which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this division, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

(9) *Decorative pole* means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.

(10) *Direct broadcast satellite service (DBS)* shall mean a system in which signals are transmitted directly from a satellite to a small (not exceeding twenty-one (21) inches in diameter) receiving dish antenna.

(11) *Distributed antenna system or DAS* means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.

(12) *Eligible facilities request* means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment;

(iii) Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or

(iv) Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

(13) *Eligible facilities request* does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. "Eligible facilities request" does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code § 65850.6.

(14) *Eligible support structure* means any support structure located in the PROW that is existing at the time the relevant application is filed with the City under this division.

(15) *Existing* means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the City's applicable zoning or permitting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this division. However, a support structure, wireless telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when

it was built, but was lawfully constructed, is "existing" for purposes of this division. "Existing" does not apply to any structure that:

(v) Was illegally constructed without all proper local agency approvals; or

(vi) Was constructed in noncompliance with such approvals. "Existing" does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

(16) *Facility(ies)* means wireless telecommunications facility(ies).

(17) *FCC* shall mean an abbreviation which refers to the Federal Communications Commission.

(18) *FCC shot clock* means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC, and as may be amended from time to time. The shot clock shall commence on "day zero," which is the day the WTFP application is submitted.

(19) *Free-standing wireless facility* shall mean any free-standing mast, monopole, tripod, or tower utilized for the purpose of supporting an antenna(s). A free-standing wireless facility may be designed to resemble a tree, clock tower, light pole or similar alternative-design mounting structure that camouflages or conceals the presence of an antenna(s).

(20) *Ground-mounted* means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.

(21) *Lattice tower* means an open framework structure used to support one (1) or more antennas, typically with three (3) or four (4) support legs.

(22) *Modification* means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement, or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.

(23) *Monopole* means a structure composed of a pole or tower used to support antennas or related equipment. A monopole includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g., water tower).

(24) *Mounted* means attached or supported.

(25) *Obstruction-free reception window* shall mean the absence of manmade or natural physical barriers that would block the signal between a satellite and an antenna.

(26) *OTARD antennas* means antennas covered by the "over-the-air reception devices" rule in 47 C.F.R. § 1.4000 et seq., as may be amended or replaced from time to time.

(27) *Personal wireless services* shall have the same meaning as set forth in 47 U.S.C. § 332I(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

(28) *Pole m*eans a single shaft of wood, steel concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this Code.

(29) *Public right-of-way or PROW* means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, parkways, and parking strips. The PROW does not include land owned, controlled, or operated by the City for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

(30) *Radiofrequency emissions (RF)* shall mean the electromagnetic signals transmitted and received using wireless telecommunication antennas.

(31) *Reception window* shall mean the area within the direct line between a land-based antenna and an orbiting satellite.

(32) *Replacement* refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials, and style.

(i) In the context of determining whether an application qualifies as an eligible facilities request, the term "replacement" relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.

(ii) In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the "replacement" of the underlying support structure qualifies as a new pole proposal.

(33) *Small cell* means a low-powered antenna (node) that has a range of ten (10) meters to two (2) kilometers. The nodes of a "small cell" may or may not be connected by fiber. "Small," for purposes of "small cell," refers to the area covered, not the size of the facility. "Small cell" includes, but is not limited to, devices generally known as microcells, picocells and femtocells.

(34) *Small cell network* means a network of small cells.

(35) *Substantial change* has the same meaning as "substantial change" as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the planning director and based upon his/her reasonable consideration of the cabinet's proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the planning director may allow for a ground mounted cabinet. A modification or collocation results in a "substantial change" to the physical dimensions of an eligible support structure if it does any of the following:

(i) It increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;

(ii) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

(iii) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site. For purposes of this subsection, excavation outside the current site occurs where excavation more than twelve (12) feet from the eligible support structure is proposed;

(v) It defeats the concealment or stealthing elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections (1) through (4) of this definition.

(36) For all proposed collocations and modifications, a substantial change occurs when:

(i) The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) equipment cabinets;

(ii) The proposed collocation or modification would defeat the concealment elements of the support structure; or

(iii) The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this section.

(37) *Support structure* means a tower, pole, base station, or other structure used to support a wireless telecommunications facility.

(38) *SWF* means a "small wireless facility" as defined by the FCC in 47 C.F.R. 1.6002(1), as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

(i) The facility:

a) Is mounted on an existing or proposed structure fifty (50) feet or less in height, including antennas, as defined in 47 C.F.R. § 1.1320(d);

b) Is mounted on an existing or proposed structure no more than ten (10) percent taller than other adjacent structures; or

c) Does not extend an existing structure on which it is located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater;

(ii) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. § 1.1320(d)), is no more than three (3) cubic feet in volume;

(iii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;

(iv) The facility does not require antenna structure registration under 47 C.F.R. part 17;

(v) The facility is not located on tribal lands, as defined under 36 C.F.R. § 800.16(x); and

(vi) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).

(39) *Telecommunications tower or tower* bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

(40) *Transmission equipment* means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(41) *Utility pole* means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

(42) *Wireless telecommunication facility* shall mean a mechanical device, land and/or structure that is used to transmit and/or receive electromagnetic signals, including but not limited to antennas, microwave dishes, horn, and other types of equipment for the transmission or receipt of such signals, free-standing wireless facilities, equipment buildings or cabinets, parking areas, and other accessory development. Exceptions: The term "wireless telecommunications facility" does not apply to the following:

(i) Government-owned and operated telecommunications facilities.

(ii) Emergency medical care provider-owned and operated telecommunications facilities.

(iii) Mobile services providing public information coverage of news events of a temporary nature.

(iv) Any wireless telecommunications facilities exempted from this Code by federal law or state law.

(43) *Wireless telecommunications facilities master plan* shall mean a narrative and graphic representation of all existing and future wireless telecommunication facilities within the City for one (1) wireless communication provider or applicant.

(44) *Wireless telecommunications services* means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not be limited to, the following services: personal wireless services as defined in the Federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

26-41 "X" Definitions

26-42 "Y" Definitions

Yard. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

Yard, front. A required yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line and a line parallel thereto on the lot or parcel of land. Said distance shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

Yard, rear. A required yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

Yard, side. A required yard extending along the full length of the lot or parcel of land from the rear line of the required front yard to the required rear yard. The width of the required side yard shall be a specified horizontal distance measured from, and at right angles to, the nearest point of a side lot line toward a line parallel thereto.

26-43 "Z" Definitions

ARTICLE II. ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS

DIVISION 1 RESIDENTIAL ZONES (RA, R1, MF-8, MF-15, MF-20, MF-45) [COMBINED EX. ARTICLES VIII AND IX]

26-44 Purpose and Intent of Residential Zones *NEW*

The purpose of the residential zones is to classify and set standards for the orderly development of single and multi-family residential properties in a manner that will provide a desirable living environment compatible with surrounding properties and assuring protection of property values. It is intended that these zones be used to add to the variety of housing types and densities.

Table 2-1 Base Zoning Districts *TABLES ARE NEW, CONTENTS ARE EXISTING*

Map Symbol	Full Name	Purpose
R-1-6,000	Single-Family Residential Zone	The purpose of the single-family residential zoning district is to provide residential areas within the City that allow varying densities of single-family homes and other compatible uses. The district shall promote a suitable living environment by maintaining orderly flow of traffic and restricting traffic from other sources, providing space for community facilities that are complementary to residential areas and minimizing noise and disturbances in residential neighborhoods.
R-1-7,500		
R-1-9,450		
R-1-14,400		
R-1-20,000		
R-1-40,000		
R-A	Residential Agricultural Zone	The purpose of the residential agricultural zoning district is to provide residential areas within the City that allow varying densities of single-family homes and other compatible uses, where limited numbers of livestock may be raised and crops may be grown and where regulations promote and encourage a suitable environment for family life on large parcels of land.
MF-8	Multi-Family Residential Zone	The purpose of the multi-family residential zoning districts is to provide residential areas within the City that allow varying densities of multi-family homes where development is permitted with a relatively high concentration of dwelling units with amenities that promote a safe and healthy environment for existing and future residents.
MF-15		
MF-20		
MF-45		

26-45 Land Use Regulations and Allowable Uses

(a) Permitted Uses for residential zones:

Table 2-2 Uses and Permit Requirements*TABLES ARE NEW, CONTENTS ARE EXISTING*

Symbol	Permit Requirement	Procedure Section
X	Allowed by Right	–
AP	Administrative Permit	Article VI, Division 6
APH	Administrative Permit w/ Hearing	Article VI, Division 6; Article VI, Division 1
CUP	Conditional Use Permit	Article VI, Division 4: Article VI, Division 1
	Use not permitted	–

Permitted Uses and Permit Requirements for Residential Zones.	Zones						Special Regulations
Use Types	**RA**	**R1**	**MF-8**	**MF-15**	**MF-20**	**MF-45**	
Accessory uses							
Accessory uses and structures	X	X	X	X	X	X	
Accessory dwelling units (ADU), junior accessory units (JADU)	X	X	X	X	X	X	Article IV, Division 2
Agricultural uses							
Agricultural	X						Section 26-111
Agricultural Uses (on parcels of 10 acres or more)	X						Section 26-111
Beekeeping	APH	APH	APH	APH	APH	APH	
Residential uses							
Duplexes			X	X	X	X	
Employee Housing, farmworker (agricultural) Housing	X	X	X	X	X	X	
Group home (1 – 6 persons)	X	X	X	X	X	X	
Mobile home park			X	X	X	X	Section 26-122
Micro-units, efficiency units			X	X	X	X	
Multi-family residence			X	X	X	X	
Single-family residence	X	X	X				
Short term rental							
Special Group Residence	X	X	X	X	X	X	
Supportive housing	X	X	X	X	X	X	Section 26-133
Transitional housing	X	X	X	X	X	X	Section 26-133
Service, recreational, educational and public assembly uses							
Adult Day Care Centers	X	X					
Aircraft landing facilities							
Emergency	X	X	X	X	X	X	
Nonemergency	CUP	CUP	CUP	CUP	CUP	CUP	
Athletic Club/ Gymnasium					CUP	CUP	Section 26-119
Bed and breakfast inns							
Childcare facility, day care centers	CUP	CUP	CUP	CUP	CUP	CUP	
Large family day care (up to 14 children)	X	X	X	X	X	X	
Small family day care (up to 8 children)	X	X	X	X	X	X	
Conversions from apartments to Condominiums			CUP	CUP	CUP	CUP	Article VIII, Division 12
Golf Course, country club (serving alcohol allowed only with a club as defined in section 23428.9 of the	CUP	CUP	CUP	CUP	CUP	CUP	

Permitted Uses and Permit Requirements for Residential Zones.	Zones						Special Regulations
Use Types	**RA**	**R1**	**MF-8**	**MF-15**	**MF-20**	**MF-45**	
California Business and Professions Code.)							
Home occupations	X	X	X	X	X	X	Section 26-120
Hospitals (human)	CUP	CUP	CUP	CUP	CUP	CUP	
Institutions of philanthropic nature	CUP	CUP	CUP	CUP	CUP	CUP	
Mental health institutions and nursing homes					CUP	CUP	Section 26-130
Orphanages	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational centers (private)	CUP	CUP	CUP	CUP	CUP	CUP	
Religious facility	CUP	CUP	CUP	CUP	CUP	CUP	
Riding stables and riding schools (7 acres minimum site)	CUP	CUP					
Roominghouse	CUP	CUP	CUP	CUP	CUP	CUP	
Schools and colleges (public or private)	CUP	CUP	CUP	CUP	CUP	CUP	
Senior citizen housing	X	X	X	X	X	X	
Skilled nursing facilities, assisted living facilities	CUP	CUP	CUP	CUP	CUP	CUP	Section 26-130
Transportation, communications and utility uses							
Monopoles and alternative antenna support structures	CUP	CUP					Section 26-136
Public utility stations, yards, wells and similar facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Wireless telecommunication facilities (WTF) – Building and/or roof mounted facilities	AP	AP	AP	AP	AP	AP	Section 26-136

26-46 Development Standards for R-A and R-1 Zones *NEW*

New land uses, structures, and site development including alterations to existing land uses, structures, and site development within residential zoning districts shall be designed and constructed in compliance with the following requirements, and all applicable standards in Article III (Regulations Applicable to all Zones) and Article IV (Standards for Specific Land Uses) of this Development Code.

(a) Site size. In single-family residential districts, the minimum required building site area or width may be different from that set forth in the regulations of the district if so specific on the zoning district map. Such specifications shall be shown in the following manner:

(1) A number preceding and connected by a hyphen with the district symbol shall designate the minimum required building site width in feed. (i.e. 130-R)

(2) A number following and connected by a hyphen with the district symbol shall designate the minimum required building site area. Where the number is greater than one hundred (100), it shall indicate the area

in square feet; where the number is less than one hundred (100), it shall indicate the area in net acres. (i.e. R-1-6,000)

(3) The size of sites in R-A and R-1 zones shall be governed by the following table:

Table 2-3 Minimum Lot Dimensions and Lot Area for R-A and R-1 Zones *TABLES ARE NEW, CONTENTS ARE EXISTING BUT WERE LABELED AS "AREA DISTRICTS I THROUGH V" – REPLACED TABLE ON EX. SECTION 26-401*

Zone	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Minimum Lot Area (sq. ft.)
R-A	–	–	6,000
R-1-6,000	50	95	6,000
R-1-7,500	60	105	7,500
R-1-9,450	70	110	9,450
R-1-14,400	90	125	14,400
R-1-20,000	110	–	20,000
R-1-40,000	130	–	40,000

(b) Building coverage

(1) The maximum building coverage and floor area of all structures in the R-A and R-1 zones shall not exceed the standards set forth in Table 2-4.

Table 2-4 Allowable Building Coverage and Floor Area *CONTENTS OF TABLE ARE NEW – REPLACED TABLE ON EX. SECTION 26-401.5*

Lot Size	Allowable Total Building Coverage and Floor Area
5,000 square feet or less	50 percent of net lot area
5,001 to 6,000 square feet	2,500 square feet plus 30 percent of lot area over 5,000 square feet
6001 to 7,500 square feet	2,800 square feet plus 20 percent of lot area over 6,000 square feet
7,501 to 10,000 square feet	3,100 square feet plus 20 percent of lot area over 7,500 square feet
10,000 square feet or more	3,600 square feet plus 20 percent of lot area over 10

Additional Standards:

(i) Review thresholds for large houses. A conditional use permit shall be required for any project resulting in a total floor area above 10,000 square feet.

(ii) Review thresholds for large additions. An administrative permit shall be required for any project resulting in an addition greater than forty-five (45) percent of the existing floor area on the lot. If a project requires a conditional use permit under subsection (i), the conditional use permit application shall incorporate the review for the large addition.

(iii) Volume Space. Any space on a two-story house and/or addition to a proposed two-story house with a ceiling or top-plate height exceeding twelve (12) feet shall be considered as constituting two-stories for the purpose of calculating floor area. Any area under a sloped roof with a ridge height of sixteen (16) feet or less and an exterior wall height of twelve (12) feet or less are exempt. Areas directly above the stairs are exempt.

(c) Maximum Front Yard Pavement Coverage/Driveways **[EX. SECTION 26-402.5]**

(1) As used in this section, a "front yard" refers to all space between the main building (also the projection of the main building to the side property lines) and the front street property line. "Street side yard" refers to all space between the main building (also the projection of the main building to the front and rear property lines) and the side street property line of a corner lot. All open areas within the front yard, except for legally permitted driveways and walkways, as set forth in this section, shall be maintained with live-organic landscaping, or approved artificial turf/alternative landscaping as set forth by section 26-85 (General Landscaping Standards).

(2) Paved walkways shall be separated with a minimum forty-two inch (42") wide landscaped area. The driveway and walkway area may be connected for a span no greater than forty-two inches (42") in width. There shall be no more than two (2) paved walkway areas within the front yard.

(3) Review and approval of a new driveway is subject to approval of a driveway approach permit by the engineering division.

(4) A primary driveway providing direct access from the street to a garage, carport, or required parking space(s) shall have a minimum length of twenty-two (22) feet, measured from the edge of the driveway apron.

(5) The front yard driveway pavement shall be limited to the width of the garage or carport, plus an additional ~~six (6) feet on either or both sides of the garage or carport driveway, or an additional twelve (12) on one (1) side of the driveway and any secondary driveway~~twelve (12) feet (cumulative width). In instances where the property does not have a garage or carport, the front yard driveway pavement shall be limited to twenty (20) feet in width for properties developed with primary single-family residential dwelling units. Urban lot split properties shall comply with Article VIII (Subdivision Regulations). The installation of a circular/semicircular driveway shall require compliance with all standards listed within subsection (7), including the maximum primary driveway width. The installation of a secondary driveway shall require compliance with all standards and processes listed within subsection (8), including maximum primary driveway width.

(6) Pavement in the front yard shall be constructed and maintained with permanent, load-bearing pervious or impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances. The use of pervious surfaces is encouraged to facilitate on-site infiltration of stormwater. Substitutions of paved materials for the additional paved areas are permitted if found to be substantially similar to the requirements of this article. In cases of irregularly shaped lots or sites hampered by topographical features, the additions shall be parallel to and/or concentric with the access drive. Pavement in a street side yard is permitted only where a garage or carport in the street side yard is oriented to the street or six-foot-high masonry block wall or solid fence screens the pavement from all street views. Unscreened pavement in street side yards shall be treated as pavement in front yards.

(7) Circular drive additions are exempt from the provisions of subsection (5).

(i) New semicircular driveways are prohibited where the street frontage is less than seventy-five (75) feet.

(ii) Properties without a garage are prohibited from installing and/or maintaining a semicircular driveway.

(iii) The semicircular driveway portion shall not exceed twelve (12) feet in width.

(iv) The paved primary driveway portion leading to the garage shall not exceed the width of the garage plus six (6) feet.

(v) A minimum of fifty-percent (50%) of the front yard shall be maintained with live-organic landscaping, or approved artificial turf/alternative landscaping as set forth in section 26-85 (General Landscaping Standards). ***CODIFIES EXISTING POLICY***

(8) Paved areas for secondary driveways are exempt from the provisions of subsection (5). The approval of a secondary driveway shall be subject to the granting of an administrative permit with hearing as set forth in Article VI, Division 6 of this chapter, and further subject to the following conditions:

(i) Properties without a garage are prohibited from installing a secondary driveway.

(ii) The paved primary driveway portion leading to the garage shall not exceed the width of the garage.

(iii) Approval of a secondary driveway by the planning division shall require a plan indicating the location and improvements of the secondary driveway and the paved parking area in the side or rear yard.

(iv) The secondary driveway shall lead to a paved parking area intended for the parking or storage of vehicles in the side or rear yards which must be fully screened in compliance with section Article III, Division 6.

(v) The secondary driveway is strictly for the purpose of providing access to the rear or side yard for the purposes stated above. No vehicles may be parked or stored on the secondary driveway in the front yard.

(vi) The maximum width of the secondary driveway shall be twelve (12) feet.

(vii) The secondary driveway shall be made of grass-crete, turf-block, or similar material to allow grass/ground cover to grow in between the voids. The secondary driveway may be made of the same concrete/pavers/material of the primary driveway if it is designed as a ribbon driveway with two ribbon strips no wider than forty-two inches (42") for each strip and a minimum of forty-two inches (42") width of landscaping in between the ribbon strips and/or other paved areas.

(viii) A minimum of fifty-percent (50%) of the front yard shall be maintained with live-organic landscaping, or approved artificial turf/alternative landscaping as set forth in section 26-85 (General Landscaping Standards). ***CODIFIES EXISTING POLICY***

(d) Single-Family Building Height.

(1) No building or structure shall have more than two (2) stories or be more than twenty-five (25) feet above finished grade.

(2) Chimneys, vents and other such incidental appurtenances shall conform to the standards set forth in 26-65.

(3) Subterranean garages shall not be included in the measurement of height nor counted as a story.

(4) Buildings on lots in excess of twenty thousand (20,000) square feet may exceed the maximum height limit stated in subsection (a) by one (1) foot for every five hundred (500) square feet of floor area in excess of twenty-five hundred (2,500) square feet. Such increase in height shall increase the yard requirements on a foot-to-foot ratio, i.e., one (1) foot of additional height requires eleven-foot side yards and twenty-six-foot front and rear yards, five (5) feet of additional height requires fifteen-foot side yards and thirty-foot front and rear yards, however no structure shall exceed two (2) stories and thirty-two (32) feet maximum height.

(e) Setback regulations for R-A and R-1 Zones, except as set forth in 26-46(g).

(1) Front Yard Setback.

(i) Determination of Front Yard Setback on Corner Lots. On corner lots, the narrower street frontage is normally the front lot line. However, the Community Development Director or their designee may determine that a longer street frontage comprises the front lot line, in consideration of other factors including house orientation, orientation of nearby houses, and access. ***CONSISTENT WITH EXISTING DEFINITION OF "FRONT "YARD"***

(ii) For flag-lots extending from a street or right-of-way to the building area of the parcel, the front yard setback measurement shall be taken from the nearest point of the wall of the structure or support post to the point where the access point or "flag pole" meets the bulk of the parcel along a continuous line, establishing a parallel setback line. ***CODIFIES EXISTING POLICY***

(iii) Every lot or parcel zoned R-A or R-1 shall have a front yard not less than twenty-five (25) feet from the property line, except for lots with a gross lot area of 7,500 square feet which shall have a front yard setback of twenty (20) feet.

(2) Side Yard Setback:

(i) Five (5) feet for lots less than 14,400 square feet;

(ii) Seven (7) feet for lots between 14,400 and 20,000 square feet;

(iii) Ten (10) feet for lots greater than 20,000 square feet;

(iv) On any corner lot, no residence facing the side street shall be located within twelve and one-half (12½) feet of the side street property line.

(v) Reverse corner lots: Shall have the same side yard requirements as interior lots except the street side setback for the entire depth of the lot shall be no less than fifty (50) percent of the required front yard of the lot to the rear.

(3) Rear yard setbacks for lots zoned R-A and R-1.

(i) Lots not exceeding an area of 7,500 square feet shall have a rear yard setback of fifteen (15) feet.

(ii) Lots 7,500 square feet or more shall have a rear yard setback of twenty-five (25) feet;

(iii) For lots within the Hillside Overlay Zone with graded pads, a minimum ten-foot substantially flat area for pedestrian and emergency access shall be provided between the rear of the house and the slope, measured perpendicularly from the structure (a one-story open patio cover may be located in the level area in compliance with other development standards). Legal nonconforming structures in existence prior to February 21, 2014 that do not fully meet these requirements may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming structures were legally established and maintained.

(f) Permissible coverage of required rear yards.

(1) Sixty (60) percent of the required rear yard in R-A and R-1 zones shall remain open; and the remaining forty (40) percent of the required rear yard may be covered by single story construction with a height of no greater than fifteen (15) feet.

(i) Garages and/or storage sheds may exceed the fifteen (15) feet height limitation by no greater than five (5) feet, subject to an administrative review set forth Article VI, Division 6 (Administrative Permit), provided that the Community Development Director or their designee determines that the design of the proposed garage or storage shed is compatible with other structures on the property and is at least fifteen (15) feet away from any permitted structure and/or swimming pool located on a neighboring property.

(ii) No construction shall be permitted within five (5) feet of the rear property line, except as set forth in Article III, Division 2 (Accessory Structures).

(g) Special setback requirements and/or exceptions to basic setbacks.

(1) Nonhabitable accessory structures.

(i) All nonhabitable free-standing roofed accessory structures with a projected roof area of less than one hundred twenty (120) square feet or nonroofed structures with a total floor area of less than one hundred twenty (120) square feet, and no taller than seven (7) feet in height in yards which are screened by fencing or shrubs at least five (5) feet tall may encroach into the required interior side yard behind the main building, and the required rear yard.

(ii) All nonhabitable free-standing roofed accessory structures greater than one hundred twenty (120) square feet and greater than seven (7) feet in height shall be set back 4'-0" from the interior side and rear property lines provided that provisions within sections 26-46(f) and 26-46(g) are complied with.

(2) Flags and flagpoles shall be subject to the regulations found in subsection Article III, Division 8.

(3) Swimming pools, spas, and sports courts.

(i) Swimming pools, spas, sports courts, and other similar private recreation areas shall be setback a minimum of five (5) feet from the interior side and rear property lines.

a) Swimming pool/spa setback shall be measured from the property line to the back of the bond beam. ***CODIFIES EXISTING POLICY***

b) Sports court setback shall be measured from the property line to the sport court fencing and/or playing surface, whichever is closest.

(ii) Pools/spas and sports courts may be permitted within the front yard through an administrative permit process provided that there is a minimum five (5) feet setback to adjoining properties, the city engineer has determined that there will not be a line-of-sight safety concern and the Community Development Director determines that the lot configuration, building placement, and/or street location justify the proposed pool/spa location due to the uniqueness of the property.

(iii) Temporary playing surfaces on grass and/or on the driveway are not regulated by this zoning code provided that the equipment is moved and stored out of the required setbacks after each use.

(4) Mechanical equipment.

(i) Mechanical equipment (HVAC system, pool equipment, tanked water-heater, generator, or similar) shall be setback a minimum of five (5) feet from the side and rear property lines. **(Ex. Code requires compliance with structural setback requirements)**

(ii) Mini-split air-conditioning units, wall/window air-conditioning units, tankless water-heaters, or similar equipment may be located within the required side and rear setbacks provided that the equipment does not extend beyond the eave of the dwelling unit and is screened from public right-of-way views.

(iii) In no case shall mechanical equipment be located within the front yard.

(iv) All mechanical equipment shall be screened from public right-of-way views. ***CODIFIES EXISTING POLICY***

(v) Air conditioning and heating ducting shall not be exposed on roofs.

(vi) Roof-mounted mechanical equipment may be allowed, subject to review by the community development director (or their designee) and approval of an Administrative Permit as follows:

a) The house is existing and does not have an attic;

b) The unit is not visible from the street and can be screened from all ground level views;

c) A detailed description of the screening material and construction method shall be provided and shall be architecturally compatible with the building.

(5) Canopy structures.

(i) Canopy structures shall be prohibited in the front yard and street side yard (refer to Section 26-46 (d)), with the following exceptions:

a) Canopy structures with a projected canopy area of less than one hundred twenty (120) square feet and a height of less than seven (7) feet shall be permitted within a street side yard area that is fully screened by fencing or shrubs at least five (5) feet in height.

b) Canopy structures with a projected canopy area of no greater than two hundred (200) square feet, a height of no greater than twelve (12) feet, and a length of no greater than twenty (20) feet shall be permitted in front yard and street side yard areas where located at a distance of fifty (50) feet or greater from the front or street side property line and/or which are not readily visible from the street (as determined by the community development director or their designee) due to topographical conditions. Canopy structures shall be permitted in other areas of a lot with a projected canopy area of no greater than two hundred (200) square feet, a height of no greater than twelve (12) feet, and a length of no greater than twenty (20) feet, with the exception that canopy structures encroaching into the interior side yard and/or the rear five (5) feet of the rear yard shall only be permitted with a projected canopy area of less than one hundred twenty (120) square feet and a height of less than seven (7) feet.

(ii) *Repair and maintenance.* Canopy structures shall be maintained in good condition. Torn fabric, bent or broken support members shall be replaced or repaired as needed. Any canopy structure considered to be in disrepair, as determined by the community development director or their

designee, shall be repaired, replaced or removed from the site. Reflective, mirrored type, covering material shall be prohibited.

(iii) *Lot coverage.* Canopy structures requiring the issuance of a building permit (i.e., those that are considered structures as defined by the Uniform Building Code) with a projected roof area of one hundred twenty (120) square feet or greater shall be considered building coverage and shall be included in calculations of maximum building coverage as set forth in Section 26-46(c).

(6) Animal keeping areas. A minimum separation of thirty-five (35) feet shall be maintained between a structure used for habitable purposes, swimming pool or spa and animal keeping areas. Animal keeping areas shall include barns, corrals, or stables, to maintain a horse or any other animal mentioned in section 26-111. Legal nonconforming uses or buildings in existence prior to June 14, 2012 that do not fully meet the stated separation requirements, may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming uses and buildings were legally established and maintained. Any addition to, or expansion of, such structures, however, shall cause the stated separation requirements to apply.

(7) The provisions of this section shall not be construed to limit or interfere with the authority of homeowner associations that determine that such encroachments are undesirable in their particular case to incorporate the prohibition of such encroachments into their conditions, covenants and restrictions.

(8) All structures must conform to the requirements of the Uniform Building Code, if applicable.

(9) For the purpose of this section, the projected roof area shall mean the horizontal square feet of roof, excluding slope, but including overhang.

(h) Second-story setbacks regulations for R-A and R-1 Zones.

(1) *Front Yard:* When the first story of an existing single-family structure is built within thirty (30) feet or less of the front property line, the front yard setback of any future second story addition or expansion shall be a minimum of thirty (30) feet, except for lots less than 7,500 square feet in area, where the second story shall be set back a minimum of twenty-five (25) feet.

(2) *Side Yard:* When the first story of an existing single-family structure is built within ten (10) feet or less of the side property line, the side yard of any future second story addition or expansion shall be a minimum of ten (10) feet. The following exception may be allowed, subject to community development director (or their designee) review and the approval of an Administrative Permit, in cases where an existing second-story has a second-story setback that is less than ten (10) feet on an elevation:

(i) Said side yard second story setbacks may be the same as the existing second story setback if no portion of a building or structure (existing or proposed) encroaches through a daylight plane that is projected above each setback line and sloping inwards at a forty-five (45) degree angle measured at a point ten (10) feet above the finished grade level along the side property line toward the opposing side property line. **(REMOVED ANGLE-PLANE TABLE AND SIMPLIFIED CODE TO THE 45 DEGREE ANGLE PLANE FOR ALL LOTS RATHER THAN 45, 50, AND 55 DEGREE ANGLE PLANES DEPENDING ON LOT WIDTH)**

(ii) Said side yard second story setback shall not be required along any side yard which abuts property zoned for or developed with a nonresidential use (e.g. schools and parks) or a public right-of-way, flood control channel, or utility easement upon which no residential structures may be developed.

(iii) As used in this section, second story setback shall also apply to any portion of the first story under a sloped roof with a ridge height greater than sixteen (16) feet and/or an exterior wall height greater than twelve (12) feet above the finished adjacent grade. The gable end of a sloped roof shall not be included in the exterior wall height calculation.

(iv) The second story setbacks stated in subsections (1) and (2) above on lots of 20,000 square feet or more shall not be required for developments which utilize the additional height provisions pursuant to section 26-46(d).

26-47 Applicable Regulations for R-A and R-1 Zones

The provisions of this section are intended to reinforce community standards and to promote an attractive residential appearance in the City's neighborhoods. These regulations apply to all residential uses in R-1 and RA zones.

(a) Precise Plan of Design.

A precise plan of design pursuant to Article VI, Division 3 of this Chapter is required for subdivisions where a specific plan is proposed. Particular attention shall be given to compatibility with adjacent residential and commercial zoning and uses. A precise plan must be approved prior to any development.

(b) Lighting. Lighting shall be designed, installed, and maintained in such a manner that illumination spillover from such lighting does not exceed 2.0 foot candles above ambient illumination levels onto another residential property and glare spillover from such lighting will not negatively impact another residential property.

(1) Illumination and/or glare spillover onto other property shall be measured from any point five (5) feet above natural grade on a vertical plane on the other property. Ambient illumination shall include only non-artificial light and street lights present exclusive of the offending light source.

(2) If, upon inspection by authorized city staff, it is determined that a violation of this section is occurring, the community development director or their designee may require mitigation measures in order to minimize impacts, including, but not limited to: Relocation (setback, height restrictions) of the fixture, reduction of lamp wattage, the installation of hoods, shields, louvers, or other fixtures accessories to redirect light, the installation of coated or frosted lamp covers to soften glare, the re-aiming of the fixture, or the placement of landscaping or fencing as barriers.

(3) Sports court lighting shall be subject to the same standards and require the review and approval of the community development director or their designee prior to installation. During this review, photometric data and other information needed to determine compliance with these standards may be required by the community development director or their designee and are subject to the approval of an Administrative Permit.

(4) The restrictions of this subsection shall not apply to decorative, temporary, seasonal incandescent lights in place and in use during the period from November 1 and January 31.

(c) Certain objects and materials prohibited in all yards.

(1) No owner or occupant of any parcel of real property zoned for residential purposes shall maintain or permit to remain within the front yard, street side yard or any other portion of the property, except as otherwise permitted in this section:

(i) Any garbage or putrescible matter, whether mixed with rubbish or other matter or not.

(ii) Any rubbish, whether combustible or noncombustible, other than garbage or putrescible matter.

(iii) Any discarded, useless and unusable object, material or equipment.

(iv) Any pile or accumulation of lumber or building materials, provided, however, that this subparagraph (iv) shall not apply to any parcel upon which a building is in the process of construction.

(2) Objects and materials prohibited in paragraph (a) may be placed in the front yard or street side yard for a period not to exceed twenty-four (24) hours and may be stored in other portions of the property screened from public view for a period not to exceed ten (10) days.

(3) All garbage and putrescible matter, whether mixed with rubbish or other matter shall be kept in a watertight container with close-fitting lids and ties. All rubbish, other than garbage or putrescible matter shall be kept in a metal container or other substantial and adequate container.

(4) As used in this section, a "front yard" refers to all space between the main building (also the projection of the main building to the side property lines) and the front property lines. "Street side yard" refers to all

space between the main building (also the projection of the main building to the front and rear property lines) and the street side property line of a corner lot, which is not totally screened from public view by a six-foot-high solid fence or wall. "Other portions of property" shall mean those portions of property not included in the front yard or street side yard and screened from public view with a six-foot-high solid fence or wall.

(d) Landscape Maintenance.

(1) The purpose of this section is to protect the properties in residential neighborhoods by establishing minimum maintenance standards for maintenance of landscaping on residential properties. It shall be declared unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any residential property in the City to allow the existence of any of the following conditions on such property, which conditions are listed by way of example and not of limitation:

(i) Overgrown vegetation; unmaintained grass lawns and/or weed areas which are one (1) foot in height or greater; which are likely to attract or harbor rats or vermin; to become a fire menace when dry; or which are otherwise dangerous to the public health and welfare.

a) Weeds are those uncultivated, noxious plant groups that compete with cultivated garden plants for water, nutrients, light and space.

(ii) Dead, decayed, diseased or hazardous trees and/or other vegetation.

(iii) Lack of landscaping or the maintenance thereof.

a) Landscaping, as used in this section, shall, by example and not by limitation, mean healthy and viable cultivated vegetation common to most residences and/or planned drought-tolerant landscaping systems.

1) Drought-tolerant landscaping systems are generally characterized by alluvial rock garden formations and/or native California flora or other plants selected for drought tolerance, adaptability and relationship to West Covina environment; color, form and pattern; ability to provide shade; soil retention and fire resistance.

b) Maintenance, as used in this section, shall, by example and not by limitation, mean watering, weeding, pruning, trimming, mowing, insect control the replacement or irrigation equipment as needed to preserve the health and appearance of landscaping when visible from streets, rights-of-way, and adjacent properties at or above grade level.

(2) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Article III, Division 5 of this Development Code, and the Planning Commission Guidelines for Water Efficient Landscaping, unless specifically exempted by those water efficiency provisions.

(3) Violations of this section shall be subject to enforcement procedures found in Section 1-37.2 of the West Covina Municipal Code. This section shall not supersede any provisions or regulations required by public and governmental agencies that may conflict with the intent and provisions contained in this section.

(e) Maintenance of buildings and structures

(1) The purpose of this section is to protect the appearance, character, and integrity of residential neighborhoods and promote safe and decent housing by establishing minimum standards as they relate to the maintenance of residential buildings and structures. It shall be unlawful for any person owning, leasing, occupying, or having charge or possession of any residential property in the City to maintain on such property any of the following when viewable from the public right-of-way or abutting properties:

(i) Buildings or structures which are neglected as a result of abandonment, are partially destroyed or have remained in a state of incomplete construction for an unreasonable period of time as determined by the community development director or their designee and building official.

(ii) Buildings or structures with peeling, blistering or otherwise deteriorating paint, or unpainted surfaces, in excess of ten (10) percent of the surface area.

(iii) Roofs with loose, unstable or missing tiles, shingles or other material used as roof composition in excess of ten (10) percent of the roof area.

(iv) Buildings or structures that have broken, damaged or missing windows, doors, attic vents, and underfloor vents rendering these items unusable for their purpose and causing an attractive nuisance.

(v) Buildings or structures whose exteriors, porches, steps, stairs, walls, devices, fences, driveways, or walkways are cracked, broken, defective, deteriorating, in disrepair, or defaced due to writing, inscription, or figures rendering these items unusable for their purpose and constituting in the opinion of the community development director or their designee and building official a hazardous condition or an attractive nuisance.

(vi) Garage doors that are missing, broken, sag, or buckle to the extent that they cannot be either opened or closed, rendering the garage unusable for its purpose and causing an attractive nuisance.

(vii) Any structure or building or portion thereof which, as compared to adjacent properties, is unsightly in appearance and out of character by reason of its condition.

(f) Construction in Fire Hazard Severity Zones (FHSZ).

(1) The purpose of this section is to establish regulations for construction and development within FHSZ to mitigate the risk of wildfires, and protect life and property and promote public safety.

(2) This section shall apply to all properties within the FHSZ as designated by The Department of Forestry and Fire Protection (CAL FIRE).

(3) Construction Standards, Building Materials and Design.

(i) All structures within the FHSZ shall utilize fire-resistant materials and design techniques in accordance with Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure of the California Building Code.

(4) Vegetation Management and Defensible Space.

(i) All buildings and structures located within the FHSZ shall maintain the required hazardous vegetation and fuel management requirements pursuant to Section 4907.3 of the California Fire Code.

26-48 Development Standards for Multi-Family Zones.

New land uses, structures, and site development including alterations to existing land uses, structures, and site development within multi-family residential zoning districts shall be designed and constructed in compliance with the following requirements, and all applicable standards in Article III (Regulations Applicable to all Zones), Article VI (Standards for Specific Land Uses) of this Development Code and the West Covina Multi-Family Residential Objective Design Standards.

(a) Site size.

(1) The size of sites in multiple-family zones shall conform to the following table:

Table 2-5 Minimum Lot Size for Multi-Family Residential Zones

	MF-8	MF-15	MF-20	MF-45
Minimum Site Size	2 acres	1 acre	1 acre	20,000 sq. ft.
Minimum Width (feet)	150′	150′	150′	100′*
Minimum Average Depth	–	–	–	150′
*At the street line				

(b) Density.

(1) The maximum number of dwelling units per net acre shall be as follows:

Table 2-6 Maximum Dwelling Units Per Acre for Multi-Family Residential Zones

	MF-8	MF-15	MF-20	MF-45
Maximum dwelling units per net acre	8	15	20	45

(c) Lot Coverage

(1) The maximum building coverage of all structures multi-family residential zones shall not exceed the following:

(i) Lots zoned MF-8 – forty-five (45) percent of the total lot parcel area;

(ii) Lots zoned MF-15 and MF-20 – fifty-five (55) percent of the total lot parcel area;

(iii) Lots zoned MF-45 – seventy (70) percent of the total lot parcel area.

(2) Ground coverage shall be the total amount of land covered by residential structures, carports or garages, and all paved areas used for parking and accessways. Decks, patios, recreation rooms, pedestrian walkways, and terraces shall be excluded. Such coverage shall conform to the following table:

(d) Maximum building height.

(1) The maximum building height shall conform to the following table:

Table 2-7 Maximum Building Height for Multi-Family Residential Zones

	MF-8	MF-15	MF-20	MF-45
Maximum height, when not within 100 feet of single-family zones.	30′	45′	45′	55′
Maximum height, when within 100 feet of single-family residential zones.	25′	25′	35′	40′

(2) When there is a difference in site elevation and the abutting property zoned single-family is of such elevation that its view will not be impeded, at the discretion of the planning commission, the maximum building height limit may be waived.

(e) Building setbacks from property lines.

(1) *Front.* The front setback from the property line shall be governed by the following table:

Table 2-8 Minimum Required Front Yard Setbacks for Multi-Family Residential Zones

Zone	Minimum Setback (in feet)	Average Setback (in feet)
MF-8	15	20

MF-15	15	20
MF-20	15	20
MF-45	15	–

(2) *Side.* The side setback and upper-story setbacks from the property line shall be governed by the following table:

Table 2-9 Minimum Required Side Yard Setbacks for Multi-Family Residential Zones

Zone	Interior	Interior Abutting R-A/R-1 Zones	Adjacent to Street, Minimum Setback; Average Setback
MF-8	10 ft.	1 story: 10 ft.	15 ft.; 20 ft.
		2 story: 20 ft.	
MF-15	10 ft.	1 story: 10 ft.	15 ft.; 20 ft.
		2 story: 20 ft.	
		3 story: 30 ft.	
MF-20	10 ft.	1 story: 10 ft.	15 ft.; 20 ft.
		2 story: 20 ft.	
		3 story: 30 ft.	
MF-45	2 story: 5 ft.	1 story: 5 ft.	
	3 or more: 10 ft.	2 story: 10ft.	
		3 story: 15 ft.	
		Plus 5 ft. per each additional story	
Notes: In the MF-45 zone, on reverse corner lots, the side yard abutting the street shall be a minimum of 15 ft.			

(3) *Rear.* The rear setback and upper-story setbacks shall be governed by the following table.

Table 2-10 Minimum Required Rear Yard Setbacks for Multi-Family Residential Zones

Zone	Minimum Setback	Abutting R-A/R-1, Minimum Setback
MF-8	20 ft.	20 ft.
MF-15	20 ft.	1 story: 20 ft.
		2 story: 20 ft.
		3 story: 30 ft.
MF-20	20 ft.	3 story: 30 ft.
MF-45	15 ft.	15 ft.
		20’ for stories above 2nd floor

(f) Yards around buildings.

(1) In the MF-8, MF-15, and MF-20 zones: There shall be a minimum yard requirement around all main building exterior walls of ten (10) feet plus two (2) feet per additional story in height above the first floor plus one (1) foot per each twenty (20) feet of linear exterior wall or fraction of the building adjoining said yard. In the MF-45 Zone, the yard requirement shall be ten (10) feet plus two (2) per additional story in height above the first floor.

(2) The sum of the minimum yard requirements around all main buildings as set forth in (a) above, shall constitute the minimum distance between all main buildings.

(3) Yards as per this section shall be open from the ground to the sky and shall be landscaped. Exterior stairways, balconies, and patios may extend into said yards not more than twenty-five (25) percent.

(4) If parking is provided under the first story of a building, the landscaping requirements are waived for the distance of the parking spaces.

(5) Accessory buildings shall not encroach into any yard requirement of a main building, except as set forth in 26-48 of this Article.

(6) The yard requirement of an obliquely-aligned building may overlap if approved by the planning commission.

(7) Yards around buildings, as set forth in this section, may coincide with setbacks from property line as required in 26-48(e) of this Article; the one having the greater distance shall prevail.

(8) At the time of precise plan review as per Article VI, Division 3 of this Chapter, the Planning Commission may modify the required yards around buildings as set forth in this section, providing the following criteria have been met:

(i) The amount of site area involved shall be relocated within the recreational-leisure space areas as set forth in 26-48(i).

(ii) The end result shall be an improved overall project design other that otherwise would not occur if the modification were not granted.

(iii) The maximum permitted ground coverage set forth in 26-48(c) shall not be exceeded.

(g) Building length

(1) In the MF-8, MF-15, and MF-20 zones, no building shall exceed a length of two hundred (200) feet. In the MF-45 zone, no building shall exceed a length of four hundred (400) feet. Buildings may be connected with walkways or at the roof, provided minimum distances between buildings as per section 26-48(f) of this chapter is met and approved by the planning commission.

(h) Minimum floor area per dwelling.

(1) The minimum floor area per dwelling unit, in square feet, shall be as follows:

Table 2-11 Minimum Floor Area for Multi-Family Residential Zones

Zone	Number of Bedrooms					
	Studio	1	2	3	4	Each Additional Bedroom Over 4
MF-8	600	900	1,050	1,250	1,650	+200
MF-15	600	800	1,000	1,200	1,350	+150
MF-20	600	725	900	1,100	1,250	+150
MF-45	500	600	800	990	1,125	+125

(i) Required Open Space~~Recreational-leisure space~~.

(1) Common open space shall be provided in conformance with the standards set forth in the West Covina Multi-Family Objective Design Standards (2022). ~~A minimum of two hundred (200) square feet of usable recreational/leisure space for each dwelling unit shall be provided. Such space shall have a minimum horizontal dimension of fifty (50) feet for one (1) and two (2) story, and seventy-five (75) feet for three (3) story to qualify as usable recreational/leisure space. Recreational/leisure space shall be distributed throughout the development and readily accessible from all dwelling units. Such space may extend into the required side or rear yards, and only that portion which is utilized for recreational/leisure space shall be included in calculating the total area. Swimming pools, putting greens, court game facilities, recreational buildings, and other similar facilities may be included in this area.~~

(2) Private open space. A minimum of two hundred (200) square feet per dwelling unit of usable private open space shall be provided. Such space shall have a minimum dimension of five (5) feet in width and depth. Balconies, patio areas, and other similar space that is directly accessible from the unit may be included as private open space areas. Storage of any equipment other than patio furniture shall not be allowed within balconies and/or patio areas.

(j) Micro-units.

(1) A micro-unit project shall conform to the development standards set forth in 26-48, Development Standards for Multi-Family zones.

(2) Standards:

(i) Kitchen and bathrooms. Each micro-unit shall include a private kitchen and bathroom.

(ii) Kitchens shall include at least the following;

a) Sink;

b) Stove with two burners;

c) Refrigerator with freezer;

d) Counter that is at least 18 inches by 24 inches; and

e) A pantry and dry good storage cabinets with a minimum area of twenty (20) cubic feet.

(iii) Bathrooms shall include the following:

a) Toilet;

b) Sink; and

c) Shower.

(iv) Storage space. Each micro-unit shall have a closet with a minimum of 48 square feet of storage.

(v) Micro-unit developments shall provide a shared laundry room accessible to all units with one washer and dryer for every 12 micro-units.

(vi) Operations, management and security:

(vii) All micro-unit developments shall submit the following information describing the operational, management and security details of the project:

a) Description of general operations and onsite security plans;

b) 24-hour onsite management for projects with fifteen (15) units or more;

c) Emergency procedures.

26-49 Applicable Standards for Multi-Family Zones

The provisions of this section are intended to reinforce community standards and to promote an attractive residential appearance in the City's neighborhoods. These regulations apply to all residential uses in multi-family zones.

(a) Precise Plan of Design

(1) The filing of a precise plan of design shall be required as part of an application for multiple-family zoning and as specified in Article VI, Division 3 of this chapter, or a planned residential development overlay zone and development plan as specified in Section 26-60 of this chapter. Such precise plans of design shall conform to Planning Commission Resolution No. 567. This shall not apply to development applications subject to administrative review pursuant to State Law or other sections of the West Covina Municipal Code.

(2) The review and approval process for an eligible Senate Bill 35 (SB35) housing project shall adhere to CGC Section 65913.4, as amended. For eligible SB35 projects, the community development director shall approve or deny the ministerial Precise Plan based on the West Covina Multi-Family Objective Design

Standards (2022) adopted by the City. Within 30 days of such action, the community development director shall prepare a report to the Planning Commission, providing a description of the project and the nature of the approval. Any such Precise Plan approved under SB35 shall be valid for a period of three (3) years, with one (1) additional extension of time in a one-year increment. The Community Development Director or their designee may approve a one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready, such as, but not limited to, the filing of a building permit application that is kept active.

(b) Underground Utilities

(1) All utilities shall be underground in accordance with the Municipal Code and approved by the city engineer.

(2) All utility hardware shall be placed underground or shall be screened from view with a decorative block or masonry wall or landscaping, to the maximum extent as allowed by the utility provider. Such screening shall be as high as the highest portion of the equipment and shall be permanently maintained.

(c) Refuse and recycling collection and storage within multi-family residential zones.

(1) Any new or existing multi-family development project of five (5) or more living units, an application for one (1) or more building permits for single or multiple alterations to be conducted within a twelve-month period which collectively add fifty (50) percent or more to the existing floor area of a living unit shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials as defined in this section.

(2) All outdoor trash, garbage, recycling and refuse containers shall be screened on all sides from public view by a minimum five and one-half (5½) foot high concrete, masonry or decorative block wall and the opening provided with a gate of durable wood or comparable material. Such area shall be so located as to be easily accessible for trash and recyclable material pick up. Type, texture and color shall be approved by the planning commission or planning director.

(3) The following guidelines will be applied to new and expanded development projects:

(i) Free-standing or exterior recycling areas shall be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation.

(ii) The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

(iii) A sign clearly identifying all recycling collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

(iv) Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.

(4) The community development director or their designee shall review each application for adequate design and area allocation suitable to the particular recycling program or process to be in effect at the development project and shall apply these requirements and guidelines accordingly.

(5) Any and all separate recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be part of or adjacent to the solid waste collection areas.

(d) Lighting

(1) All lighting of the building, landscaping, parking area, or similar facilities shall be shielded and directed to reflect away from adjoining properties.

(e) Mechanical equipment in multi-family zones.

(1) In multi-family residential zones, all ground-mounted mechanical equipment shall be completely screened behind a permanent structure, and all roof-top mechanical equipment shall be placed behind a permanent parapet wall and shall be completely restricted from views of the public rights-of-way abutting the site and from the first floor of neighboring properties. Such screening shall be as high as the highest portion of the equipment or ducting and shall be permanently maintained. All wall air-conditioner units shall be screened from view with material that is compatible and in harmony with the architectural styling and detailing of the building.

(f) Clothes drying areas.

(1) All clothes drying areas shall be screened on all sides by a fence or wall not less than six (6) feet high.

(g) Maintenance of Standards, Buildings and Structures.

(1) *General.* All improvements in the multiple-family zone shall be continuously maintained in a neat, orderly, and healthy condition. Said improvements shall include (but not be limited to) signs, landscaping, off-street parking, storage areas, and walls.

(2) *Buildings and structures.* The purpose of this section is to protect the appearance, character and integrity of multiple-family zoned properties and promote safe and decent housing by establishing minimum standards as they relate to the maintenance of residential buildings and structures. It shall be unlawful for any person owning or having charge or possession of any of the following when viewable from the public right-of-way or abutting properties.

(i) Buildings or structures which are neglected as a result of abandonment, are partially destroyed, or have remained in a state of incomplete construction for an unreasonable period of time as determined by the community development director or their designee and building official.

(ii) Buildings or structures with peeling, blistering or otherwise deteriorating paint, or unpainted surfaces, in excess of ten (10) percent of the surface area.

(iii) Roofs with loose, unstable or missing tiles, shingles or other material used as roof composition in excess of ten (10) percent of the roof area.

(iv) Buildings or structures that have broken, damaged or missing windows, doors, attic vents, and underfloor vents rendering these items unusable for their purpose and causing an attractive nuisance.

(v) Buildings or structures whose exteriors, porches, steps, stairs, walls, devices, fences, driveways, or walkways are cracked, broken, defective, deteriorating, in disrepair, or defaced due to writing, inscription, or figures rendering these items unusable for their purpose and constituting in the opinion of the community development director or their designee and building official a hazardous condition or an attractive nuisance.

(vi) Garage doors that are missing, broken, sag, or buckle to the extent that they cannot be either opened or closed, rendering the garage unusable for its purpose and causing an attractive nuisance.

(vii) Any structure or building or portion thereof which, as compared to adjacent properties, is unsightly in appearance and out of character by reason of its condition.

(h) Certain objects and materials prohibited in all yards.

(1) The standards set forth in section 26-47(c) shall also apply to properties zoned for multi-family residential uses.

(i) Construction in Fire Hazard Severity Zones (FHSZ).

(1) The purpose of this section is to establish regulations for construction and development within FHSZ to mitigate the risk of wildfires, and protect life and property and promote public safety.

(2) This section shall apply to all properties within the FHSZ as designated by The Department of Forestry and Fire Protection (CAL FIRE).

(3) Construction Standards, Building Materials and Design.

(i) All structures within the FHSZ shall utilize fire-resistant materials and design techniques in accordance with Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure of the California Building Code.

(4) Vegetation Management and Defensible Space.

(i) All buildings and structures located within the FHSZ shall maintain the required hazardous vegetation and fuel management requirements pursuant to Section 4907.3 of the California Fire Code.

DIVISION 2 COMMERCIAL MIXED-USE, OFFICE MIXED-USE, AND MANUFACTURING ZONES (OPMU, NMU, SMU, RMU, M-1) [COMBINED EX. ARTICLES X AND XI, AND DIVISION 5 OF ARTICLE XIII]

26-50 Purpose and Intent by Zone (DELETED COMMUNITY-COMMERCIAL, C-2, C-3, PLANNED-INDUSTRIAL ZONES, RELOCATED OPEN SPACE ZONE)

(a) Office-Professional Mixed-Use (OPMU) Zone.

(1) The purpose of the office-professional mixed-use (OPMU) zone is to classify and set standards for those business, office, administrative or professional land uses which by their nature are of relative low intensity and therefore, when properly located and designed are compatible with adjacent residential zoning and the development therein.

(2) Office-professional mixed uses should have access to four-lane or wider streets as specified on the master plan of streets and highways; on land that is topographically suited to such uses without major earth movement, resulting in unsafe or unsightly cut or fill slopes; situated to serve several neighborhoods; and capable of serving as a buffer separating residential land uses from the more intense community, regional, service, or highway commercial uses.

(b) Neighborhood-Commercial Mixed-Use (NMU) Zone.

(1) The purpose of the neighborhood-commercial mixed-use (NMU) zone is to classify and set standards for those retail and service commercial uses which by their nature are of moderate intensity; are necessary in order to provide convenient daily shopping facilities to residential home and apartment dwellers; and are generally adjacent to or within close proximity to residential zoning or development and, therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection to surrounding properties and their values.

(2) Neighborhood-commercial mixed-use centers should serve several neighborhoods and be located with primary access to a four-lane or wider street, preferably at the intersection of a major and collector street or two (2) four-lane or, wider streets. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slopes.

(c) Regional-Commercial Mixed-Use (RMU) Zone.

(1) The purpose of the regional-commercial mixed-use (RMU) zone is to classify and set standards for a regional business center which provides a complete line of shop and store types, eating and entertainment facilities, business and financial services and multi-family residential uses. The dominant establishments are one (1) or more department stores flanked by specialty shops.

(2) Regional-commercial business and mixed-use centers shall be in a strategic location to serve the general regional area of the East San Gabriel Valley and have direct access on major traffic carriers (i.e., freeways or four-lane or wider streets or highways). Land should be topographically suited for such use.

(d) Service-Commercial Mixed-Use (SMU) Zone.

(1) The purpose of the service-commercial mixed-use (SMU) is to classify and set standards for those retail and service commercial, recreational, business office and multi-family residential land uses which by their nature are of a relative high intensity; are unique in that their success depends upon direct motorist exposure and excellent access; require special traffic circulation patterns that will not unduly restrict rapid traffic flow and extraordinary physical treatments in order to create compatibility with adjacent zoning and the development thereon.

(2) Service-commercial uses should have access to a four-lane or wider street or highway as specified on the master plan of streets and highways, on land that is the same grade level as the street or highway without major earth movement, resulting in unsafe or unsightly cut or fill slopes.

(e) Manufacturing (M-1) Zone.

(1) The purpose of the manufacturing zone is to classify and set standards for those industrial and incidental commercial facilities which are of moderate to heavy intensity and have no objectionable or obnoxious effect on any adjacent property. The developmental and operational standards are intended to provide compatibility with and protection to surrounding properties by minimizing traffic congestion, noise, glare, vibration, emission of odorous, toxic or noxious matter, and to provide adequate off-street parking, landscape buffering, and the proper placement of buildings.

(2) Manufacturing uses should have primary access to a four-lane or wider street or highway as specified on the master plan of streets and highways. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slope.

26-51 Land Use Regulations and Allowable Uses

(a) Permitted uses. Table 2-12 identifies land uses permitted in each commercial, office and industrial zoning districts.

Table 2-12 Uses and Permit Requirements [CHANGED AUP TO ADMINISTRATIVE PERMIT W/HEARING, CHANGED ADMINISTRATIVE REVIEW TO ADMINISTRATIVE PERMIT; USES ORGANIZED BY CATEGORY AND CONSOLIDATED INTO ONE LARGER TABLE]

Symbol	Permit Requirement	Procedure Section
x	Allowed by Right	–
AP	Administrative Permit	Article VI, Division 6
APH	Administrative Permit w/ Hearing	Article VI, Division 6; Article VI, Division 1
CUP	Conditional Use Permit	Article VI, Division 4; Article VI, Division 1
	Use not permitted	–

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	OPMU	NMU	RMU	SMU	M-1	
Residential Accessory Uses						
Accessory uses and structures	X	X	X	X		
Accessory dwelling units, junior accessory units	X	X	X	X		Article IV, Division 2
Agricultural uses						
Agricultural						Section 26-111
Agricultural uses (on parcels of 10 acres or greater)						Section 26-111
Beekeeping					APH	
Residential uses						
Duplexes	X	X	X	X		
Employee Housing, farmworker (agricultural) Housing	X	X	X	X		Section 26-134
Emergency shelters (Homeless), up to 30 occupants within City	X	X	X	X	X	Section 26-118
Emergency shelters (Homeless), greater than 30 occupants within City					CUP	Section 26-118
Live/work units	X	X	X	X		

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Low barrier navigation centers	X	X	X	X		Article IV, Division 7
Mobile home park	X	X	X	X		Section 26-122
Micro-units, efficiency units	X	X	X	X		
Multi-family residence	X	X	X	X		
Orphanages						
Roominghouse						
Short-term rentals						
Supportive housing	X	X	X	X		Section 26-133
Transitional housing	X	X	X	X		Section 26-133
Industrial and Manufacturing uses[1]						
Administrative, research, professional or sales office related.					X	
Agricultural, industrial and construction equipment sales and rental.					AP	
Aircraft factories.					AP	
Automobile assembly, body and fender works, dismantling and used parts storage when operated or maintained wholly within a building.					AP	
Automobile painting. All painting, sanding and baking shall be conducted wholly within a building.					AP	
Bakeries, industrial or wholesale.					AP	
Blacksmith shops.					AP	
Body and fender works, including painting.					AP	
Bottling plants.					AP	
Breweries and distilleries, with or without tasting or tap rooms			AP	AP	AP	Section 26-109
Building material storage yard.					AP	
Carpet cleaning plants.					AP	
Cleaning and dyeing plants.					AP	
Contractor's storage yards.					AP	
Creameries.					AP	
Dairy products manufacture.					AP	
Disposal company.					AP	
Draying, freighting or trucking yards or terminals.					CUP	
Dry cleaning, wholesale.					AP	
Dry cleaning or laundry, non-retail (non-flammable and nonexplosive cleaning fluid to be used exclusively)					AP	
Dwelling (one) for caretaker or superintendent and his family on a factory site.					AP	

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Fabricating from steel or metals.					AP	
Feed and fuel yards.					AP	
Fence manufacture.					AP	
Food products manufacture.					AP	
Frozen food locker.					AP	
Fruit and vegetable canning, preserving and freezing.					AP	
Fruit packing houses.					AP	
Furniture manufacturing.					AP	
Garages, public.					AP	
Garment manufacture.					AP	
Gas (petrol) distributor.					AP	
Ice and cold storage plants.					AP	
Kennels.					AP	
Laboratories, experimental, motion pictures, testing.					AP	
Landscaping service.					AP	
Laundries.					AP	
Limited manufacturing, assembling testing, and repairing of components, devices, electrical, electronic, or electromechanical equipment, optical devices, and other similar equipment and systems such as but not limited to: television, radio, phonographs, and other audio units and systems, Data processing equipment and systems, and electrical appliances.					AP	
Limited manufacturing, assembling, compounding, or treatment of articles or merchandise from previously prepared materials such as but not limited to: cloth, fiber, glass, metals and plastics					AP	
Lumberyards.					AP	
Machine shops.					AP	
Manufacturing.					AP	
Manufacturing, compounding processing, packaging or treatment of products from previously prepared materials including, but not limited to: bakery goods, cosmetics, food products and pharmaceuticals					AP	
Manufacture of prefabricated buildings.					AP	
Model making for industrial and architectural designing.					AP	
Paint mixing, provided a boiling process is not employed.					AP	
Petroleum distributing stations					AP	

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
(wholesale).						
Plastics, fabrication form.					AP	
Poultry slaughter.					AP	
Printing, publishing, blueprinting, photocopying, and other photo reproduction services.					AP	
Rubber, fabrication of products made from finished rubber.					AP	
Shoe manufacturers.					AP	
Sign shop, industrial.					AP	
Soap manufacture, cold mix only.					AP	
Storage space for transit and transportation equipment, except freight classification yards.					AP	
Textile manufacture.					AP	
Tire rebuilding, recapping and retreading.					AP	
Transfer, moving, and storage facilities.					AP	
Truck repairing and overhauling.					CUP	
Vending machine service and repair.					AP	
Wholesale business, storage buildings and warehouses.					AP	
Service, recreational, educational and public assembly uses						
Adult care centers	CUP	CUP	CUP	CUP		
Adult oriented businesses, with or without live entertainment			CUP	CUP		Section 26-108
Aircraft landing facilities, Emergency	X	X	X	X		
Aircraft landing facilities, Nonemergency	CUP	CUP	CUP	CUP		
Artisanal and craft manufacturing[1]			AP	AP	X	
Alcohol off-sale, accessory; No more than 10% of total gsf.	AP	AP	AP	AP		Section 26-109
Alcohol off-sale, service stations, accessory	CUP	CUP	CUP	CUP	CUP	Section 26-109
Alcohol off-sale, instructional tasting, accessory		APH~~CUP~~	APH~~CUP~~	APH~~CUP~~	APH~~CUP~~	Section 26-109
Alcohol on-sale; for nonprofit clubs and country clubs, see separate headings)		CUP	CUP	CUP		Section 26-109
Alcohol Sales (off-sale), up to 10,000 sq. ft. in GFA –areas of undue concentration		CUP	CUP	CUP	CUP	Section 26-109
Alcohol Sales (off-sale), up to 10,000 sq. ft. in GFA – not within an area of undue concentration		APH	APH	APH	APH	Section 26-109
Alcohol Sales (off-sale), greater than 10,000 sq. ft. in GFA		APH	APH	APH	APH	Section 26-109
Alcoholic treatment institutions	CUP	CUP	CUP	CUP		
Ambulance service	CUP		CUP	CUP	CUP	
Appliance repair shops			X	X	X	
Art galleries	X	X	X	X		

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Art studio	X	X	X	X		
Athletic club/Gymnasium	APH	APH	APH	APH	APH	Section 26-119
Automated teller machines (walk-up) on the premises of a financial institution	AP	AP	AP	AP	AP	
Automated teller machines (walk-up) not on the premises of a financial institution	AP	AP	AP	AP	AP	
Automated teller machines (drive-up)	CUP	CUP	CUP	CUP	CUP	
Auto rentals (outdoor display)		CUP	CUP	CUP		
New automobile, motorcycle, auto or truck trailers, truck sales, including accessory used vehicle sales, vehicle sales, accessory servicing, repairs, and incidental auto rental (sales and display areas need not be within buildings, but all other provisions of this code shall apply) (outdoor display)			X	X		
Used automobile, motorcycle, auto or truck trailers, truck sales, including accessory servicing, repairs, and incidental auto rental (sales and display areas need not be within buildings, but all other provisions of this code shall apply) (outdoor display)			CUP	CUP		
Motor vehicle sales, new or used including any accessory services (Outdoor Display) Less than 1-Acre			CUP	CUP		
Auto service stations		CUP	CUP	CUP	CUP	Section 16-128
Auto repair garage (includes major overhaul, paint and body repair, but excludes tire recapping)				CUP	X	
Auto repair garage including public storage of vehicles					AP	
Auto supply stores (w/installation)		CUP	X	X		
Auto supply stores (excludes installation)	CUP	X	X	X	X	
Bail bond service			X	X		
Bakery shops, food manufacturing, less than 5,000 square feet.	X	X	X	X	X	
Bank, savings and loan associations, and similar financial institutions (also see automated teller machines)	X	X	X	X	X	
Bars, cocktail lounges, without incidental food use			CUP	CUP	CUP	Section 26-109
Barber and beauty shops with accessory permanent make-up use	X	X	X	X	X	
Barber, beauty, and jewelry shops with accessory body piercing use			AP		AP	Ear-piercing allowed by-right as accessory use
Billiard parlor and pool halls		CUP	CUP	CUP	CUP	
Boat sales, new or used, including related servicing and repairs (out-door display)			X	X		
Boat sales, new or used, including related servicing and repairs (out-door display) and			CUP	CUP		

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
(adjacent to residential)						
Bowling alley			CUP	CUP		
Building material sales (excludes lumberyards) (outdoor display)			X	X	X	
Building material sales (excludes lumberyards) (outdoor display) CUP when adjacent to residential			CUP	CUP	CUP	
Building material sales (outdoor display)				CUP	X	
Business equipment sales (includes repairs)		X	X	X	X	
Cabinet shops				X	X	
Cannabis dispensaries, cultivation, processing manufacturing and dispensing						Section 26-113
Car wash (for accessory use)			CUP	CUP	CUP	
Catering service	X	X	X	X	X	
Cemeteries, columbarium, crematories and mausoleums						
Churches	CUP	CUP	CUP	CUP	CUP	
Club, private non-profit (serving of alcohol allowed only with a club as defined by Section 23428.9 of the California Business and Professions Code;	CUP	CUP	CUP	CUP	CUP	
Cocktail lounge: Serving of alcohol permitted only in conjunction with a bona fide eating place as defined in section 23038 of the California Business and Professions Code		CUP	CUP	CUP	CUP	Section 26-109
Coffee/snack shop	X	X	X	X	X	
Collection agencies	X	X	X	X		
Commercial radio or television stations	CUP	CUP	CUP	CUP	CUP	
Computer game/internet access centers, accessory, up to nine (9) computers		AP	AP	AP	AP	
Computer game/internet access centers, accessory, up to ten (10) or more computers		CUP	CUP	CUP	CUP	
Computer game/internet access centers, main use		CUP	CUP	CUP	CUP	
Contracting services	X	X	X	X	X	
Counseling services	X	X	X	X	X	
Convention hall, trade show, exhibit building	CUP	CUP	CUP	CUP	CUP	
Conversions from apartments to condominiums	CUP	CUP	CUP	CUP		Section 26-364
Country clubs (serving of alcohol allowed only with a club as defined in Section 23428.9 of the California Business and Professions Code						Section 26-109
Community assembly facility (public or private)			CUP	CUP		Section 26-114

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Dancing in conjunction with a commercial use		CUP	CUP	CUP	CUP	
Data processing	X	X	X	X		
Day care centers	CUP	CUP	CUP	CUP		
Delicatessens	X	X	X	X	X	
Department stores		X	X	X		
Drive-in, drive-through, walk-up commercial uses (pharmacies and bank/atms ONLY)	CUP	CUP	CUP	CUP	CUP	
Drive-through (food establishments)						
Dry cleaning or laundry, retail only, (non-flammable and nonexplosive cleaning fluid to be used exclusively)		X	X	X		
Electronic and TV repair shops	X	X	X	X	X	
Entertainment (live) in conjunction with a commercial use (excludes karaoke and solo musicians, excludes adult oriented businesses)		CUP	CUP	CUP	CUP	
Entertainment (live) solo musicians as background music and Karaoke in conjunction with a commercial use (excludes adult oriented businesses)		AP	AP	AP	AP	
Exterminators				X	X	
Feed and grain stores				X	X	
Florist shops	X	X	X	X		
Fortune-telling			X	X		
Game arcades, escape rooms, laser tag, virtual reality rooms, and other indoor recreation facilities with alcohol service in conjunction with food sales		CUP	CUP	CUP	CUP	Section 26-110
Game arcades, escape rooms, laser tag, virtual reality rooms, and other indoor recreation facilities, no alcohol service		APH	APH	APH	APH	Section 26-110
Glass shops (excludes edging, beveling, silvering and staining)		X	X	X	X	
Glassworks and glass studios, includes edging, etc.				X	X	
Golf course, indoor miniature				APH		
Golf course, outdoor miniature				x		
Golf courses or golf driving ranges	CUP	CUP	CUP	CUP	CUP	
Grocery stores		X	X	X	X	
Gun shops		X	X	X		
Hospitals (human)	CUP	CUP	CUP	CUP		
Hotels (excluding adult hotels/motels)			CUP	CUP		
Ice Cream Stores	X	X	X	X	X	
Institutions of philanthropic nature	CUP	CUP	CUP	CUP		
Jewelry stores		X	X	X	X	

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Jewelry stores with accessory body piercing use			AP		AP	
Kennel, Accessory			CUP			
Laboratories (medical and dental)	X	X	X	X	X	
Landscaping service (office only)	X	X	X	X		
Locksmith shops		X	X	X		
Massage parlor and health and beauty spa					CUP	Section 26-121
Massage parlor and health and beauty spa,Centers greater than 500,000 sq. ft. in GFA			CUP			Section 26-121
Massage, Accessory	AP	AP	AP	AP		Section 26-121
Meat markets		X	X	X	X	
Medical and dental clinics	X	X	X	X	X	
Medical (Minor non-surgical procedures)	X	X	X	X	X	
Mental health institutions and convalescent homes	CUP	CUP	CUP	CUP		
Mobile services	X	X	X	X	X	Section 26-123
Monument, tombstone, and funeral merchandise				X	X	
Mortuaries		CUP	X	X		
Motels (excluding adult hotels/motels)			CUP	CUP		
Movie/video game rental	X	X	X	X		
Newspaper and printing shops				X	X	
Newsstands (not on public right-of-way)	X	X	X	X	X	
Office (General)	X	X	X	X	X	
Outdoor recreation facility	CUP	CUP	CUP	CUP		
Outdoor amusement devices, vending machines, weighting scales and similar as an incidental, auxiliary or accessory use of those allowed in the zone		X	X	X	X	Section 26-110
Outdoor seating area in conjunction with a commercial use		AP	AP	AP	AP	
Parcel delivery terminals				X	X	
Parks	X	X	X	X	X	
Pawnshops			X	X		
Permanent makeup and/or body piercing use, accessory or primary	X	X	X	X		Section 26-112
Pet grooming shop		X	X	X		
Pet shops		X	X	X	X	
Pharmacies	X	X	X	X		
Pharmaceutical research and development	X				X	
Physical rehabilitation center	X	X	X	X		
Photo engraving and blue print shop		X	X	X	X	
Photo studios		X	X	X	X	

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Picture framing stores		X	X	X		
Plant nurseries and related packaged sales or storage (outdoor display)		X	X	X	X	
Plant shop		X	X	X		
Plumbing shops		X	X	X	X	
Postal services	X	X	X	X	X	
Professional, business and trade schools	CUP	CUP	CUP	CUP	CUP	
Public administration buildings and civic centers	X	X	X	X	X	
Public utility stations, yards, wells and similar facilities	CUP	CUP	CUP	CUP	CUP	
Public storage facility				CUP	CUP	
Recording studio	AP	AP	AP	AP	AP	
Recycling centers; Small collection facilities not in conjunction with materials recovery facility or solid waste transfer and processing station, reverse vending machine(s)/bulk reverse vending machine, recycling centers Donation; drop boxes (attended); water service facilities (attended)		AP	AP	AP	AP	Section 16-127
Recycling center; Reverse vending machine(s) located within or under the roof line of a commercial structure		X	X	X	X	Section 16-127
Recycling centers; Materials recovery facility					CUP	Section 16-127
Recycling centers; Solid waste transfer and processing stations					CUP	Section 16-127
Religious facility, reading rooms	CUP	CUP	CUP	CUP	CUP	
Rental service as listed in this section as retail providing all storage of rental equipment shall be within an enclosed building unless specifically stated otherwise			X	X	X	
Rental service as listed in this section as retail providing all storage of rental equipment shall be within an enclosed building unless specifically stated otherwise, with outdoor display of rental				CUP	X	
Reprographics	X	X	X	X	X	
Restaurant, with or without seating (e.g. ghost kitchens.		X	X	X	X	Section 26-128
Restaurant, commercial test kitchen	X	X	X	X	X	Section 26-128
Restaurant with Alcohol		AP	AP	AP	AP	
Restaurant with dancing		CUP	CUP	CUP	CUP	
Restaurant with outdoor seating		AP	AP	AP	AP	Section 26-125
Restaurant Self Service Kiosk	X	X	X	X		
Retail (General)	X	X	X	X		

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Retail, Kiosk accessory use	AP	AP	AP	AP		
Riding stables and riding schools (7 acres minimum site)						
Schools and colleges (private or public)	CUP	CUP	CUP	CUP		
Schools (dancing, martial arts, music, art and similar type schools)	AP	AP	AP	AP	AP	
Studio-art, dance, martial arts, music, etc.	AP	AP	AP	AP		
Secondhand stores		AP	AP	XAP		
Security guard services	X	X	X	X		
Shoeshine stands (as integral part of other building)	X	X	X	X	X	
Senior citizen housing	X~~CUP~~	X~~CUP~~	X~~CUP~~	X~~CUP~~		
Skilled nursing facilities, and assisted living facilities	CUP	CUP	CUP	CUP		Section 26-130
Supermarkets		X	X	X		
Storage, new vehicles when in conjunction with an automobile dealership				AP		
Surveying services		X	X	X		
Swimming pool sales and service (outdoor display)			CUP	CUP		
Swimming pool sales and service (indoor display)			X	X		
Swim schools, indoor		AP	AP	AP		
Swim schools, outdoor			CUP	CUP		
Systems, private closed circuit motion picture transmission systems not licensed by the FCC, in any hotel or motel			CUP	CUP		
Tailor shops		X	X	X		
Tanning salon	X	X	X	X		
Tattooing			CUP		CUP	
Tattooing with accessory permanent makeup and/or body piercing use			CUP		CUP	Section 26-112
Taxidermist				X	X	
Theaters, open air	CUP	CUP	CUP	CUP	CUP	
Theaters (not open air)			CUP	CUP		
Trailers, (temporary only) in conjunction with a school, hospital, church or other similar institutional use (not permitted with commercial uses)	AP	AP	AP	AP		
Tutoring facility	AP	AP	AP	AP	CUP	
Unattended businesses as accessory use (see also retail kiosk) ~~(also see automated teller machines)~~	AP	AP	AP	AP	AP	
Upholstering shops			X	X	X	
Urgent care facility	X	X	X	X	X	
Veterinary Hospital	CUP	CUP	CUP	CUP	X	

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Transportation, Communications and Utilities						
Electronic Vehicle Charging stations	X	X	X	X	X	Section 26-117
Solar carports	AP	AP	AP	AP	AP	Section 26-117
Wildlife and botanical preserves						
Wireless telecommunication facilities—Building and/or roof-mounted facilities	AP	AP	AP	AP	AP	Section 26-136
Monopoles and alternative antenna support structures	CUP	CUP	CUP	CUP	CUP	Section 26-136
[1] Service or Industrial and manufacturing type uses are allowed provided they are not obnoxious or offensive by reason of emission of odor, just, smoke, gas noise or hazard, or other similar causes. Such uses may require the submittal of an air quality study.						

(b) Temporary Uses subject to an administrative permit. No temporary use provided for in this section shall be permitted, commenced or engaged in until a written permit therefore has been obtained from the community development director or their designee.

(1) Major Temporary Uses - Submittal requirements and review process.

(i) An application for a temporary use permit shall be filed with the Planning Division at least thirty-five (35) days prior to the proposed use. Applicants are encouraged to apply earlier for larger events/projects. All fees are collected upon application submittal. Written evidence of waived fees shall be obtained prior to application submittal and shall be submitted with the application. The Planning Division shall route the application to the Engineering Division, Police Department, and Fire Department for comments, conditions of approval, and/or recommendations.

(ii) The community development director shall render a decision ~~within fifteen (15) days after acceptance of a written application as complete~~at least twenty (20) days prior to the proposed use.

(iii) Any applicant may appeal the action or decision of the community development director or their designee to the ~~City Council~~ Planning Commission within ten (10) days after such action or decision in which case the ~~City Council~~ Planning Commission shall grant or deny such permit. The Planning Commission's decision shall be final.

(iv) To approve the application, the community development director (or their designee), or the Planning Commission shall find that the site is adequate to accommodate such use and that such proposed use, under the conditions imposed, will not have a substantial adverse effect upon the use or enjoyment of property in the neighborhood of the proposed use or upon the public safety, health, or general welfare. Failure to comply with any imposed conditions shall void the permit. No formal public hearings need be conducted, nor any notice given except to the applicant in connection with the granting or denial of such permit.

(2) Events/projects considered as a major temporary use.

(i) Carnivals, circuses, and rodeos.

a) Temporary carnivals, circuses and rodeos may be permitted for a period of ten (10) days in any calendar year, and no such activity shall be conducted for longer than five (5) consecutive days at any one time. Certification of the safety of rides and all pertinent equipment for the carnivals, circuses and rodeos shall be made by a professional engineer, registered in the state, with such certification being given to the building department prior to the commencement of use of the equipment.

(ii) Christmas tree and pumpkin sales.

a) The outdoor sale of Christmas trees, pumpkins, and related ancillary items may be permitted in any zone (residentially zoned property must be vacant and located so as not to be detrimental to nearby residents). Outdoor pumpkin lots may operate during the month of October only. Christmas tree sales may begin the Friday after the Thanksgiving Day holiday. Christmas tree lots may set up no more than fourteen (14) calendar days prior to the Friday after the Thanksgiving Day holiday.

b) Indoor sale of items stated in subsection (a) accessory to a permanent use shall not require an administrative permit.

c) One single-faced or multifaced sign not to exceed thirty-two (32) square feet per face, consisting of not more than three (3) faces, will be allowed on site. A sign permit is not required.

(iii) Construction buildings.

a) Temporary structures for the housing of tools and equipment or containing supervisory offices in connection with major construction on major construction projects may be established and maintained during the progress of such construction on such project; provided that, such temporary structure may not be maintained for a period to exceed one (1) year.

(iv) Firewood sales.

a) The outdoor sale of firewood and temporary signs relating thereto may be permitted in any nonresidential zone for a period not to exceed thirty (30) days in any calendar year with one (1) extension of thirty (30) days if the conditions of the original permit have been met, subject to the following conditions:

1) All firewood shall be neatly stacked and delivered to a fenced site in such a condition as to require no additional cutting, splitting, or sawing.

2) There shall be no power equipment, other than that necessary for the movement of such wood, on the site.

3) The site shall be treated with gravel, decomposed granite, or other similar material to eliminate wet ground conditions.

4) The site must be maintained and left in a neat and orderly condition, free of all debris or residue directly attributable to this use of the property.

(v) Vehicle storage. Primary and permanent use of vehicle storage shall not be permitted in any zone. A temporary use as an accessory use for the storage of vehicles may be permitted subject to all of the following conditions:

a) Temporary use of vehicle storage shall be granted only to an auto dealership with a valid existing business license.

b) Temporary use of vehicle storage may be permitted on a vacant lot with no discretionary review. Vacant lots used for such purposes shall comply with the following standards:

1) Lots shall be gated and fenced with posts that are anchored into the ground and shall not be located on public property or right-of-way.

2) The gates on the fencing to allow vehicle access shall be set back from the curb a minimum of twenty (20) feet.

3) Lots shall have a finished surface of a minimum three (3) inches of gravel base, asphalt concrete or Portland concrete.

4) In such cases where gravel base is installed, a stabilized construction entrance/exit shall be provided in compliance with the most current edition of the Los Angeles County Department of Public Works Best Management Practice Manual.

c) Temporary use of vehicle storage may be permitted on surplus parking spaces based on standards as set forth in Article III, Division 6 and shall require the approval of an administrative permit pursuant to Article VI, Division 6. Time frames for approval shall be as follows:

1) Temporary use shall be permitted up to one (1) calendar year from the date of approval. A one-year extension may be approved if the conditions of the original permit have been met.

2) Any request for an extension of time for a temporary use beyond two (2) years shall be subject to planning commission review and approval.

(vi) Cultural Events.

a) Events of any educational, civic, or cultural nature may be permitted without time restrictions except as fixed in the conditions of approval.

(vii) Major promotional event; commercial center and a business on its own site (not in O-S Zones)

a) A major promotional event may be permitted for a commercial center or a business on its own site (not in O-S zones) subject to the following conditions:

1) No more than two (2) such events shall be permitted in any calendar year, with the exception that commercial centers with a gross floor area of more than five hundred thousand (500,000) square feet shall be permitted up to six (6) such events in any calendar year.

2) No such event shall start within fourteen (14) days of the end of the previous such event.

3) No more than a total of twenty (20) days shall be permitted for such events in any calendar year, with the exception that commercial centers with a gross floor area of five hundred thousand (500,000) square feet or greater shall be permitted up to thirty (30) days for such events in any calendar year.

4) Events held by commercial centers shall be center wide.

5) Temporary promotional signage may be permitted as set forth in Article III, Division 8 (Sign Regulations).

6) Such other conditions as are deemed necessary by the Community Development Director or their designee and reasonably relate to the provision of adequate parking access for public safety personnel, security, and maintenance of the health, safety, and general welfare of the community.

(viii) Major promotional event; uses with designated outdoor display areas on approved precise plans.

a) The outdoor display, sale or dispensing of merchandise or food, temporary signs, and/or activities relating thereto during a major promotional event (defined in section 26-30) conducted wholly on private property, may be permitted for a business located on a seventy-five thousand (75,000) square foot or larger site with an approved precise plan designating a minimum four thousand (4,000) square feet of area for "outdoor display,", subject to the following conditions:

1) Events are permitted for a total of one hundred and sixty (160) days per calendar year. Individual events shall be limited to a maximum duration of sixty (60) days.

2) The Planning Commission may approve an extension of up to fifty (50) days per calendar year in cases of grand openings or change of ownership of sixty (60) percent or more.

3) The Community Development Director or their designee may limit the duration of events that are determined to have a potential adverse impact on surrounding areas. These events may include, but are not limited to, catered events and events with outdoor amusement or live entertainment.

4) No such event shall start within fourteen (14) days of the end of the previous such event.

5) Temporary promotional signage may be permitted as set forth in Article III, Division 8.

6) Such other conditions as are deemed necessary by the Community Development Director or their designee and reasonably relate to the provision of adequate parking, access for public safety personnel, security, and minimizing of potential adverse impacts on surrounding areas.

(ix) Real estate office.

a) One temporary real estate office may be located on any new subdivision in any zone, provided that such office shall be removed prior to the building permit final of the last construction phase. If building permits for the site expires and are not renewed, the temporary real estate office must immediately be removed. Said real estate office is to be erected only for use in sale of the subdivision.

(x) Aircraft takeoff and landing.

a) The temporary takeoff or landing of any aircraft, airplane or helicopter may be permitted from property within any zone (residentially zoned property must be vacant, of sufficient size and located so as not to be detrimental or a danger to existing residential developments), for a period not to exceed five (5) consecutive days or fifteen (15) calendar days a year.

b) An administrative permit shall not be granted for any temporary use involving a powered aircraft, airplane or helicopter within one thousand (1,000) feet of any public or private schools (Grades K-12).

c) Aircraft activity subject to administrative permit requirements shall not include carnival rides involving helicopters, tethered hot-air balloons or other aircraft.

d) The landing or liftoff of any manned hot-air balloon used for untethered flight is prohibited on property within the City.

e) Application for such use shall also include a location map designating the landing area, significant structures within the surrounding area, land uses within three hundred (300) feet of the landing site and proposed approach and departure routes.

(xi) Nonrecurring fund-raising events in residential and open-space zones.

a) Swap meets are prohibited in any zone.

b) No more than three (3) fund-raising events shall be conducted in any one (1) calendar year on any one (1) site.

c) Fund-raising events are permitted in residential and open space zones not developed with a residential use. Such events are permitted in the commercial portion of the mixed-use zone.

d) A fund-raising event may continue up to a maximum of two (2) consecutive days. If a holiday is concurrent with a weekend, the sale days may include the two-day weekend and the holiday. The hours of operation shall be regulated by the administrative permit.

e) No such event shall start within 30 days of the end of the previous event.

f) No sign advertising the fund-raising event, displays, items for sale, or activities may be placed or maintained on or in any public right-of-way. It shall be the responsibility of the project sponsor and participants to (i) remove all sale-related signs and merchandise from the property at the conclusion of the event; (ii) ensure that the site is maintained in a neat and orderly condition during and after the event; and (iii) meet all administrative permit requirements.

g) Notwithstanding the foregoing, the incidental or accessory sale of items including but not limited to food, beverages or souvenirs, subject to all legally required permits, shall not be prohibited hereunder.

(3) Minor Temporary Uses or Special Events

(i) No minor temporary use or special event, as established under this section, and/or promotional signs as required under Article III, Division 8 shall be permitted, commenced or installed until the business owner, property owner, or property manager obtains a special event permit from the planning

division. An application for a special event permit shall be filed with the planning division on the forms prescribed by the planning division. All fees are collected upon application submittal. The community development director or designee shall review said application for compliance with applicable provisions of the municipal code and shall make a recommendation to modify, approved or deny said application. Approval of said application may be subject to conditions of approval that may be determined necessary to protect the health, safety, general welfare, and aesthetics of the community. The written decision of the community development director or their designee shall become final and effective unless appealed in writing within five (5) calendar days.

(ii) Special event – minor promotional event; commercial business (not in O-S zone).

a) Minor promotional events are short term promotional or grand opening events held by an individual commercial business where goods and/or promotional signs may be displayed on the outside of the building, but which does not encroach into any driveway, parking or landscape areas. This may include special sales events and sidewalk sales and does not apply to uses with outdoor designated outdoor display areas or commercial/retail centers.

b) A special event permit shall be granted for a minor promotional event subject to the following conditions:

1) No more than twelve (12) events, with a maximum of thirty-six (36) days, shall be permitted per calendar year.

2) Grand opening events shall be held within six (6) months of the original opening of the business or the effective date of the business name change.

3) Temporary promotional signage may be permitted as set forth in Article III, Division 8 (Sign Regulations).

4) Such other conditions as deemed by the community development director or their designee to be necessary and reasonably relate to reducing potential adverse impacts on surrounding areas.

(4) Temporary Uses Not Listed

(i) For other temporary uses not listed, the community development director may, at their discretion, determine whether an unlisted temporary use should be classified as a major or minor temporary use. This determination shall be based upon the similarities and differences with the above listed uses and an assessment of the proposed temporary use's compatibility with the zoning district and surrounding land uses.

(5) Events not subject to Planning Division approval of temporary use permits.

(i) Noncommercial weddings and other single-day life events such as birthdays in any residential zone or residential segment of the mixed-use zones shall not be subject to a temporary use permit.

(ii) Civic events or events requiring a reservation/use agreement from the Public Services Department solely located on a City owned/operated park or the Civic center shall not be subject to a temporary use permit. City owned/operated parks and the civic center are designed and intended for public assembly uses.

(iii) School functions (student sport events, graduation, etc.) on permitted/approved school sites shall not be subject to a temporary use permit. Events not related to a school function shall require approval of a temporary use or special event permit pursuant to this section.

(iv) Uses that are allowed as a home occupation pursuant to Section 26-120 (Home Occupation).

(v) Uses that are approved through the film permit process pursuant to Article VI, Division 8 (Film Permit).

26-52 Development Standards

New land uses, structures, and site development including alterations to existing land uses, structures, and site development within office mixed-use, commercial mixed-use and manufacturing zoning districts shall be designed and constructed in compliance with the following requirements, and all applicable standards in Article III (Regulations Applicable to all Zones) and Article IV (Standards for Specific Land Uses) of this Development Code.

(a) Site size.

(1) All sites shall conform to the dimensions set forth in this section. A development or center may be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

Table 2-13 Minimum Lot Size for Commercial and Office Mixed-Use and Industrial Zones

	NMU, OPMU	RMU	SMU	M-1
Minimum Size	15,000 sq. ft.	30 Ac.	15,000 sq. ft.	–
Minimum Width	70’	–	100’	–
Minimum Average Depth	140’	–	140’	–

(b) Yards.

(1) No building or above ground structure shall be constructed within:

(i) (See chart in this section for feet) of the front or rear property lines.

(ii) (See chart in this section for feet) of each side property line adjacent to residential zoning or development. The five (5) feet of the front yard nearest the front property line shall be landscaped and the remaining footage may either be landscaped or utilized as a portion of a driveway or off-street parking area. The six (6) feet of either a rear of side yard adjacent to residential zoning or development shall be landscaped with specimen-size plant material (a combination of thirty (30) inch boxed and fifteen (15) gallon trees and minimum five (5) gallons for shrubs) appropriate in type and size to create a solid plant screen. Trees shall be placed at a minimum of 30 feet on center, on average, for this screen. Such landscaping shall be to the approval of the community development director or their designee as represented on the approved landscaping plan.

(iii) When the rear of a site zoned OPMU, NMU, RMU or SMU abuts a public street, at the discretion of the Planning Commission, the minimum rear setback may be reduced to five (5) feet, providing that such a reduction will result in an improved design of the development.

Table 2-14 Minimum Required Setbacks for Commercial and Office Mixed-Use and Industrial Zones Adjacent to Residential Zones

Adjacent to Residential	NMU, OPMU	RMU	SMU	M-1
Front	15’	15’	15’ Min. 20’ Ave.	25’
Side	10’	15’	10’	PP*
Rear	15’	15’	15’	15’
PP*: No yards/setbacks required except such as may be incorporated in a precise plan, conditional use permit and/or variance.				

Table 2-15 Minimum Required Setbacks for Commercial and Office Mixed-Use and Industrial Zones Adjacent to Nonresidential Zones

Adjacent to Nonresidential	NMU, OPMU, RMU, SMU		M-1
Front	Average 15’	Minimum 5’	PP*

Side	–	–	PP*
Rear	Average 15’	Minimum 5’	PP*
PP*: No yards/setbacks required except such as may be incorporated in a precise plan, conditional use permit and/or variance.			

(c) Building Coverage.

Building coverage of any lot, parcel or center shall not exceed fifty (50) percent of the lot, parcel, or site after all necessary street or alley dedications. A parking structure shall not be calculated as building area provided that a minimum of twelve (12) percent of the total net area of the development is landscaped.

(d) Height limit.

(1) Buildings within the nonresidential zone, when within charted feet of a single-family zone, shall have a maximum height as follows:

Table 2-16 Maximum Building Height for Office and Commercial Mixed-Use and Industrial Zones

Zone	OPMU, NMU, RMU	SMU	M-1
Single-Family Within	**100’**	**100’**	**–**
Maximum Height	25’	35’	45’
Maximum Stories	–	–	4

26-53 Additional Regulations for Commercial mixed-use, Office mixed-use and Manufacturing Zones

(a) Precise plan of design.

(1) A precise plan of design will be required as specified in Article VI, Division 3 of this chapter, with particular attention given to compatibility with adjacent residential and commercial zoning and uses, and must be approved prior to development. In addition, all municipal parks and recreational areas shall be developed in a manner consistent with the adopted specific plans of design for parks contained in the City’s adopted environmental quality element. Such precise plans of design shall conform to Planning Commission resolution No. 567.

(2) The filing of a precise plan of design shall be required as part of an application for a mixed-use development and as specified in Article VI, Division 3, of this Chapter. Such precise plans of design shall conform to Planning Commission Resolution No. 567. The review and approval process for an eligible Senate Bill 35 (SB35) housing project shall adhere to CGC Section 65913.4, as amended.

(b) Recycling collection and loading areas.

(1) When used, all outdoor trash, garbage, recycling and refuse containers shall be screened on all sides from public view by a minimum five and one-half (5½) foot high concrete, masonry or decorative block wall and the opening provided with a gate of solid material. The enclosure shall have a solid roof or coverage that is architecturally compatible with other structures on site. Such area shall be so located as to be easily accessible for trash and recyclable material pick up.

(2) Any new or existing multi-family development project of five (5) or more units or producing four (4) cubic yards or more of green/yard waste per week shall provide adequate, accessible and convenient areas for collecting and loading recyclable and organics recycling materials as defined in this Section. These requirements may be waived if the applicant proposes to have the landscaping and/or maintenance company haul and recycle green/yard waste. Projects electing this alternative will be conditioned to provide this service and will be required to provide the landscape maintenance agreement stating such prior to the issuance of a Certificate of Occupancy.

(3) The following guidelines will be applied to development projects providing enclosures:

(i) Recycling areas shall be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation.

(ii) The design and construction of recycling areas shall be secure.

(iii) A sign clearly identifying all recycling collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

(iv) Areas for recycling and organics recycling shall be adequate in capacity, number, and distribution to serve the development project.

(4) The Community Development Director or their designee shall review each application for adequate design and area allocation suitable to the particular recycling and organics recycling program or process to be in effect at the development project and shall apply these requirements and guidelines accordingly.

(5) Any and all separate recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be part of or adjacent to the solid waste collection areas.

(c) Color.

(1) Colors, materials and finishes are to be coordinated on all exterior building elevations to achieve total continuity of design that is visually pleasing and harmonious with adjacent development and/or the surrounding area.

(d) Lighting

(1) All lighting of the building, landscaping, parking lot or similar facilities other than exposed neon shall be so hooded and directed as to reflect away from adjoining properties.

(i) All luminaries shall be designed and placed to complement the development. Luminaries attached to a building shall be concealed, wall-mounted or recessed fixtures.

(ii) Security lighting fixtures are not to be substituted for parking lot or walkway lighting fixtures and are restricted to lighting loading and storage areas, and similar service locations.

(iii) Exposed tube architectural lighting shall not constitute undue glare or nuisance to adjoining street and properties.

(iv) Neon architectural lighting shall be limited to thirty (30) milliamps, except that a Community Development Director or their designee's modification may be granted for unusual installations requiring amperage higher than thirty (30) milliamps in order to achieve brightness comparable to that which is ordinarily achievable with thirty (30) milliamps.

(v) Exposed neon architectural lighting shall be subject to approval by the Planning Commission as a part of the precise plan of design as required by Article VI, Division 3 of this chapter. A precise plan shall be required where no precise plan exists, for structures built prior to the precise plan requirement in Article VI, Division 3 of this Chapter.

(vi) Neon architectural lighting shall be approved pursuant to the Municipal Code requirements for neon signs in Article III, Division 8.

(e) Exterior design.

(1) No part of a roof, excluding mansards, may project above the parapet.

(2) All exterior walls shall be architecturally treated to provide aesthetic relief.

(f) Nonconversion.

(1) No single-family residential structure may be converted to a nonresidential use without approval of a precise plan.

(g) Underground Utilities

(1) All utilities shall be underground in accordance with the Municipal Code and approved by the city engineer.

(h) Nuisances

(1) No portion of the property shall be used in such a manner as to create a nuisance to adjacent properties, such as but not limited to vibration, sound, electro-mechanical disturbance or radiation, air or water pollution, dust, emission of odorous, toxic, or noxious matter.

(i) Landscaping Criteria

(1) Landscaping within mixed-use and industrial zones shall conform to the landscaping standards set forth in Article III, Division 5.

(j) Walls and Fences

(1) Walls and fences within mixed-use and industrial zones shall conform to the standards set forth in Article III, Division 3.

(k) Mechanical equipment and loading in commercial and industrial zones.

(1) All rooftop mechanical equipment shall be placed behind a permanent parapet wall and be completely restricted from all ground level views.

(2) No mechanical equipment is to be exposed on the wall surface of a building.

(3) Gutters and downspouts are not to project from the vertical surface of the buildings.

(4) Vents, louvers, exposed flashing, tanks, stacks, overhead doors, rolling and “man” service doors are to be treated in a manner consistent with the color scheme of the building.

(5) All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be placed behind a permanent parapet wall and be completely restricted from all views.

(6) Such screening shall be as high as the highest portion of the equipment or ducting and shall be permanently maintained.

(l) Maintenance of buildings, structures and parking lots.

(1) The purpose of this section is to protect the appearance, character and integrity of nonresidential zoned properties and promote a safe and decent environment by establishing minimum standards as they relate to the maintenance of nonresidential buildings and structures. It shall be unlawful for any person owning, leasing, occupying, or having charge or possession of any nonresidential property in the City to maintain on such property any of the following when viewable from the public right-of-way or abutting properties/businesses:

(i) Buildings or structures which are neglected as a result of abandonment, are partially destroyed, or have remained in a state of incomplete construction for an unreasonable period of time as determined by the community development director or their designee and building official.

(ii) Buildings or structures with peeling, blistering or otherwise deteriorating paint, or unpainted surfaces, in excess to ten (10) percent of the surface area.

(iii) Roofs with loose, unstable or missing tiles, shingles or other material used as roof composition in excess of ten (10) percent of the roof area.

(iv) Buildings or structures that have broken, damaged or missing windows, doors, attic vents, and underfloor vents rendering these items unusable for their purpose and causing an attractive nuisance.

(v) Any and all signage shall conform to the standards set forth in Article III, Division 8.

(vi) Buildings or structures whose exteriors, porches, steps, stairs, walls, devices, fences, driveways, or walkways are cracked, broken, defective, deteriorating, in disrepair, or defaced due to writing, inscription, or figures rendering these items unusable for their purpose and constituting in the opinion

of the Community Development Director or their designee and building official a hazardous condition or an attractive nuisance.

(vii) Garage doors that are missing, broken, sag, or buckle to the extent that they cannot be either opened or closed, rendering the garage unusable for its purpose and causing an attractive nuisance.

(viii) Any structure or building or portion thereof which, as compared to adjacent properties, is unsightly in appearance and out of character by reason of its condition.

(ix) All landscaping shall conform to the standards set forth in Article III, Division 5.

(x) Parking lots design and areas shall conform to the standards set forth in Article III, Division 6.

(xi) paved areas with a cracked, broken or otherwise deteriorating surface, in excess of ten (10) percent of the surface area shall be considered a nuisance and shall be repaired.

(xii) Any sidewalk, hardscape or parking facility, with potholes, broken, raised or depressed sections, large cracks, mud and/or dust, accumulation of loose material, faded or illegible pavement striping or other deterioration shall be repaired.

(m) Construction in Fire Hazard Severity Zones (FHSZ).

(1) The purpose of this section is to establish regulations for construction and development within FHSZ to mitigate the risk of wildfires, and protect life and property and promote public safety.

(2) This section shall apply to all properties within the FHSZ as designated by The Department of Forestry and Fire Protection (CAL FIRE).

(3) Construction Standards, Building Materials and Design.

(i) All structures within the FHSZ shall utilize fire-resistant materials and design techniques in accordance with Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure of the California Building Code.

(4) Vegetation Management and Defensible Space.

(i) All buildings and structures located within the FHSZ shall maintain the required hazardous vegetation and fuel management requirements pursuant to Section 4907.3 of the California Fire Code.

26-54 Development Standards for Residential Development in Mixed-Use Zones.

(a) Building Design and Design Standards

(1) All multi-family housing units shall comply with the general building design and site design standards in the West Covina Multi-Family Objective Design Standards document. The approved architectural treatment shall be used throughout the development.

(2) A minimum of fifty percent (50%) of the proposed dwelling units shall have direct pedestrian access from the dwelling unit to an exterior walkway along a street, drive, paseo, or park/open space without going through. A common breezeway or hallway does not meet this requirement. The area bounded by Citrus Street to the west, Workman Street to the north, Barranca Avenue to the east, and the Interstate 10 to the south (also known as Eastland Center) is exempt from this requirement due to the higher intensity envisioned for this area.

(3) All projects where at least sixty-six percent (66%) of the proposed new square footage is intended for residential occupancy shall comply with the West Covina Multi-Family Objective Design Standards.

(b) Contents of Copies of CC&R's.

(1) Copies of conditions, covenants and restrictions that will apply to a proposed condominium project shall be submitted after the approval of a project and approved by the Community Development Director or their designee and City Attorney, and recorded by the applicant. These CC & R's shall:

(i) Provide a statement that ensures that each residential unit shall be used as a residence for a one family unit only.

(ii) Provide for perpetual maintenance of grounds and buildings.

(iii) Include a full statement of the age of the building and any modification and refurbishing started or completed within one (1) year of offering the project for sale as a condominium.

(iv) Provide an explanation to the buyer of his responsibility for sharing the maintenance and upkeep of buildings and structures within the project other than his own unit.

(v) Provide that the names of the officers and members of the board of governors or homeowners association shall be filed annually with the city clerk.

(vi) Include the following certificate on the title sheet dedication clause of the subdivision map: "WE HEREBY DEDICATE TO THE CITY OF WEST COVINA THE RIGHT TO PROHIBIT THE CONSTRUCTION OF ADDITIONAL RESIDENTIAL BUILDINGS THEREON, EXCEPT FOR ADDITIONAL PARKING, RECREATIONAL FACILITIES, AND ACCESSORY BUILDINGS OVER THE AREA DESIGNATED AS THE COMMON AREA."

(c) Density.

(1) The maximum number of dwelling units shall not exceed 20 units per gross acre. Contiguous parcels which are part of a large, multi-building and multi-use development shall be considered as one site, provided the residential and commercial uses are integrated and pedestrian connections are provided from any residential building to commercial buildings.

(d) Vehicles in the mixed-use zones with residential development.

(1) The provisions of Article III, Division 6 shall apply to the size, number and location of parked and stored vehicles within the mixed-use zone.

(e) Floor Area Ratio.

(1) There shall be a minimum gross floor area ratio of 0.15 of leasable commercial square footage.

(2) The floor area ratio may be calculated on an area wide basis for contiguous parcels which are part of a large, multi-building development. To qualify for an area wide floor area ratio calculation, a project must be integrated in design and function, and the owner/developer of each parcel must record deed restrictions preserving the minimum floor area ratio of commercial square footage for the multi-building development.

(3) Subterranean and above-grade parking structures shall not be included in the required minimum floor area ratio.

(f) Building Setbacks from Property Lines

(1) The building setback from the property lines shall be governed by the following table:

Table 2-17 Building Setbacks from Property Lines

Front	Side Interior	Street Side	Rear	Side/Rear Abutting R-A/R-1/Single-Family Residential Use
15'	10'	15'	15'	1-story – 15' 2-story – 25' 3-story – 40'

(g) Building Separation

(1) The minimum building separation between main buildings shall be ten (10) feet or as required by the California Building Code, whichever is more restrictive.

(2) There shall be no minimum building separation between a main building and an accessory building or between accessory buildings, except as required by the California Building Code.

(h) Maximum Building Height

(1) Maximum building height when within one hundred (100) feet of the residential agriculture (R-A) or residential single-family (R-1) zones or an existing single-family residential use shall be forty-five (45) feet.

(2) All buildings containing any residential use shall be limited to forty-five (45) feet, except within the area bounded by Citrus Street to the west, Workman Street to the north, Barranca Avenue to the east, and the Interstate 10 to the south (also known as Eastland Center) shall have a maximum building height of seven (7) stories or eighty-five (85) feet.

(3) Buildings containing only non-residential uses have no height limit, except as described above and as limited by the Federal Aviation Administration (FAA).

(i) Open Space.

(1) Open space standards shall comply with the standards set forth in 26-48(i).

DIVISION 3 SPECIAL PURPOSE ZONES (O-S, S-P) [COMBINED AND CONSOLIDATED EX. SECTIONS 26-545 AND 26-547]

26-55 Purpose and Intent of Special Purpose Zones

(a) Open Space (O-S) Zone.

(1) The purpose of the open space zone is to identify and set forth permitted uses, and standards of development within open space lands.

(2) Open space zoned land may be located anywhere in the City provided it is consistent with the City's adopted policies and plans.

(b) Specific Plan (S-P) Zone.

(1) The purpose of the specific plan zone is to provide greater specificity and flexibility in carrying out the General Plan of the City than would be possible in other zoning districts. This zoning district is intended for areas that are subject to specific plan adopted under Article 8 of chapter 3 of title 7 of the Government Code (sections 65450 et seq.). The uses, types of development and development standards in an area zoned specific plan are those permitted by the specific plan adopted for that area. Each separate specific plan district and its accompanying specific plan shall be sequentially numbered. If land is placed in the specific plan district before a specific plan is adopted for that land, the standards of the immediately preceding zone shall continue to apply until a specific plan is adopted.

(2) Specific plan zoned land may be located anywhere in the City provided uses within the specific plan are consistent with the General Plan of the City.

(3) The uses and types of development proposed in this zone shall maintain and enhance the character of the surrounding vicinity. During the preparation, review and approval processes for a specific plan, consideration shall be given to elements including but not limited to: Orientation of buildings and uses, building bulk and scale, building height and setback, parking, traffic generation, noise and landscaping. At a minimum, these elements shall be specifically addressed in the specific plan in such a manner as to integrate the proposed uses and buildings with surrounding development.

26-56 Land Use Regulations and Allowable Uses [TABLES ARE NEW MOST OF THE CONTENTS ARE NOT]

(a) Permitted uses. Table 2-18 identifies land uses permitted in special purpose zones.

Table 2-18 Uses and Permit Requirements

Symbol	Permit Requirement	Procedure Section
x	Allowed by Right	–
AP	Administrative Permit	Article VI, Division 6
APH	Administrative Permit with Hearing	Article VI, Division 6; Article 6, Division 1
CUP	Conditional Use Permit	Article VI, Division 4; Article 6, Division 1
	Use not permitted	–

Uses and Permit Requirements		
Use Types	**Zone O-S**	**Special Use Regulations**
Residential Accessory Uses		
Accessory uses and structures		
Accessory dwelling units, junior accessory units		
Agricultural Uses		
Agricultural uses (on parcels of 10 acres or greater)	X	Section 26-111
Residential uses		
Duplexes		
Mobile home park		Section 26-122
Single-family residence		
Supportive housing		Section 26-133
Transitional housing		Section 26-133
Service, recreational, educational and public assembly uses		
Cemeteries, columbariums, crematories and mausoleums		
Golf course, outdoor miniature	CUP	
Golf courses or golfing ranges	X	
Mobile Services	X	Section 26-123
Parks	X	
Public utility stations, yards, wells and similar facilities	CUP	
Recreational centers (private)	CUP	
Riding stables and riding schools (7 acre minimum site)	X	
Schools and colleges	CUP	
Theatres, open air.	CUP	
Wildlife and botanical preserves	X	
Transportation, communications and utility uses		
Electronic vehicle charging stations	CUP	Section 26-117
Solar carports	CUP	Section 26-117
Monopoles and alternative antenna support structures	CUP	Section 26-136
Public utility stations, yards, wells and similar facilities	CUP	

(b) Uses allowed within the Specific Plan area are the uses set forth in the adopted Specific Plan as permitted, conditionally permitted or not permitted.

26-57 Development Standards for Special Purpose Zones

(a) Development Standards for O-S Zone:

(1) Building Coverage.

(i) Building coverage of any lot, parcel or center shall not exceed fifty (50) percent of the lot, parcel, or site after all necessary street or alley dedications.

(2) Building Setbacks from Property Lines.

(i) The building setback from the property lines shall be governed by the following table:

Table 2-20 Minimum Required Setbacks for the O-S Zone. *NEW TABLE*

Front	Side Interior	Street Side	Rear
20'	15'	15'	25'

(3) Building Separation

(i) The minimum building separation between main buildings shall be ten (10) feet or as required by the California Building Code, whichever is more restrictive.

(ii) There shall be no minimum building separation between a main building and an accessory building or between accessory buildings, except as required by the California Building Code.

(4) Maximum Building Height

(i) The maximum building height shall be twenty-five (25) feet.

(b) Construction in Fire Hazard Severity Zones (FHSZ).

(1) The purpose of this section is to establish regulations for construction and development within FHSZ to mitigate the risk of wildfires, and protect life and property and promote public safety.

(2) This section shall apply to all properties within the FHSZ as designated by The Department of Forestry and Fire Protection (CAL FIRE).

(3) Construction Standards, Building Materials and Design.

(i) All structures within the FHSZ shall utilize fire-resistant materials and design techniques in accordance with Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure of the California Building Code.

(4) Vegetation Management and Defensible Space.

(i) All buildings and structures located within the FHSZ shall maintain the required hazardous vegetation and fuel management requirements pursuant to Section 4907.3 of the California Fire Code.

(c) Development standards within the Specific Plan area are the standards set forth in the adopted Specific Plan.

DIVISION 4 OVERLAY ZONES (HILLSIDE, PLANNED COMMUNITY AND RESIDENTIAL DEVELOPMENT, AUTO PLAZA, ANIMAL KEEPING) [EX. ARTICLE XIII]

26-58 Purpose and Intent of Overlay Zones

The purpose of overlay zones is to define geographic areas on the zoning map where special requirements or limitations apply, in addition to standards set forth for the underlying base zoning district.

26-59 Hillside Overlay [EX. DIVISION 2 OF ARTICLE XIII]

(a) *Purpose.* It is the intent of the City that undeveloped land designated as being within the hillside overlay zone, be developed according to the guiding principles and standards of this division in order to accomplish the following:

(1) To assure the orderly development of hillside areas.

(2) To achieve land use densities that are in conformance with the General Plan; however, the uniformity of these densities will be modified by, (1) prohibiting development on excessively steep slopes and (2) permitting "density transfers" in order to achieve specific economic, energy, environmental and aesthetic objectives.

(3) To promote a development pattern that balances economics with environmental concerns, and private property rights with the public interest.

(4) To assure land planning and development patterns that take into account the cost-benefits of alternative designs upon City services and fiscal resources.

(5) To assure development patterns that will minimize the utilization of the critically scarce resources, water and energy.

(6) To encourage hillside development that will leave a residual amount and pattern of undeveloped land, to form the nucleus of a viable open space system in the San Jose Hills.

(7) To assure the placement of hillside development so that the open space will coincide with areas of critical environmental concern and/or recreational opportunity.

(8) To assure that well-designed residential development occurs, that is compatible with the site and the adjacent hillsides.

(9) To assure that hillside development demonstrates a concern for the view of the hills as well as the view from the hills to retain the sense of identity and image that these hill areas impart to the City and its environs.

(10) To assure that streets, public utilities and facilities are designed and constructed in an orderly, well-managed, planned manner; with each development taking into consideration its impact on existing and future development in the area.

(b) Application.

(1) Hillside areas shall be designated on the zoning map by an "H" overlay zone. The provisions of the base zone shall apply except that the provisions of this article shall supersede conflicting provisions of the base zone.

(2) Before the "H" overlay zone is applied to, or removed from, the zoning map, the planning commission shall hold a hearing and based on the evidence presented, the commission shall determine whether the area should be so designated/undesignated. Notice of such hearing shall be in the manner prescribed in this chapter.

(c) Procedure.

(1) The developer of any proposed development in the hillside (H) overlay zone that involves a division of land, shall submit: (1) a site plan; (2) exterior elevations of the residences; and (3) a scale model for any subdivision in conjunction with the tentative map. The site plan will be reviewed for compliance with this division, the subdivision map act, the General Plan, applicable specific plans, this chapter, grading ordinances, etc.

(2) Site plans shall include:

(i) The location of the dwelling units on the building pads;

(ii) Delineation of the planted and unplanted portions of the site;

(iii) Fire trails/roads;

(iv) Structures in the open space areas; and

(v) Any other information the planning division deems is necessary for review.

(3) No division of land or site plan shall be approved which does not accommodate or provide for sewage disposal and water capacity sufficient to permit an extension of the facilities to serve other adjacent areas which are affected by the division of land or site plan.

(4) In addition to the above, the following reports shall be submitted for staff and Planning Commission review when a development site falls within a hazardous geologic area as defined by the adopted seismic safety element of the general, plan:

(i) An engineering geologic investigation based on the most recent grading plan and including adequate description of the geology of the site and conclusions and recommendations regarding the affect of geologic conditions on the development.

(ii) A soils engineering investigation based on the most recent grading plan and including data regarding the nature, distribution, and strength of soils, conclusions, and recommendations for grading procedures, and design criteria for corrective measures.

(d) Slope Computation.

(1) The average slope of a lot or parcel shall be calculated for the purposes of this division according to the formula: S = 100IL/A

(i) Where: S is the average slope in percent.

I is the contour interval in feet.

L is the combined length of contour lines in scale feet.

A is the gross area in acres of the parcel or as applicable.

(ii) In measuring the slope, a topographic base map shall be used which meets the requirements for tentative maps as specified in the City's subdivision ordinance. Measurement along contours shall be made at contour intervals not to exceed ten (10) feet.

(e) *Prohibitions on development of excessive slopes.* Any substantial portion of hillside area over forty-five (45) percent slope must be left in an essentially natural, ungraded state. Furthermore, it is intended that minimal grading be performed on slopes in excess of thirty-five (35) percent, wherever possible.

(f) *Permitted Density.* The maximum density of any one (1) property within the hillside (H) overlay zone shall be one (1) dwelling unit per gross acre. This maximum density may not be obtained on sites containing extensive areas of steeply sloped terrain.

(g) Density Transfer.

(1) The number of residential units permitted a property (based on one (1) dwelling unit per gross acre) may be transferred and concentrated to a portion of the site when the criteria outlined below occur. The minimum lot size, in such case, shall be twenty thousand (20,000) square feet. The residual open space areas, which are to remain free of residences, shall conform to the standards outlined in section 26-59(j).

(2) The density transfer shall be applied to all hillside (H) properties where:

(i) A density transfer will substantially lessen the per unit utility and improvement costs to the developer and to the prospective homebuyer.

(ii) A density transfer will substantially lessen the service costs.

(iii) A density transfer will preserve substantial portions of the hillside critical for natural processes, scenic beauty, wildlife habitat etc., in an essentially natural state.

(iv) A density transfer will leave substantial portions of the site ungraded.

(3) It is the intent of this section, that hillside (H) properties utilize the density transfer wherever it is feasible to do so.

(h) Design standards for lots utilizing density transfer.

(1) The following standards will be adhered to for proposed divisions of land in the hillside (H) overlay zone, that are transferring density. Modifications of these standards will only be permitted where it can be demonstrated to the Planning Commission that strict interpretation of such standards will prove to be impractical due to the variable nature of hillsides and shall not be detrimental to the environment:

(i) The minimum lot size shall be twenty thousand (20,000) square feet.

(ii) The minimum lot width shall be eighty (80) feet and the minimum lot depth shall be one hundred twenty-five (125) feet.

(iii) The setback standards shall conform to those of the underlying zone. Variable front yard setbacks may be required where pad size and other environmental considerations permit.

(iv) Building design shall be compatible to the specific site, the hillside, and neighboring developments.

(v) Structures, eaves or any building appurtenance overhanging slopes shall be prohibited and shall have a clear twenty-five-foot setback from location of slope unless waived by the city building and fire departments.

(vi) Roofing shall be of a noncombustible material as defined in the most current edition of the Uniform Building Code unless appealed to and waived by a committee consisting of the Community Development Director or their designee, building official, and the fire chief, or their respective deputies or assistants when so authorized. An appeal of the committee's decision to the Planning Commission and then City Council may be taken by filing a written notice of appeal with the city clerk, together with a thirty dollar ($30.00) appeal fee.

(i) Design Standards for lots not utilizing density transfer.

(1) The following standards will be adhered to for all proposed divisions of land in the hillside (H) overlay zone, that are not transferring density in accordance with section 26-59(g).

(i) Minimum lot size shall be one (1) acre (forty-three thousand five hundred sixty (43,560) square feet). Lot dimensions, setback standards, maximum building coverage and other zoning requirements shall conform to Area District V standards.

(ii) Structures, eaves or any building appurtenance overhanging slopes shall be prohibited and shall have a clear twenty-five (25) foot setback from location of slope unless waived by the city building and fire departments.

(iii) Roofing shall be of a noncombustible material as defined in the most current edition of the Uniform Building Code unless appealed to and waived by a committee consisting of the Community Development Director or their designee, building official, and the fire chief, or their respective deputies or assistants when so authorized. An appeal of the committee's decision to the Planning Commission and then the City Council may be taken by filing a written notice of appeal with the city clerk, together with a thirty dollar ($30.00) appeal fee.

(j) Criteria for selecting the open space areas in a density transfer design.

(1) The developer in formulating, and the Planning Division/ Planning Commission in reviewing, a site plan for a density transfer design, shall abide by the following criteria in selecting the open space areas.

(i) Lands with steep slopes.

(ii) Lands that have outstanding scenic or ecological value.

(iii) Lands that would assist in the creation of an open space system.

(k) Regulations for open space areas.

(1) Such lands shall be preserved in essentially their natural state as a collective private open space owned, maintained and enjoyed by the tract's residents.

(2) Development in the common open space areas will be prohibited in a recorded deed restriction, with authority vested in the City to enforce the restriction.

(3) The City may require easements for public access through portions of these open space areas. Such easements will be conditions of tentative map approval and shall be delineated on the final map.

(l) Landscaping plans.

(1) As a condition to the approval of (and prior to the recordation of) a final map landscaping plans including planting design and an irrigation system (all of which are prepared by a licensed landscape architect) shall be submitted by the applicant for review and approval by the Community Development Director or their designee or duly authorized representative.

(2) In acting upon landscaping plans, the Community Development Director or their designee shall consider the screening of trash enclosures, parking areas in multiple residential developments, the planting of slopes for both stabilization and appearance, and fire resistance, durability, size, and quality of the proposed plant material. If required, the developer shall assume all costs to provide proof, that the above requirements are met.

(3) Applicant shall prepare a statement of the quality of existing vegetation in regard to its ability to prevent soil erosion, and provide fire resistance. If existing vegetation is unacceptable to the appropriate departments in terms of these qualities, it shall be replaced by acceptable material.

(4) Planting and irrigation system plans shall address the following:

(i) All cut and fill slopes shall be planted with deep-rooted plants that are able to acclimate to the proposed environment. A permanent irrigation (as approved by the Community Development Director or their designee) shall be installed to uniformly cover all planted areas.

(ii) Slope planting and irrigation systems shall be provided by the developer on all slopes greater than four (4) feet vertical height. Slopes shall be adequately planted with landscaping consisting of a minimum of one-third shrubs and trees. The remainder may be grass or ground cover and trees and shrubs. The final plans showing the landscaping and irrigation shall be subject to the approval of the Community Development Director or their designee. All planting and irrigation systems shall be complete and operative before final approval of the grading, or issuance of occupancy on the residence.

(iii) Plants consisting of grass, groundcover, shrubs, and trees as recommended in the planting schedule shall be used. In addition to ground cover plants, approved shrubs having a minimum one (1) gallon size at ten (10) feet on center in both directions on the slope, or trees having a minimum five (5) gallon size at twenty (20) feet on center both ways may be used. A combination of shrubs and trees may be utilized. This plant and planting pattern may be varied upon the recommendation of the landscape architect and approval of the Community Development Director or their designee.

(iv) Irrigation details. Fully automated irrigation systems are required unless waived by the Planning Commission; however, the owner shall be responsible for watering the slopes which have been planted at sufficient time intervals to promote growth.

a) Minimum requirements for low slopes to fifteen (15) feet in vertical height:

1) A sprinkler system shall be installed to irrigate such slopes at the time the house plumbing is installed.

2) If the Community Development Director or their designee finds the slope is located in an area which makes hand watering possible conveniently located hose bibs will be accepted in lieu of the required sprinkler system when a hose no longer than fifty (50) feet can be utilized.

b) Minimum requirements for medium slopes fifteen (15) feet or higher in vertical height: An adequate sprinkler system shall be installed during grading prior to planting of shrubs and trees and before final grading is approved by the building official.

c) Special requirements for sprinkler systems:

1) Plans, specifications, and calculations for the sprinkler system shall be submitted to and approved by the Community Development Director or their designee prior to installation.

2) Sprinkler systems shall be designed to provide a uniform water coverage at a rate of precipitation of not less than one-tenth inch per hour nor more than three-tenths inch per hour on the planted slope. In no event shall the rate of precipitation or duration of sprinkling be permitted to create an erosion problem or allow the discharge of excess water into any public or private street.

3) A check valve and balance cock shall be installed in the system where drainage from sprinkler heads will create an erosion problem.

4) A functional test of the sprinkler system shall be performed by the installer prior to approval.

5) Sprinkler systems shall be fully automatic unless waived by the Planning Commission.

6) The irrigation system shall comply with Article III, Division 5 and Planning Commission Resolution No. 11-92-4718.

d) Planning Commission Resolution No. 11-92-4718 contains a list of plants identified as meeting the purpose and intent of the water efficient landscape ordinance.

(5) All landscape areas, whether installed pursuant to this chapter or not, shall be maintained free of litter and diseased or dead plants. Diseased, dead, damaged and/or disfigured plants shall be replaced as deemed necessary by the Community Development Director or their designee. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of Article III, Division 5 of this Code and Planning Commission Resolution No. 11-92-4718.

(6) Landscapes shall be maintained to ensure water efficiency and minimize water waste leading to excessive runoff, low head drainage, overspray and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways or structures. A regular maintenance schedule should include, but not be limited to, checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas. All tree pruning shall be performed in compliance with acceptable standards as set forth by The Western Chapter International Society of Arborists.

(7) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Article III, Division 5 of this Code, and the Planning Commission Guidelines for Water Efficient Landscaping, unless specifically exempted by those water efficiency provisions.

(m) *Landscape Maintenance.* The developer shall plant, water, and maintain each graded slope on unsold property developed with structures until all properties within the development have been occupied. Plants shall be maintained, and replaced if necessary, until the property is sold. Grading bonds shall not be released until the building and planning officials certify that the planting meets the requirements of this division.

(n) *Incentives.* In order to encourage developers to build in a manner more suitable to the hillsides, the following incentive is available: Building heights, as permitted in this chapter, may be increased by variance approval above that which is normally allowed when compatible to the surrounding areas. The views from adjacent or neighboring parcels shall not be adversely affected by any such height increase.

26-60 Planned Community and Residential Development Overlay [EX. DIVISION 3 OF ARTICLE XIII]

(a) Purpose

(1) Planned Community Development:

(i) Provide the developer with greater flexibility in site design, density and housing unit operations in order to stimulate variety and innovation within the framework of a quality residential environment.

(ii) Direct new community growth and development in the process of implementing the General Plan.

(iii) Achieve more interest, individuality and character within and among neighborhoods.

(iv) Provide criteria for the inclusion of compatible uses designed to service the residential developments within the community.

(v) Encourage the most effective use of a site with a variety of residential environments providing necessary public facilities, ample open space and a functional, well-balanced community.

(2) Planned Residential Development:

(i) Encourage a more desirable living environment;

(ii) Encourage a more efficient, desirable and aesthetic use of land through utilization of modern innovations in residential developments;

(iii) Encourage the reservation of a greater proportion of land for common open areas;

(iv) Encourage the retention of natural slopes, waterways and other natural features by utilizing such areas as open space;

(v) Encourage more efficient use of those public facilities required in connection with such residential development; and

(vi) Insure compatibility with established residential areas.

(b) Establishment of PRD overlay zone.

(1) A planned residential development overlay zone shall be established only in conjunction with a residential zone and shall be designated on the official zoning map with the symbol "PRD" in conjunction with the underlying zone classification, i.e., "R-1 PRD."

(c) *Classification Criteria.* The following general criteria are hereby established for use in the classification or reclassification of land to the planned community or planned residential development:

(1) General Plan. Compliance with the General Plan shall be established.

(2) Site area.

(i) A minimum of one hundred (100) acres shall be required for a planned community development.

(ii) A planned residential development may be established on land that is zoned R-1, MF-15, MF-20 or MF-45 and which is suitable for, and of sufficient size, to be planned and developed in a manner consistent with the purpose of this division.

(3) Any application for an overlay zone shall be accompanied by a master plan for the entire area covered by the application.

(4) All land in a proposed overlay zone shall be held in one (1) ownership or under unified control or have the written consent or agreement of all owners of property proposed for inclusion in the overlay zone.

(5) The existing utilities systems (water, sewer, drainage, electrical, gas, and communications facilities) are adequate, or new systems shall be constructed to adequately serve the development.

(d) Application.

(1) An application for an overlay zone shall be submitted by the owner, his authorized agent, or the purchaser of the land with the consent of the owner.

(2) The application shall be accompanied by the following which should be prepared by a qualified professional team:

(i) Topographical maps of existing terrain drawn to a minimum five (5) foot contour.

(ii) A generalized grading plan which indicates proposed earth movement and the results of such movement.

(iii) A utility map or statement reflecting a utility system which includes, but is not limited to, sewer, water, and gas capable of serving the entire development.

(iv) A master plan which shall show:

a) Location and boundaries of the proposed development.

b) The general type, character, and heights of all buildings or structures; e.g., single family houses, townhouses, or cluster houses.

c) Proposed densities of all areas scheduled for residential development.

d) Proposed uses of all and including residential, school sites, public and private recreational facilities, all common open space, and in the PCD zone commercial and professional centers and industrial facilities.

e) Natural features that are to be retained; i.e., stands of trees, rock outcroppings, canyons, natural slopes, etc.

f) The location and width of public and private streets which shall be consistent with the master plan of streets.

(v) Proposed site development standards for all residential, commercial and industrial uses.

(vi) The location and width of public and private streets.

(vii) Site data, including acreage in total development, total acreage in each density classification, school sites, church sites, commercial sites and industrial sites, total acreage devoted to common open space and minimum lot sizes.

(e) *Application fee.* An application for an overlay zone shall be accompanied by a filing fee as specified in section 26-184.

(f) Procedure.

(1) Upon receipt of an application for an overlay zone, the Planning Commission shall hold a public hearing on such application. If it finds the criteria set forth herein have been met, it may establish the overlay zone subject to such conditions as it deems necessary. The Planning Commission may deny the application if it finds any of the criteria have not been met, or that the approval of the application would be detrimental to the public peace, health, safety or welfare.

(2) The decisions and findings of the Planning Commission:

(i) On planned residential development applications, shall be final unless appealed to the City Council.

(ii) On planned community development applications, shall be forwarded along with the community master plan to the City Council. The City Council shall hold a public hearing and either approve, conditionally approve, or deny the community master plan. The decision of the City Council shall be final.

(g) *Public hearing and appeal procedure.* Public hearing and appeal procedure shall be set forth by Article VI, Division 1 of this Development Code.

(h) Termination of overlay zone.

(1) The overlay zone, and any master plan or other material approved as a part thereof, shall become null and void if the physical development of the district is not commenced within two (2) years from date of adoption of the resolution establishing the zone.

(2) An extension of time, not to exceed one (1) year, may be granted by the Planning Commission or City Council when extenuating circumstances can be clearly shown by the applicant. The request for an extension of time shall be submitted to the Planning Commission in writing prior to the expiration date and shall clearly state the reasons why the physical development of the district has not been commenced and such overlay zone has not been utilized.

(i) Approval of a development plan.

(1) After the establishment of an overlay zone and prior to the termination date as specified in section 26-60(h), an application for approval of a development plan which is in substantial conformance with the approved master plan shall be filed with the Planning Commission. A development plan may cover all or a portion of the district. No building permit shall be issued for any new building or structure unless a development plan covering the area has been approved.

(2) A development plan shall contain the material herein specified and shall be prepared by a qualified professional team.

(i) The exact boundaries and legal description of the property to be developed.

(ii) All proposed improvements that are to be constructed on the land and their precise locations including, but not limited to, all residential facilities, walls and fences, trash areas, streets, and walk areas.

(iii) Common open space showing size, grades, and function upon completion.

(iv) The location and dimension of all off-street parking facilities, public and private.

(v) The location and size of any public or quasi-public facilities such as schools, churches, and parks.

(vi) A tabulation of the percentage of total building coverage of the development.

(vii) A tabulation of densities within each project area or sector.

(3) Building elevations of typical architectural styles to be constructed.

(4) A schematic landscaping plan indicating the type and size of plant material to be used and method of providing permanent maintenance to all planted areas and open spaces.

(5) Floor plans of typical dwelling units, the unit size in square feet, and the amount of private open space in square feet.

(6) If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the City subdivision ordinance and the state subdivision map act.

(7) A proposed construction schedule from groundbreaking to occupancy. All common open space, as well as public and recreational facilities, shall be specifically included in the construction schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(j) Common open space.

(1) All common open space shall be preserved for that purpose as shown in the development plan. The developer shall choose one (1) or a combination of the following three (3) methods of administering common open space.

(i) Dedication of common open space to the City, which is subject to formal acceptance.

(ii) Establishment of an association or nonprofit corporation of all property owners or corporations within the project area to insure perpetual maintenance of all common open space.

(iii) Retention of ownership, control and maintenance of all common open space by the developer. All privately owned common open space shall continue as such and shall only be used in accordance with the development plan. Appropriate land use restrictions shall be contained in all deeds to insure that the common open space is permanently preserved according to the development plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners, and shall contain a prohibition against partition of common open space.

(k) Design criteria.

(1) The following design criteria are hereby established:

(i) The overall plan shall achieve an integrated land and building relationship.

(ii) Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.

(iii) The layout of structures and other facilities shall effect a conservation in street and utility improvements.

(iv) Recreational areas, active and passive, shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.

(v) Architectural unit and harmony within the development and with the surrounding properties shall be attained.

(l) Procedure for development plan application.

(1) The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for development plan approval to the Planning Commission. The Planning Commission shall hold a public hearing on such application. It may approve the development plan if it finds the criteria set forth herein have been satisfied subject to such conditions as it deems necessary. The Planning Commission may deny the application if it finds the criteria are not being satisfied or that such application would be detrimental to the public peace, health, safety, or welfare. The decision of the Planning Commission shall be final unless appealed to the City Council.

(m) *Public hearing and appeal.* Public hearing and appeal procedure shall be governed by Article VI, Division 1 of this chapter.

(n) *Application fee.* An application for a development plan shall be accompanied by a filing fee as established by a resolution of the City council.

(o) Development standards for planned residential development zone.

(1) The development standards of the underlying zone shall apply to a planned residential development unless they are inconsistent or in conflict with the following standards which shall control:

(i) *Density.* In any PRD overlay zone, the number of dwelling units per net acre of land shall not exceed the number of dwelling units permitted by the underlying zone except as provided in this paragraph.

(ii) For the purpose of calculating the number of dwelling units permitted by the underlying zone, the following table shall be used:

Table 2-21 Dwelling Units Per Acre for Residential Zones

Zone	Dwelling Units Per Acre
R-1	2.2 to 7.3 (depending on min. lot size established by the PUD.
MF-15	15.0
MF-20	20.0
MF-45	45.0

(iii) The number of dwelling units per net acre of land may be increased by up to 30 percent if approved by the Planning Commission, provided that the gross density of the development does not exceed the densities identified in Table 2-21

(iv) *Minimum lot sizes.* Every lot or parcel utilized for a residential structure shall have a minimum width of twenty-four (24) feet. Each such lot shall front for a distance of not less than twenty (20) feet upon a public or private street or pedestrian accessway.

(v) *Building heights.* Building heights of the underlying zone may be waived to allow greater flexibility with the development. Consideration shall be given to building heights in relation to adjacent property and building inter-relationship within the development.

(vi) *Yards.* The following front, side, and rear yards shall be shown on the development plan and maintained:

a) Front: There shall be an average front yard of not less than fifteen (15) feet for any building measured from the curbline of private streets and from the property line for dedicated streets. A maximum six-foot-high wall or fence may be placed within any front yard setback, provided such wall or fence is set back five (5) feet from the right-of-way line of dedicated streets or ten (10) feet from the curbline of private streets. Such setback area shall be landscaped.

b) Side: There need be no side yard provided. However, each development plan will be reviewed to ensure that adequate provisions are made for light and air and free pedestrian movement.

c) Rear: When the rear of a dwelling unit is adjacent to common open space and accessible thereto, a rear yard need not be provided. A fifteen-foot rear yard shall be provided when the rear of a dwelling unit abuts adjacent private property.

d) Fire accessways: Each development plan shall provide adequate accessways for free movement of men and equipment to provide appropriate firefighting capabilities. Such accessways shall be a minimum of five (5) feet in width and approved by the city fire department.

(vii) *Off-street parking.* Off-street parking shall be required to conform to the current City standards as specified in the underlying zone.

a) Covered or open parking compounds may be designed as a functional part of the development. Parking compounds shall be conveniently accessible and adequately screened through the use of walls or landscaping. The arrangement and access for all parking compounds or parking spaces shall conform to City standards.

(viii) *Ground coverage.* Total ground coverage of the entire development (not individual lot) shall not exceed that allowed by the underlying zone.

(ix) *Private open space.* A minimum of two hundred (200) square feet of private open space per dwelling unit shall be provided on each individual lot. This provision need not apply to structures which are three (3) or more stories high.

(p) Development standards for planned community development zone.

(1) All development within the planned community development shall meet the following minimum requirements:

(i) *Density.* All densities shall conform to the approved community master plan.

(ii) *Building coverage.* The maximum building coverage shall not exceed fifty (50) percent of the area covered by the development plan exclusive of all dedicated public rights-of-way. In determining the coverage (ground area of each dwelling) covered parking and garages shall be included.

(iii) *Off-street parking.* Off-street parking shall conform to the current City standards as specified in Article III, Division 6 of this chapter.

(iv) *Private open space.* A minimum of two hundred (200) square feet of private open space per dwelling unit shall be provided on each individual lot. This requirement does not apply to structures three (3) or more stories in height.

(v) *Utilities.* All utilities shall be underground in accordance with the Municipal Code and approved by the city engineer.

(vi) *Signs.* Sign provisions contained in the most restrictive zone classification for each use allowed shall apply.

(vii) *Other.* All other standards as specified by the approved community master plan and text and development plan and text shall be strictly adhered to.

26-61 Auto Plaza Overlay [EX. DIVISION 4 OF ARTICLE XIII]

(a) Purpose

The purpose of the auto plaza overlay zone is to preserve the City's auto plaza area to accomplish the City's goal of maintaining an established area designed for new vehicle franchise dealerships in order to make its services more accessible to the public, and to promote economic development within the City.

(b) Location

The auto plaza overlay zone shall consist of service-commercial (S-C) zoned properties located south of the Interstate 10 Freeway, north of Norma Avenue, west of Baymar Street, and east of Azusa Avenue.

(c) Permitted uses.

(1) Permitted uses on any lot or premises within the auto plaza overlay zone shall be limited to the following:

(i) The sales of new vehicles with outdoor display is allowed provided that all administrative functions are at all times conducted within an enclosed building.

a) The sales of new vehicles with outdoor display is allowed provided that all administrative functions are at all times conducted within an enclosed building.

(ii) Accessory uses

a) The sales of used vehicles operated by the same franchise dealership or automaker operating the primary use.

1) Used vehicle inventory on the site shall be limited to no more than 30 percent of the total new vehicle inventory on the same site.

2) Outdoor display of used vehicles is allowed provided that all administrative functions are at all times conducted within an enclosed building.

b) Vehicle service shop for maintenance and repair.

c) Car wash.

1) The car wash shall only be used to clean the dealership's vehicle inventory and/or to clean vehicles receiving maintenance or repair services.

2) The car wash shall not be made available for public use.

d) Electric vehicle charging station.

e) Vehicle rental services shall only to be made available to customers utilizing services offered by the dealership.

(iii) Temporary uses.

a) Filming.

1) Filming or filmmaking on any lot or premises shall be limited to advertisement purposes promoting the dealership on the site.

2) Filming shall only be allowed on a lot or property occupied with a new vehicle dealership with an active business license.

3) Filming shall comply with the provisions of Article VI, Division 8 (Film Permit).

(d) *Security lighting requirement.* All properties located within the auto plaza overlay zone shall have all its parking lot/vehicle display light standards/poles brightly lit from sunset until 9:00 p.m. Parking lot/vehicle display light standards/poles shall automatically be switched to dimmer lighting between 9:00 p.m. and sunrise.

(e) *Development Standards.* Any proposed development and/or construction within the auto plaza overlay zone shall comply with all applicable standards the development standards set forth in Article II, Division 4. The provisions set forth in this division 26-61 (Auto Plaza Overlay) shall prevail if any conflicting standards exist.

26-62 Animal Keeping Overlay Zone [EX. DIVISION 6 OF ARTICLE XIII]

(a) *Purpose.* The animal keeping overlay zone consists of properties on the north side of Vanderhoof Drive, including Tract 12292, Lots 18 through 27 (addresses 2633, 2641, 2653, 2707, 2715, 2727, 2743, 2755, 2769, and 2807 Vanderhoof Drive).

(b) *Permitted Uses.* Uses permitted with the animal keeping overlay zone shall be those permitted within the underlying zone, subject to the development standards in the underlying zone and in sections 26-62(c) and 26-62(d).

(c) Lower pad area development standards.

(1) The following development standards shall apply to improvements located in the lower pad area of the lots within the overlay zone.

(i) *Setbacks.* The setbacks for any proposed improvements shall take into account the size of the subject property and the impacts to the neighboring properties. The location of the site of the improvement shall be based on the type of improvement proposed.

(ii) *Separation of uses.* The location of the proposed improvement shall, at a minimum, conform to the separation standards specified in section 26-46(h). Greater separation distances are encouraged to reduce conflicts between uses.

(iii) *Structural design.* The structural design of the improvements shall be compatible with the architecture of the main house on the property and the agrarian nature of the lower pad area.

(iv) *Screening.* Fences, walls, and/or landscaping shall be provided to provide visual separation between properties. Screening shall be sensitive to animal keeping areas in proximity to habitable space/recreational improvements, and vice versa.

(d) Administrative ~~use~~ permit required.

(1) Prior to the construction of any improvement in the lower pad area such as habitable structures (including accessory dwelling units), nonhabitable structures that require the issuance of a building permit, swimming pools, spas, sports courts, and similar uses (whether or not a building permit is required), an administrative permit shall be required as specified in Article VI, Division 6 of this chapter 26.

(2) Before for an administrative use permit for improvements in the lower pad area of the overlay zone may be granted, the following findings must be made:

(i) The proposed improvement at the particular location would not be detrimental to the current or future keeping of animals in the lower pad area of surrounding properties.

(ii) The location and design of the improvement has given consideration to the separation of animal keeping areas from habitable space/recreational improvements.

(iii) The location and design of the improvement is not detrimental to the privacy of surrounding properties through the usage and placement of windows and doors, view-obscuring walls and/or fences, retaining walls, trees and other buffering landscaping materials.

(iv) The development can be adequately served by existing and/or required infrastructure and services.

ARTICLE III. REGULATIONS APPLICABLE TO ALL ZONES *NEW*

DIVISION 1 GENERAL SITE PLANNING AND DEVELOPMENT STANDARDS *NEW*

26-63 Purpose

The following development standards are set forth to ensure that property in all zones in the City of West Covina will be developed in a uniform and orderly manner which will promote public health, safety, comfort, convenience, and general welfare. These development standards shall be in addition to the property development standards set forth for each zone.

26-64 Lot Coverage Measurement

Lot coverage (also referred to as building coverage) is the percentage of the site area covered by structures shall be measured by dividing the number of square feet of horizontal area covered by structures by the total horizontal area within the property boundaries of the site. For purposes of lot coverage, underground parking facilities, parking structures, and semi-covered structures (e.g. trellis lattice patio covers) do not count towards required lot coverage.

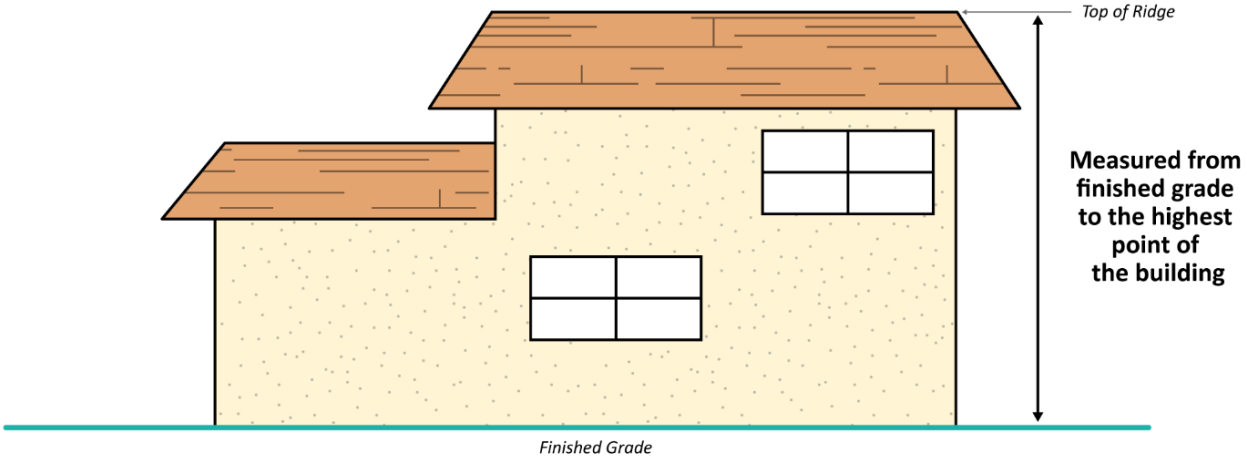
26-65 Height Measurement and Exceptions

All structures shall comply with the following regulations relating to height, except for fences and walls, which shall conform to standards set forth in Article III, Division 3 (Fences, Walls and Hedges).

(a) The height of structures shall not exceed the standards set forth by the applicable zoning district in Article II (Zones, Allowable Uses and Development Standards), except as otherwise provided by this section.

(b) The maximum allowable height shall be measured as the vertical distance from the finished grade of the site to the top of the roof, as shown in Figure 3-1 below:

Figure 3-1 Measurement of Building Height



(a) The following height projections are permitted:

(1) Architectural features, including chimneys, cupolas, steeples, weather vanes, and similar nonstructural element designed to enhance the building architecture, may exceed the height limit by up to ten (10) feet.

(i) Such features shall not exceed a width of twenty-five (25) feet or one-third (1/3) of the length of the structure's façade, whichever is less. Height exceptions shall not be granted for structural features designed or intended to provide floor space. Signs shall not be included within the additional height

limits. Lights and poles are not considered architectural features and are not included in this exemption.

(2) Elevator shafts, stairwells, and roof-mounted mechanical equipment (inclusive of screening for the mechanical equipment) may exceed the height limit by up to 10 feet, provided that these elements do not exceed 10 percent of the total roof area.

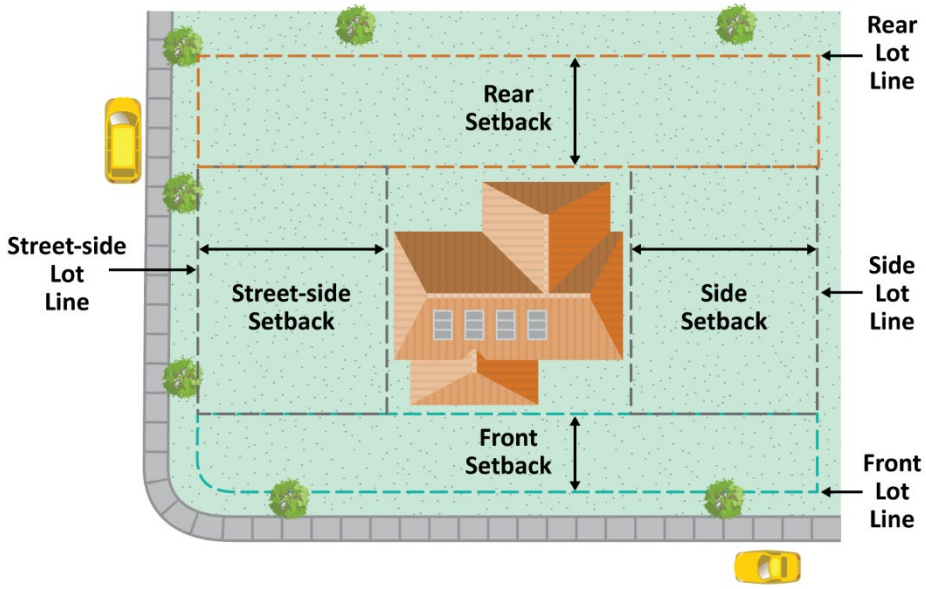
(3) Parapets on flat roofs may exceed the height limit by up to 42 inches.

(4) Solar energy systems (e.g. panels) may exceed the height limit by up to five (5) feet, or the minimum required based on installation cost and/or energy production thresholds established by State law, whichever is less..

26-66 Setback Measurement and Exceptions

All structures shall comply with the setback requirements set forth for each zoning district, and with any special setbacks established for specific uses by Article II (Zones, Allowable uses, and Development Standards), except as otherwise provided by this Article.

Figure 3-2 Setbacks



(a) Setback requirements.

(1) Each yard shall be open and unobstructed from the ground upward, except as provided in this subsection.

(2) Yards shall be landscaped in compliance with Article III, Division 5 (Landscaping).

(b) Exemptions from setback requirements.

(1) Fences or walls constructed within the height limitations within the height limitations set forth in Article III, Division 3 (Fences, Walls and Hedges).

(2) Steps, and other site design elements that are placed directly upon the finished grade and are less than eighteen (18) inches above the surrounding finished grade.; and

(3) Freestanding signs shall be pursuant to sign requirements set forth in Article III, Division 8 (Sign regulations).

(4) Water features with a water depth of less than eighteen inches (18”).

(c) Measurement of setbacks

(1) The front yard setback shall be measured at a right angle from the nearest point of the front property line (or edge of access or utility easement) to the nearest wall of the structure, except as follows:

(i) For a flag lot, the front yard setback shall be taken from the nearest wall of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest to the public street or right-of-way.

(2) The side yard setback shall be measured at a right angle from the nearest point on the side property line (or edge of access or utility easement) to the nearest wall of the structure, establishing a setback line parallel to the lot line nearest the public street or right-of-way.

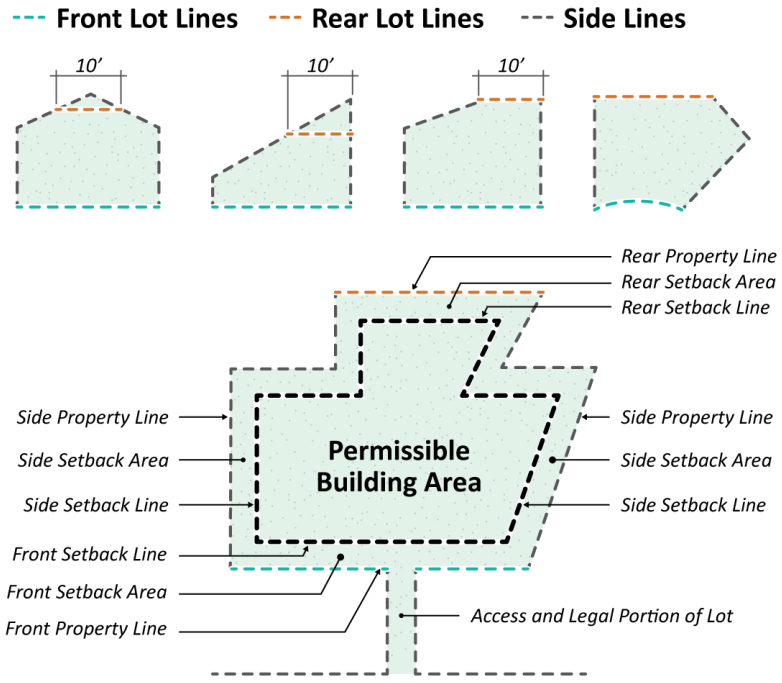
(i) The side yard on the street side of a corner parcel shall be measured at right angles from the nearest point on the street side property line to the nearest wall of the structure.

(3) The rear yard setback shall be measured at a right angle from the nearest point on the rear property line (or edge of access or utility easement) to the nearest wall of the structure, establishing a setback line parallel to the rear property line that extends between the side yards, except;

(i) The rear yard on the street side of a double frontage lot shall be measured from the nearest point of the rear property line adjoining the street. If an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the easement or right-of-way line; and

(ii) Where the side lot lines converge to a point, a line 10 feet long within the parcel, parallel to the front lot line, shall be deemed the rear lot line for the purpose of determining the depth of the required rear yard.

Figure 3-3 Lot Lines



NOTE: Building Encroachment Not Permitted in Setback Area

26-67 Sight Triangle Areas

The following standards shall apply to all intersections of streets, alleys, and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions within sight triangle areas established herein.

(a) There shall be a corner sight triangle area at all intersecting and intercepting public streets or highways. The sight triangle area shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line. It shall pass through the points located on both the side and front (or rear) property lines at a distance of thirty (30) feet from the intersection of such lines at the corner of a public street or highway.

(b) There shall be a corner sight triangle area on each side of any private driveway intersecting a street or alley. The sight triangle lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property lines. They shall pass through a point not less than ten (10) feet from the edges of the driveway where it intersects the street of alley right-of-way.

(c) There shall be a corner sight triangle area on each side of any alley intersecting a street or alley. The sight triangle lines shall be in a horizontal plane, making an angle at forty-five (45) degrees with the side, front or rear property line. They shall pass through a point of not less than ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.

(d) If, due to an irregular lot shape, a line at a 45-degree angle does not provide for intersection visibility, such corner cutoff shall be defined by a line drawn from a point on the front (or rear) property line which is not less than 30 feet from the intersection of the side and front (or rear) property lines and through a point on the side property line which is not less than 30 feet from such intersection of the side and front (or rear) property lines.

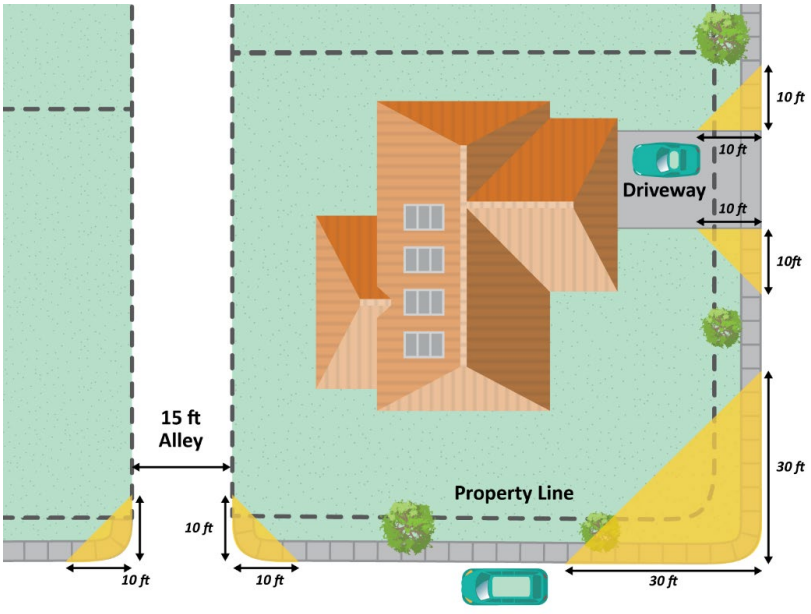
(e) The following shall not be erected, placed, planted or allowed to grow within the sight triangle area.

(1) Solid fences, walls, signs, structures, mounds of earth, solid post mailboxes, or other visual obstructions over three 36 inches in height and open work fences up to 42 inches in height.

(2) Hedges, shrubbery and vegetation over, or with a growth characteristic over 24 inches in height.

(3) The lower edge of tree canopies of a single trunk tree shall be maintained at a minimum height of eight (8) feet above ground level, as measured from the adjacent street curb elevation.

Figure 3-4 Sight Triangle Areas



26-68 Encroachments Into Required Setbacks

(a) Swimming pools, spas, sports courts, and other similar private recreation areas may be located within the front yard, through an administrative permit process when the lot configuration, building placement, and/or street adjacent location justify its location due to the uniqueness of the property as determined by the Community Development Director or their designee, provided there is a minimum five-foot setback to adjoining properties, the project will not create a line-of-sight hazard, there is no other suitable location for the proposed structure on site, and all other standards for the underlying zone are met. Swimming pools and spas may encroach into the required interior side yard and rear yard provided that there is a minimum five (5) feet setback, as measured from the edge of the bond beam to the property line.

(b) Swimming pools and spas, whether portable or permanently constructed, shall be enclosed by fencing as required by the City's Building Code.

(c) Cornices, eaves, or similar features may project into yards.

(1) Cornices, eaves, belt courses, sills, or other similar architectural features may extend or project into a required front, side, or rear yard in single- and multi-family residential zones by not more than three (3) feet provided that the projection is no closer than two feet, six inches (2'-6") from the side and rear property lines.

(d) Uncovered porches and platforms may project into yards.

(1) An uncovered porch, platform or landing place which does not extend above the level of the first floor of the building in R-A and R-1 zones may extend or project into any required front, side or rear yard by not more than six (6) feet except as permitted in 26-46(f), provided such structure in a side yard shall not reduce to less than three (3) feet the unobstructed pedestrian walkway or sidewalk on ground level to less than three (3) feet.

26-69 Maintenance and Security Standards for Vacant, Unoccupied or Abandoned buildings or structures.

(a) Property owners and/or persons who possess or have control of an abandoned, vacated or undeveloped property, area or place, including buildings and structures, shall maintain and secure said property in such a way that will not be injurious to public health, safety and general welfare or to the stability of real property so as to interfere with the comfortable enjoyment of life or property, nor become attractive to unauthorized persons, including but not limited to juveniles and transients, nor constitute a health, fire or safety hazard.

(b) Property owners and/or persons who possess or is in control of any undeveloped real property in the City or any other real property in the City that has been vacant or abandoned for a period in excess of thirty (30) calendar days shall do the following:

(1) *Unsecured access points.* All means of ingress or egress to the property or structure on the property, including but not limited to, windows, doors, gates and fences that have been breached, vandalized, or damaged, shall be boarded up and/or secured in compliance with Federal Housing Authority board-up standards to ensure the property or structure is secured against unauthorized entry.

(2) *Paint.* All boards securing a breach in any ingress or egress on a structure shall be fully painted in such a manner as to complement or match the paint color of the structure.

(3) *Fencing.* Any undeveloped real property within the City, or any other vacant real property in the City that an Enforcement Officer has determined in writing, based upon specific findings regarding the conditions of said real property and surrounding area(s), poses a threat to the health, safety, and welfare of the general public, shall be enclosed by a security fence as approved by the Community Development Director or their designee. Such security fencing shall measure a minimum of six feet (6') in height measured from grade, unless such fencing is located within a required sight triangle, shall be constructed of chain-link or tubular steel materials, and shall be erected in accordance with all requisite City approvals, permits, and inspections. Conditions that shall be considered when determining the necessity of a temporary security

fence include, but shall not be limited to, instances of unauthorized entry and/or vandalism, and the degree of decay, deterioration, dilapidation, or neglect of the real property and structures.

(4) *Signage and emergency contact.* Signs prohibiting trespassing, and the name and phone number of the person or entity responsible for the maintenance and security of the vacant property shall be posted on all vacant structures and/or security fencing surrounding vacant properties. Security fencing shall be kept clear of all other signs. Each sign shall conform to standards set forth in Article III, Division 8.

DIVISION 2 ACCESSORY STRUCTURES [NEW DIVISION -COMBINED AND CONSOLIDATED EXISTING ACCESSORY STRUCTURE STANDARDS]

26-70 Purpose and Applicability

(a) The following development standards shall apply to all detached accessory structures, not including accessory dwelling units governed by the requirements of Article IV, Division 2. The purpose of this division is to protect the public health, safety and welfare by maintaining safe distances between structures, establish architectural compatibility between primary structures and certain types of accessory structures, and minimizing potential impacts associated with lot coverage, privacy, and maintenance of light and air space.

(b) The development standards contained in this division shall apply to accessory structures on private property and shall be in addition to other applicable development standards contained in the Development Code. In the event of a conflict between the provisions set forth in this division and any other provisions of this Development Code, the stricter regulation shall control. This division regulates detached accessory structures that are larger than 120 square feet in size and/or taller than seven (7) feet in height. Accessory structures shall not contain indoor cooking facilities (combination of a sink, cooking apparatus, and refrigeration appliance) and should not be designed for full time living or rental purposes. Guesthouses, pool houses, accessory dwelling units and junior accessory dwelling units that conform to the requirements of this chapter are permitted.

26-71 Permit Requirements and Exemptions

(a) Accessory structures located in single-family, multi-family, mixed-use, commercial and industrial zones shall require an Administrative Permit, pursuant to the procedures and findings outlined in Article VI, division 6.

(b) The following structures located in the single-family and multi-family zones are exempt from planning entitlements provided they comply with the requirements listed below and standards set forth in section 26-72. Exempt accessory structures may require building permits to maintain conformance with the California Building Code adopted by the City.

(1) Accessory structures that are less than 120 square feet in size and no portion of the structure is seven (7) feet or greater in height, provided that no more than two (2) of such structures are located within the same lot or site.

(2) A detached structure typically used for decorative or landscape design purposes such as a fountain, water wall, bird bath and similar features that are less than 120 square feet in size and no portion of the feature is six (6) feet in height or greater.

(3) Accessory dwelling units and junior accessory dwelling units pursuant to Article IV, Division 2 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

(4) Urban Dwelling Units pursuant to Article IV, Division 4 (Urban Dwelling Units).

26-72 Development Standards

(a) The development standards listed in Table 3-1 are intended to supplement the requirements in the applicable zone for types of accessory structures. In the event of a conflict between these requirements and the requirements of the underlying zone, the requirements of this section shall apply. The following requirements shall apply to all accessory structures, both exempt and non-exempt under section 26-71.

(b) Minimum setback distances for accessory structures from property lines and between all structures shall include all portions of the structure(s).

(c) Accessory structures may be constructed in conjunction with or subsequent to the construction of the primary structure(s) on the site.

Table 3-1 Development Standards for Accessory Structures

Type of Accessory Structure	Minimum Setback Requirements				Maximum Lot Coverage	Maximum Height
	Front	Rear	Side	Street Side		
Pools and spas,	Not Permitted*	5 feet	5 feet	Not permitted	n/a	n/a
Pool/spa equipment	Not Permitted*	5 feet	5 feet	Not permitted	n/a	5ft
Detached accessory structures with open or solid roofing.	Not Permitted	4 feet	4 feet	Not permitted	Standard building coverage per Table 2-4 of Section 26-46	16 ft
Temporary, portable shade structures	Not Permitted	4 feet	4 feet	Not permitted	30% of required rear yard area, Standard building coverage per Table 2-4 of Section 26-46	10 ft.
Decks/elevated structures greater than 30" in height and/or greater than 30 square feet in area	Not Permitted	1.5 times standard building setback per Section 26-46(e)	1.5 times standard building setback per Section 26-46(e)	1.5 times standard building setback per Section 26-46(e)	n/a	8 ft
Attached patios, chimneys and fireplaces, and similar structures	Same as required for primary structure					
* May be permitted through an Administrative Permit process per Section 26-68						

(d) Accessory buildings in R-A and R-1 zones.

(1) Accessory buildings, or the sum of accessory buildings, except accessory dwelling units, shall be a maximum of one thousand (1,000) square feet. Accessory buildings which causes the total square footage of accessory buildings to exceed greater than one thousand (1,000) square feet (except accessory dwelling units) may be granted subject to the approval of an administrative permit pursuant to the procedures and findings outlined in Article VI, Division 6. Required garages are exempt from the administrative permit requirements. Individual accessory buildings with an area greater than the primary dwelling unit shall not be allowed. The area for individual accessory buildings shall be limited to seventy (70) percent of the floor area of the primary dwelling unit.

26-73 Solar Energy Systems *NEW*- STANDARDS NOT IN CURRENT CODE

(a) The purpose of this section is to allow for timely and cost-effective installations of solar energy systems that shall:

(1) Provide for the installation of small to medium solar energy systems to enable the generation of electricity from the sun, for on- and off-site uses.

(2) To minimize potential adverse impacts associated with solar energy systems.

(b) Development Standards

(1) *Ground-mounted solar energy collectors.* Ground-mounted solar energy collectors shall be installed and maintained in accordance with the following requirements:

(i) *Location.* Ground-mounted solar energy collectors are permitted in all zoning districts. In residential zoning districts, solar energy collectors and their mounting framework shall not be located within the front setback and shall not be visible from the public right-of-way adjacent to the front, or side property line. In nonresidential zoning districts, solar energy collectors may be visible from the public right-of-way with approval of an Administrative Permit.

(ii) *Height.* In residential zoning districts, the height of a ground-mounted solar energy collector system shall not exceed twelve (12) feet. The maximum height shall be twenty-five (25) feet when located on a non-residential property not abutting a residential zone. The maximum height of a ground-mounted solar energy collector system shall be fifteen (15) feet when located on a non-residential property abutting a residential zone.

(iii) *Setbacks.* Installations of less than six (6) feet in height may project up to two (2) feet into a required setback. Installations of six (6) feet or more in height shall comply with building setback requirements for patio covers.

(c) Roof-mounted solar energy collectors.

(1) *Location.* It is preferred that photovoltaic solar energy systems in the single-family residential zone on roofs are designed in a way that is flush-mounted and/or are not installed on the portion of the roof that faces the street, and/or are screened from the public right-of-way. If the photovoltaic solar energy systems on roofs are not flush-mounted and/or installed on the portion of the roof that faces the street, and/or is visible from the street, applicant submittal of additional documentation to the Planning Division is required prior to the first Building Division inspection to receive inspector sign-off. The required documentation shall be a written analysis prepared by a licensed engineer indicating that all options to redesign the photovoltaic system with a flush-mounted design and/or without utilizing the street facing roof will:

(i) Increase the installation cost by more than $1,000; AND

(ii) Will cause a drop in energy production by more than 10-percent (10%).

(2) *Height.* Photovoltaic solar energy systems on the roof may extend up to five (5) feet above the height limit in the district in which it is located or the roof surface on which they are installed, provided that the height extension is necessary to be within the installation cost and/or energy production thresholds mandated by State law.

(3) Solar water or swimming pool heating systems may extend up to seven (7) feet above the height limit in the district in which it is located or the roof surface on which they are installed.

(d) Solar energy collector on carports.

(1) Photovoltaic equipment, as defined by section 26-36, “Solar Energy Systems,” may be installed on the roof of carports for the purpose of collecting, storing, or transferring solar energy as part of a larger solar energy system installed in structure(s) on the same building site without additional discretionary permit.

(2) The maximum height of solar energy collector equipment on carport roofs shall not exceed the maximum height of the underlying district.

DIVISION 3 FENCES, WALLS, AND HEDGES *NEW*

26-74 Purpose and Applicability

(a) The purpose of this chapter is to establish standards and regulations relating to the construction of fences, walls and hedges used for screening or buffering purposes. The standards are intended to ensure that all fences, walls, and hedges provide desired privacy and safety but do not create a public safety hazard or nuisance, and that fences, walls and hedges meet the City's standards for quality design and regular maintenance.

(b) For Planned Development Permits and Specific Plans, fence, wall, and hedge standards shall comply with the standards set forth in the applicable Planned Development Permit or Specific Plan. Where the Planned Development Permit or Specific Plan is silent on fence, walls and hedge height, the standards for the underlying zone shall apply, as determined by the Community Development Director, or their designee.

26-75 Measurement of Fence or Wall Height

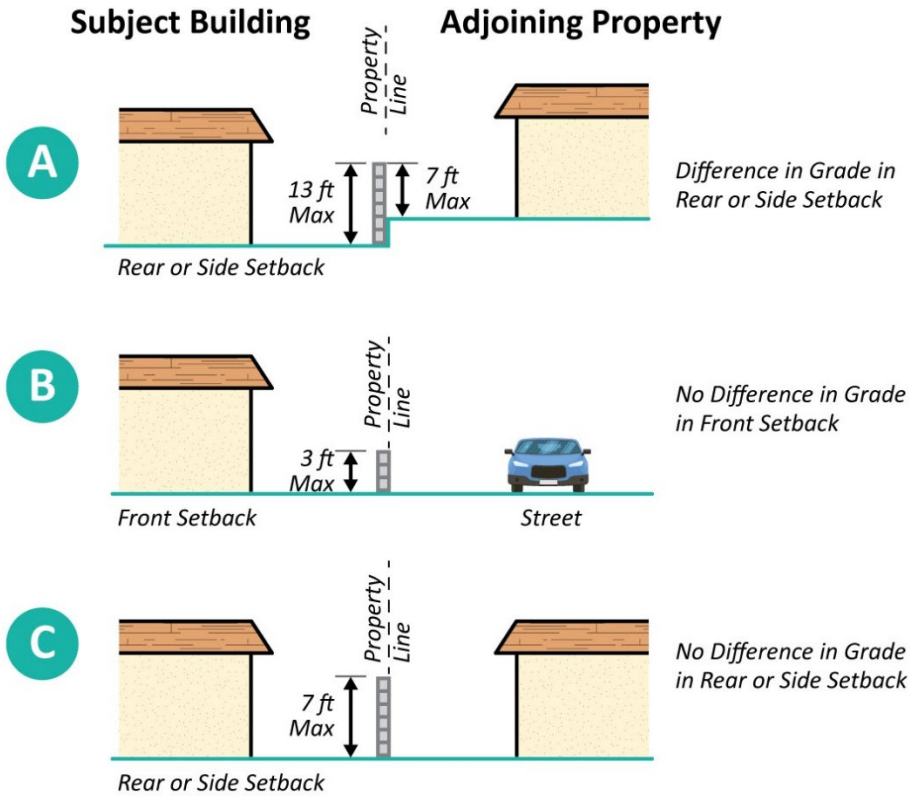
(a) Measurement of height

(1) The height of a fence or wall is measured as the vertical distance between the top of finished grade at the base of the fence or wall to the top of the fence or wall.

(2) For fences or walls on sloping ground or varying grades, height shall be measured from the lowest grade on either side of the fence or wall to the highest point of the fence or wall. For the purposes of this section a retaining wall with a fence above it shall be considered one structure.

(3) Fence or wall height includes any materials attached to the fence or wall.

Figure 3-5 Measuring Fence or Wall Height *NEW DIAGRAM*



26-76 Height Limitations for Freestanding Fence, Walls and Hedges

(a) Street-fronting Fences and Walls. The maximum allowed height for freestanding fences and walls within the required front setback, or the street side yard, or the rear yard of a through lot with street driveway/garage access shall comply with the following standards:

(1) Fences and fence/wall combinations shall not exceed a maximum height of six (6) feet. The fence and/or fence/wall combination shall be of a design that creates at least seventy (70) percent open work above forty-two inches (42") in height. Pilasters and/or columns no greater than eighteen inches (18") in width may be incorporated with the design of the fence or wall if the required visibility is met. Street-fronting fences on street side yards of lots not considered a reverse corner lot and on rear yards of through lots may construct a solid, non-transparent fence/wall provided that no neighboring adjacent single-family residential lot is developed with a primary residence with its front facade oriented towards the same street.

(2) Corner cut back area. On corner lots, walls, fences, hedges, trees, or other physical obstructions shall not exceed a maximum height of thirty-six inches (36") within the sight triangle areas set forth in section 26-67.

(3) Fences and walls adjacent to arterial streets. Walls and fences on single-family residential lots along the side and rear property lines adjacent to rights-of-way of streets designated as principal or minor arterials on the master plan of streets and highways shall have a maximum height of eight (8) feet provided that design standards contained within subsection (a)(1) is complied with.

(4) On single-family residential zones, light fixtures may be added on the top of the street-fronting fencing or its pillar, provided the overall height of the fence or pillar and light does not exceed a height of six feet, six inches (6'-6"). The intensity of the lights shall be limited to low level lighting of less than one thousand six hundred (1,600) lumens.

(5) Fences atop retaining walls, shall conform to the limits set forth in Section 26-77.

(b) *Side and Rear Yard Fences and Walls.* The maximum allowed height for freestanding fences and walls (non-retaining) within the required side and rear yard setbacks shall comply with the following standards:

(1) Street fronting side yard and rear yard fences shall conform to the height limits set forth in subsection (a) of this section.

(2) A freestanding fence or wall between single-family residential properties shall not exceed seven (7)~~six (6)~~ feet in height.

(3) A freestanding fence or wall between multi-family residential properties or along a major arterial street shall not exceed seven (7)~~six (6)~~ feet in height.

(4) A freestanding fence or wall between a residential and commercial property shall not exceed eight (8) feet in height.

(5) A maximum of eight (8) foot freestanding fence or wall between a residential and commercial property or between two commercial properties.

(6) On commercially zoned properties, a free-standing fence or wall shall not exceed a maximum of eight (8) feet in height.

(7) Freestanding fences or walls located at intersections of streets, alleyways and driveways within traffic sight areas shall conform to standards set forth in Section 26-67(e).

(8) Fences atop retaining walls, shall conform to the limits set forth in Section 26-77.

(c) *Hedges.* No maximum height shall be established for hedges, except for hedges located within the required front yard which shall conform to the standards for fences and walls, and for the sight triangle area standards set forth in section 26-67(e).

26-77 Height Limitations for Retaining Walls and Change of Grade

(a) Interior facing retaining walls or garden walls where the retaining wall faces inward to the subject property and are negligibly visible from surrounding properties or the public right-of-way, and located within the required setbacks, the retaining wall may reach a maximum height of seven (7) feet. The total height of an interior facing retaining wall and a free-standing fence or wall atop it shall not exceed the following height limitations:

(1) Within the front setback- Twelve (12) feet provided that the design of the freestanding fence/wall complies with section 26-76(a)(1), or fourteen (14) for properties that qualify under section 26-76(a)(3).).

(2) Side and rear yard- Thirteen (13) feet, or fourteen (14) feet for properties that qualify under section 26-76(b)(4) through (6).

(b) Exterior facing retaining walls or garden walls. Where the retaining wall faces outward towards a public street or facing a neighboring property and is, located within the required setbacks, the retaining wall may reach a maximum height of three (3) feet, The total height of an exterior facing wall and free-standing fence or wall atop it shall not exceed the following height limitations:

(1) Within the front setback- Nine (9) feet provided that the design of the freestanding fence/wall complies with section 26-77(a)(1)

(2) Side and rear yard- Ten (10) feet, or eleven (11) feet for properties that qualify under section 26-76(b)(4) through (6)

(c) Interior and exterior facing retaining walls or garden walls which complies with the required building setbacks of the zoning district shall not exceed a maximum height of fifteen (15) feet.

(d) Parallel retaining walls and landscaping terracing. Any retaining wall constructed in combination with other retaining walls, screen walls and/or fences on the same property may be terraced with a gradient up to 1:1 to obtain approval of an aggregate height of retaining walls exceeding the single-wall limit set forth in this section. The distance between walls shall be no less than the height of the tallest wall.

26-78 Fence Materials

(a) Prohibited fence materials.

(1) *Residential Zoning Districts.* Barbed wire, electrical fences, razor wire, and other similar objects on the top of fences or walls shall not be allowed within a residential zoning district. The use of chain link fence is prohibited in residential districts within any front yard area or any area visible from the public street, except for construction sites and other temporary uses and where otherwise specifically permitted in this Development Code.

(2) *Commercial and Industrial Zoning Districts.* Barbed wire, electrical razor wire, and other similar objects shall not be allowed on the top of fences or walls within a commercial zoning district, except on the top of fences or walls surrounding outdoor storage areas.

(b) Special fencing and wall requirements.

(1) *Swimming pools, spas and similar features.* Swimming pools, spas, and other similar features shall be fenced in compliance with the requirements set forth by the City's Building Code.

(2) *Outdoor equipment, storage, and work areas.* Screening of outdoor use, equipment and activities shall conform to the standards set forth in division 4 (Screening and Buffering).

(3) *Recreational courts.* Fences for recreational courts including basketball, tennis, badminton courts and similar play areas shall not exceed twelve feet in height providing that all parts of the fencing are not located within the minimum required setback areas.

(4) *Temporary fences.* Temporary fencing may be necessary for the protection of archaeological, historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the approval of the Community Development Director or their designee, and shall comply with applicable building codes.

(5) *Walls along public rights-of-way.* Masonry, concrete block and wood perimeter walls that adjoin public rights-of-way and are constructed as part of a subdivision or other planned development shall be maintained in original condition, including the color and texture of the block and any cap elements. Fences/walls along the public right-of-way shall be either finished on both sides, finished on the side facing the public right-of-way, or made of decorative block.

(6) *Fences and walls exceeding six (6) feet in height in between properties.* Fences/walls exceeding six (6) feet in height located within five (5) feet from the property line shall be either finished on both sides, finished on the side facing the neighboring property, or made of decorative block.

26-79 Required Walls

(a) Walls in multi-family residential zones.

(1) A thirty-six (36) inch high concrete, masonry, or decorative block wall shall be provided and maintained on the outside perimeter of all off-street parking areas abutting or visible from a public street, except at points of ingress and egress for vehicular or pedestrian traffic. The wall shall be set back a minimum of five (5) feet from the property line and this setback area shall be landscaped. Other materials may be used if approved by the Planning Commission.

(2) In lieu of the thirty-six (36) inch high screen wall, land contouring and landscaping equivalent to thirty-six (36) inches in height, or a combination of wall and land contouring, may be provided.

(b) A seven-foot wall when abutting single-family zone:

(1) A seven (7) foot high concrete, masonry or decorative block wall shall be provided and maintained on the boundary of any multiple-family zone which abuts or lies across a public alley from a residential-agricultural (R-A) or single-family (R-1) zone, except in the front setback area, where said wall shall conform to the sight triangle area standards set forth in section 26-67(e).

(2) When there is a difference in site elevation and the abutting property zoned R-A or R-I is a minimum of seven (7) feet higher than the development site zoned multiple-family, at the discretion of the Planning Commission, the requirements for a seven (7) foot high wall may be waived.

DIVISION 4 SCREENING AND BUFFERING [EX. SECTION 26-568]

26-80 Purpose

This section provides standards for the screening and buffering of adjoining land uses, equipment, outdoor storage areas and surface parking areas.

26-81 Screening and Buffering Standards

(a) *Required screening in office, commercial and Industrial Zones.* All exterior storage areas and service yards, loading docks and ramps, electrical cage enclosures and storage tanks are to be screened from view by a fence, wall or mature landscaped materials.

(1) Mechanical equipment and duct work.

(i) All roof top mechanical equipment shall be placed behind a permanent parapet wall and be completely restricted from all ground level views from adjacent public rights of way. Such screening shall be as high as the highest portion of the equipment or ducting, and shall be permanently maintained.

(ii) No mechanical equipment is to be exposed on the wall surface of a building.

(iii) Gutters and downspouts that are utilitarian in nature are not to project from the vertical surface of the buildings. Decorative gutters and downspouts, when appropriate to the proposed architectural style of the building may project from the surface of the building and shall be subject to review of the Planning Commission.

(iv) Vents, louvers, exposed flashing, tanks, stacks, overhead doors, rolling and "man" service doors are to be treated in a manner consistent with the color scheme of the building.

(v) All ground mechanical equipment shall be screened to the maximum extent feasible and as allowed by the utility provider by a permanent structure or landscape.

(2) Refuse storage.

(i) All outdoor trash, garbage and refuse containers shall be screened from public view, within a trash enclosure containing a roof and screening on all sides consisting of minimum five and one-half (5½) foot high concrete, or masonry decorative block wall, and the opening provided with a solid gate.

(ii) Such area shall be so located as to be easily accessible for trash pick-up.

(iii) Storage. Except in the case of uses listed "outdoor displays" in 26-51(a) of this chapter, all storage of wares, merchandise, crates, bottles or similar items shall be within a completely enclosed building.

(3) Screening of parking areas.

(i) All parking areas shall be screened from public rights-of-way with various means of screening such as land contouring, low-profile walls, shrub plantings and similar screens or a combination thereof.

(ii) A seven (7)-foot high concrete, masonry or decorative block wall shall be provided and maintained on the boundary of any nonresidential zone which abuts or lies across a public street or alley from a residential zone except in the front setback area where said wall shall conform to the sight triangle area standards set forth in section 26-67(e).

(iii) All walls shall be architecturally compatible with the main buildings. Type, texture, and color shall be approved by the Planning Commission. Barbed wire shall not be permitted.

DIVISION 5 LANDSCAPING *NEW* COMBINED AND CONSOLIDATED EX. LANDSCAPE STANDARDS FOR MULTIFAMILY RESIDENTIAL, NONRESIDENTIAL USES, AND MIXED-USE OVERLAY

26-82 Purpose

The purpose of this division is to establish minimum landscaping standards to enhance the appearance of developments, increase green space throughout the City, reduce heat and glare, control soil erosion, conserve water, ensure the ongoing maintenance of landscaped areas, reduce wildfire hazards, and ensure that landscape installations do not create hazards for motorists or pedestrians.

26-83 Applicability

The requirements contained in this division shall apply to all new and existing development and shall be in addition to any other development standards contained elsewhere within the Development Code.

26-84 Water Efficient Landscape Ordinance [EX. DIVISION 1 OF ARTICLE XIV]

(a) The purpose of this section is to ensure the design, installation and maintenance of landscapes meet the requirements of the State of California's Model Water Efficient Landscape Ordinance (MWELO)

(b) The City adopts by reference the State of California's Model Water Efficient Landscape Ordinance, which is found at Sections 490—495 of Chapter 2.7, Division 2, Title 23, of the California Code of Regulations, as it may be amended from time to time. A copy of the MWELO will be maintained in the community development department and will be made available for public inspection during regular business hours.

(c) Applicability. The MWELO applies to the following projects:

(1) New landscape projects with an aggregate landscape area equal to or greater than 500 square feet.

(2) Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet and requiring a building, plan check or design review; and

(3) For purposes of this section, aggregate landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel, or stone walkways, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for nondevelopment.

(d) *Exemptions.* The following projects or landscapes are exempt from or subject to limited review pursuant to MWELO.

(1) Projects involving new construction of an aggregate landscape area of less than 2,500 square feet that comply with the prescriptive measures.

26-85 General Landscaping Standards

(a) *General location for landscape improvements.* All landscaping shall be provided in the following locations for all types of development as listed below, unless the approval authority determines that the required landscape is not necessary to fulfill the provisions of this division. Nothing in this division is intended to discourage landscaping in excess of the minimum requirements listed herein.

(b) *Setbacks, public frontage and street frontage.* All setback areas required by this Development Code, areas between the curb and setback, public frontage areas, or portions of the site with any street frontage, shall be landscaped and maintained in compliance with this division, except where an area of required setback is improved with a paved surface such as a sidewalk or driveway.

(1) In all industrial zones, the front and exterior side yard setback areas adjoining public rights-of-way are required to be landscaped, including the property frontage within the right-of-way.

(2) Trees are required along sidewalks and primary street frontages, in addition to other landscaping requirements. Street trees shall be required where the public parkway is at least four (4) feet wide. A twenty-four (24) inch box street tree shall be planted for each thirty (30) feet of linear street frontage along any property line abutting a public or private street (on average). The Director of Public Works may approve deviations to these standards when site conditions (e.g. utilities or significant topography constraints) preclude the placement of trees.

(c) *Undeveloped areas.* All areas of a site that are part of an entitled and/or approved master planned development application, such as pad sites being held for future development, shall be landscaped in compliance with this division.

(d) *Pedestrian paths and pedestrian entrances.* Along pedestrian pathways and at building entrances, trees shall be provided in compliance with this division for shade and climate control to define public spaces, and moderate high temperatures and wind speeds.

(e) *Plant type.* Landscape planting shall emphasize climate appropriate, drought-tolerant, native, and non-invasive species shall complement the architectural design of the structures on site, and shall be suitable for the soil and climatic condition specific to the site. Plant species known to be invasive and listed on the California Invasive Plant Inventory published by the California Invasive Plant Council (Cal-IPC) are prohibited. Within Fire Hazard Severity Zones as determined by CALFire, plantings shall not include fire prone species and the plant palette shall be approved by the West Covina Fire Department.

(f) *Planting layout and plant diversity.* Plant selection shall vary in the type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of deciduous flowering trees and shrubs and colorful plantings is encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year-round interest.

(g) Street and parking lot trees.

(1) Street and parking lot trees shall be selected from the City's adopted master list of street trees and parking lot trees.

(2) Parking lot trees. An average of at least one (1) tree (minimum 15 gallon) of a species satisfactory to the Community Development Director or their designee shall be planted for every six (6) parking spaces.

(3) The total number of required parking trees may be reduced to one (1) tree for every ten (10) parking stalls if the lot landscape requirements set forth in 26-86(a) is increased by fifty (50) percent (12% of total lot area for all zones, except M-1, which is 6).

(4) Any tree that partially shades a parking space or a drive aisle may be considered a parking lot tree and included in the calculation of total parking lot trees.

(5) There shall be a minimum three (3) foot wide (inside dimension,) landscape planter separating a building or wall from a driveway or parking area.

(6) All planted areas shall be surrounded by a concrete curb six (6) inches above final grade or above asphalt level of the parking lot. However, when such planted areas lie adjacent to a concrete sidewalk, masonry wall, or a building, a raised concrete curb need not be provided in the adjacent area.

(h) Trees planted within ten (10) feet of a street, sidewalk, paved trail, or walkway shall be a deep-rooted species or shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

(i) *Planting size, spacing, and planter widths.* In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, planting spacing, and minimum planter widths (inside measurements) are as follows:

(1) *Trees.* The minimum planting size for trees for industrial, mixed-use, commercial, office, and community or civic uses shall be 15-gallon, with 25 percent of all trees on a project site planted at a minimum 24-inch box size. For industrial, mixed-use, commercial, office and community or civic uses, tree spacing within

perimeter planters along streets and abutting residential properties shall be planted no further than 25 feet on center, on average. Minimum planter widths for trees shall be between five and ten feet, consistent with the City's adopted master list of street trees and parking lot trees.

(2) *Shrubs.* Shrub planting shall be a minimum five-gallon size, with a 15-gallon minimum size required where a landscape screen (visual buffer) is conditioned by the designated approving authority (e.g., screening of headlights from drive-through aisles). The minimum planter width for shrubs is four feet.

(3) *Ground Cover.* Plants used for mass planting may be grown in flats of up to 64 plants or in individual one-gallon containers. Rooted cuttings from flats shall be planted no farther apart than 12 inches on center, and containerized woody, shrub ground cover plantings shall be planted no farther apart than 3 feet on center in order to achieve full coverage within one year. Minimum planter width for ground cover is two feet, with the exception of sod, which requires a minimum planter width of six feet.

(j) *Synthetic Turf.* Synthetic turf may be used as a substitute for natural turn for the purposes of water conservation. The use of synthetic turf on properties zoned for multi-family residential or non-residential uses shall require an administrative permit, pursuant to Article VI, Division 6. The following standards shall apply to the use and maintenance of synthetic turf.

(1) Synthetic turf shall be allowed in areas visible from a public street, park, public parking lot for non-residential developments or located within the setback areas of properties zoned R-1 or R-A.

(2) Synthetic turf shall consist of lifelike individual blades of grass that emulate real grass in look and color and have a minimum pile height of one and one-half inches.

(3) The installation of synthetic turf shall also include a proper drainage system installed underneath to prevent excess runoff or the pooling of water.

(4) Landscaping comprised of synthetic turf shall be periodically maintained to simulate the appearance of a well-maintained lawn.

(5) The use of indoor or outdoor plastic or nylon carpeting as a replacement for synthetic or natural turf shall be prohibited.

(6) Synthetic turf shall be installed in combination with natural plant materials including trees, shrubs, hedges and ground cover to enhance the overall landscape design.

(7) All landscape areas where synthetic turf is implemented shall be cleaned and maintained based on manufactures' guidelines for maintenance.

(8) The administrative permit shall be valid for up to ten years or as determined by the recommended longevity of the synthetic turf manufacturer.

(9) *Application submittal requirements.* An application for the use of synthetic turf shall include the following items:

(i) A site plan including the dimensions and details of the landscaped area, including both the proposed synthetic turf area and live plant material landscaped areas. The plan shall also describe the specific type of synthetic turf to be installed.

(ii) A sample of the synthetic turf to be implemented.

(iii) Specifications of the synthetic turf detailing including the synthetic turf materials and components, longevity of the turf.

(k) Landscape criteria for multi-family residential and mixed-use zones that include residential uses.

(1) All open areas or unused space exceeding 24 square feet resulting from the design or layout of parking spaces or accessory structures with the exception of vehicular accessways and parking areas, pedestrian walkways, and paved or covered recreational facilities, shall be landscaped and irrigated with a fully automatic system in conformance with this division. Such landscaping and irrigation shall be permanently maintained in a functional, dust free, disease free, and weed free condition.

(2) No planting area shall be less than twenty-four (24) square feet or less than three (3) feet in width (inside dimensions) with the exception of raised planter boxes around or in close proximity to buildings.

(3) A minimum of six (6) feet of the rear or side yard adjacent to single-family or multi-family residential zoning or development shall be landscaped with plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the Community Development Director or their designee, and as represented on the approved landscaping plan.

(4) Undeveloped areas proposed for future expansion shall be maintained in a weed free and dust free condition.

(5) Landscape areas, whether installed pursuant to this chapter or not, shall be maintained free of litter and diseased or dead plants. Diseased, dead, damaged and/or disfigured plants shall be replaced as deemed necessary by the Community Development Director or their designee. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this division.

(6) Landscape areas shall be maintained to ensure water efficiency and minimize water waste leading to excessive runoff, low-head drainage, overspray and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures. A regular maintenance schedule should include but not be limited to, checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas. All tree pruning shall be performed in compliance with acceptable standards as set forth by the Western Chapter international Society of Arborists.

(7) The landscaping and irrigation plan shall be approved by the Community Development Director or their designee subject to the following criteria. Landscape and irrigation plans for projects with required landscaping consisting of five thousand (5,000) square feet or more, shall be prepared by a licensed landscape architect. The Community Development Director or their designee has the right to disapprove a landscaping plan if the quantity, size, type, placement, and use of plant material do not meet the minimum requirements of this section. The Community Development Director or their designee shall also determine whether the type, size, and location of the proposed landscaping is appropriate given the scale and design of the development.

(8) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Article III, Division 5, standards for Water Efficient Landscaping, unless specifically exempted by those water efficiency provisions.

26-86 Landscape Area Requirements

(a) Landscape criteria for office, commercial, mixed-use, and industrial zones.

(1) A minimum of eight (8) percent of the total net area (net area shall be computed by excluding public streets) of the development, in all zones except the manufacturing (M-1) zone, shall be landscaped, and permanently watered with a water efficient automatic irrigation system. In the manufacturing (M-1) zone, a minimum of four (4) percent of the total net area (net area shall be computed by excluding public streets) of the development shall be landscaped, and permanently watered with a water efficient automatic irrigation system, and seventy-five (75) percent of the landscaping shall be within fifty (50) feet of a public street.

(2) Approximately one-half of such landscaped area shall be generally distributed throughout the parking lot with the remainder as planted areas around buildings, peripheral planters around the site, parkways, street tree wells and other locations as deemed appropriate by the Community Development Director or their designee. The Community Development Director or their designee shall also determine whether the type, size, and location of the proposed landscaping is appropriate given the scale and design of the development.

(3) No planting area shall be less than twenty-four (24) square feet or less than three (3) feet in width (inside dimensions) with the exception of raised planter boxes around or in close proximity to buildings.

(4) A minimum of six (6) feet of either the rear or side yard adjacent to single-family or multi-family residential zoning or development shall be landscaped with specimen plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the Community Development Director or their designee, and as represented on the approved landscaping plan.

(5) Undeveloped areas proposed for future expansion shall be maintained in a weed free and dust free condition.

(6) All landscaping referred to in this section shall be maintained in a neat orderly fashion and free of debris.

(7) The landscaping and irrigation plan shall be approved by the Community Development Director or their designee in compliance with the provisions of this division. Landscape and irrigation plans or projects with required landscaping consisting of two thousand five hundred (2,500) square feet or more, shall be prepared by a licensed landscape architect. The Community Development Director or their designee has the right to disapprove a landscaping plan if the quantity, size, type, placement and use of plant material do not meet the minimum requirements of this division, Planning Commission guidelines for water efficient landscaping.

(b) Existing/established landscapes

(1) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Article III, Division 5 of this Code, and the Planning Commission guidelines for water efficient landscaping, unless specifically exempted by those water efficiency provisions.

26-87 Maintenance

In addition to any other provisions of this Development Code, the following requirements apply to all residential zones:

(a) All landscaped areas shall be maintained in a healthy and growing condition and shall receive routine pruning, fertilizing, mowing, and trimming.

(b) All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and necessary cleaning as part of routine maintenance.

(c) All landscape areas shall be kept free of weeds and debris.

(d) If a property proposed for mixed-use, commercial or industrial use, maintenance of any landscaping between the curb of any street abutting the property and the property line shall be the responsibility of the owner of that property.

DIVISION 6 PARKING AND LOADING [NEW – COMBINED AND CONSOLIDATED EX. PARKING STANDARDS FOR MULTIFAMILY, SINGLE-FAMILY, MIXED-USE, AND COMMERCIAL ZONES]

26-88 Purpose and Applicability

(a) The purpose of this division is to establish parking, loading and bicycle standards and regulations to provide for safe, attractive, and convenient parking areas and ensure that parking areas are compatible with surrounding and uses.

(b) Applicability.

(1) Off-street parking shall be provided for both vehicles and bicycles per the requirements of the Development Code for the following applications:

(i) New development.

(ii) Building additions.

(iii) Temporary uses.

(iv) Changes in land uses.

(2) In all situations where additional vehicular parking spaces are required, all existing and proposed handicapped parking spaces shall be located on site shall be marked and striped in accordance with the State of California Building Standards Code, Title 24 of the California Code of Regulations.

(3) All parking spaces shall be independently accessible, with the exception of tandem spaces as permitted in the standards below.

26-89 General Provisions

(a) Vehicles in R-A and R-1 zones. **[EX. SECTION 26-392]**

(1) *Commercial vehicles.* It shall be unlawful to park or store any commercial vehicles, trailers, or other related equipment. The provisions of this subparagraph (1) do not apply to passenger vehicles, pickup trucks, passenger or cargo vans, or recreational vehicles.

(2) *Allowed parking area.* For residentially zoned lots developed with a single-family residence, allowed parking areas, in addition to a permitted garage or carport, are:

(i) Allowed paved areas of the front yard and paved areas of the unscreened street side yard as defined in subsection 26-46.

(ii) Areas of interior side, street side, as defined in subsection 26-46, or rear yards which are fully screened by solid six-foot fences or walls and/or view-obscuring landscaping, except within five (5) feet of the rear property line.

(iii) Public sidewalks and paved areas of a public parkway are not considered allowed parking areas.

(3) *Parking of recreational vehicles, recreational equipment and trailers, and utility trailers within side and rear yards.* Recreational vehicles, recreational equipment and trailers, and utility trailers may be parked in fully-screened side or rear yard areas as set forth in subsection (2)(ii).

(4) Parking of recreational vehicles, recreational equipment and trailers, and utility trailers in the front yard or unscreened street side yard.

(i) Under no circumstance may utility trailers be parked in the front yard or unscreened street side yard.

(ii) Campers and camper shells placed on the ground or otherwise not properly mounted on a pickup or other truck may not be stored in the front yard or unscreened street side yard.

(iii) Vehicles must be registered to the permanent resident of the property and registered to the property address.

(iv) Vehicles shall be maintained in proper condition. Vehicles stored or maintained in one (1) or more of the following conditions shall be deemed to be in violation of this standard:

a) Vehicles with damaged or broken windows or doors, or damaged or torn screens or shades.

b) Vehicles that are covered with tarps or other covers which are deteriorating or torn.

c) Vehicles with damaged or broken parts, including, but not limited to, tow bars, mirrors, light shields, bumpers, tanks, ladders, soft top cover for popups, luggage compartment doors, air handling units, and luggage racks.

d) Vehicles with any peeling, blistering, rusting, or otherwise deteriorating exterior surface.

e) Vehicles with open awnings, open slide-outs, and open popups.

(v) In addition to other applicable standards, vehicles may not be parked closer than a distance of five (5) feet from the curb face or the edge of the street pavement, if no curb exists.

(vi) In no case shall the parking of a motor home, accessory recreational vehicle, or recreational equipment and trailer in a location other than the primary driveway block the use of the primary driveway or access to the garage or carport by other vehicles.

(vii) One (1) motor home or accessory recreational vehicle may be parked on the side pad, circular drive, or other allowed parking areas that are not part of the primary driveway leading directly to a garage or carport without the approval of an administrative permit.

(viii) Motor homes, accessory recreational vehicles, and recreational equipment and trailers, up to an overall total of two (2) such vehicles, may be parked in any allowed parking area, subject to the approval of an administrative permit pursuant to the provisions of section Article VI, Division 6, and further pursuant to the provisions of subsection (e) below. A first motor home or accessory recreational vehicle permitted to be parked pursuant to subsection (8) above shall be included in the total of two (2) vehicles.

(5) *Administrative permit.* The approval of an administrative permit for the parking of motor homes, accessory recreational vehicles, and recreational equipment and trailers pursuant to subsection (4) (viii) above shall be subject to the following:

(i) The parking of vehicles shall comply with all requirements of subsection 26-89(a)(4).

(ii) The administrative permit shall be valid only for the specific vehicle(s) identified in the permit. Approval to park any new or replacement vehicle(s) shall require a separate administrative permit.

(iii) An administrative permit to park recreational equipment and/or trailers may only be approved in cases where no other suitable parking area exists in a garage, carport, or side or rear yard, as determined by the Community Development Director or their designee. Grounds for the inability to use the side or rear yard shall include the inability to provide appropriate access to said yards and/or inadequate area. Grounds for the inability to use a garage or carport shall include inadequate size and dimensions. The parking of other vehicles or the storage of other goods and equipment shall not constitute grounds for the inability to use a garage or carport.

(iv) An administrative permit to park vehicles in the primary driveway may only be approved in cases where no other suitable parking area exists outside of the primary driveway and the installation of such suitable parking area is not possible or practicable given topography, lot size or configuration, or other existing improvements on the lot, as determined by the Community Development Director or their designee.

(v) The administrative permit may prescribe a specific area or location where the vehicle must be parked in the front yard.

(vi) Parking of motor homes, accessory recreational vehicles, and/or recreational equipment and trailers shall not be allowed in the primary driveway if the subject lot does not have a garage and/or carport.

(vii) Findings. Before an application for an administrative permit may be granted, the following findings shall be made:

a) The manner and location proposed for the parking of vehicles is sensitive to visibility from and adverse aesthetic impacts to surrounding properties.

b) The manner and location proposed for the parking of vehicles is sensitive to the safety and convenience of pedestrians and motorists.

c) The proposed parking of vehicles will not unreasonably infringe upon the use and enjoyment of adjoining properties.

d) In the case of an application for parking of recreational equipment and trailers, no other suitable parking area exists in a garage, carport, or side or rear yard.

e) In the case of an application for parking of vehicles in the primary driveway, no other suitable parking area exists outside of the primary driveway and the installation of such suitable parking area is not possible or practicable given topography, lot size or configuration, or other existing improvements on the lot.

(6) *Inoperable vehicles.* It shall be unlawful to park or store any inoperable vehicle in any front yard, or any other yard where not screened from all off-site ground-level views, for more than 72 hours. Up to two (2) inoperable vehicles may be parked for any length of time in an enclosed garage or the rear or side yards where such yards are completely enclosed with six-foot solid walls or fences.

(7) Auto repair and service.

(i) It shall be unlawful to service or repair any vehicle, inoperable or not, whether or not registered to the occupant of the property, or otherwise belonging to him/her, except completely within the garage, carport, or on the primary driveway. Only one (1) vehicle at a time may be serviced or repaired on the primary driveway or in a carport per residential lot.

(ii) Notwithstanding subsection (5)(i), it shall be unlawful to conduct more than (2) incidents of repair or service within a thirty-day period on vehicles not registered or otherwise belonging to the occupant(s) of the property on which the repair or service is taking place. An incident shall include all repair or service activities occurring within a seventy-two-hour period. This section shall not apply to an incident of repair or service required by an emergency.

(iii) An incident of repair or service under subsections (5)(i) and (ii) shall be allowed only if the repair or service is conducted between 8:00 a.m. and 10:00 p.m., noise levels created do not exceed the ambient noise level by more than five (5) decibels at the property line, and the repair or service complies with applicable environmental, health and safety codes and regulations. Further, use of power tools (pneumatic or electrical) shall not be permitted beyond the hour of 8:00 p.m.

(iv) No tools, motor vehicle parts, supplies, or equipment used for automobile repair and service shall be left, stored or maintained outdoors in a location that is readily visible from a public right-of-way or an adjoining property upon any overnight interruption or cessation of repair work.

(v) All fluids, liquids and oil or other petroleum products that are taken out of a motor vehicle or used in conjunction with any repair work shall be disposed of in a lawful manner. In no instance shall these products or substances be allowed to drain or spill onto adjoining property or into the public right-of-way, storm drain, plumbing system or sewer system.

(vi) Hydraulic vehicular lifts and/or similar types of mechanical or hydraulic equipment (as determined by the Community Development Director or their designee) are prohibited from being installed, kept, stored, maintained or otherwise used for conducting automotive repair or storing of vehicles.

(8) Operations of vehicles on private property. The following shall apply:

(i) It shall be unlawful to operate any motor vehicle (as defined in Section 415 of the Vehicle Code of the State of California) upon the private property of another without first obtaining the written permission of said owner.

(ii) Persons who obtain permission from private property owners to operate motor vehicles thereon shall maintain in their possession such written permission at all times when operating motor vehicles on said private property.

(iii) This subsection in no way prohibits the use of such private property by:

a) Emergency vehicles.

b) Vehicles of commerce in the course of the conduct of normal business.

c) Vehicles being operated on property devoted to commercial purposes where the general public is expressly or implicitly invited to such property.

d) Vehicles operated on property actually used for residential purposes and where such vehicle is there at the express or implicit invitation of the owner or occupant.

(9) *Use of vehicles as living quarters.* It shall be unlawful to use or allow to be used any motor home, accessory recreational vehicle, or similar type trailer as a living quarters. For purposes of this subsection living quarters shall mean occupying the vehicle for the purpose of living, eating, cooking, or sleeping on a permanent basis in a manner similar to the occupancy of a dwelling unit. No plumbing or electrical permits shall be issued for the purposes of serving a motor home, accessory recreational vehicle of similar type of trailer on a single-family property. A permit to use a motor home, accessory recreational vehicle, or similar type trailer, as temporary habitation shall be allowed under the following conditions:

(i) An administrative permit shall be obtained from the planning division.

(ii) Permits shall be granted for a maximum total of 15 days in a calendar year at a property with a habitable single-family residence.

(10) *Public nuisance.* It shall be declared unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any residential property in the City to allow the existence of any violation of this section.

(b) Vehicles in multi-family residential and mixed-use zones. **[EX. SECTION 26-438]**

(1) *Commercial vehicles.* It shall be unlawful to park or store any commercial vehicles, trailers or other related equipment. The provisions of this subparagraph (a) do not apply to passenger vehicles, pickup trucks, passenger or cargo vans, or recreational vehicles.

(2) *Utility trailers and accessory recreational vehicles.* Utility trailers and accessory recreational vehicles may be parked in enclosed parking areas only.

(3) *Inoperable vehicles.* No more than one (1) inoperable vehicle may be kept on-site per dwelling unit for no more than 72 hours. If so kept, an inoperable vehicle must be fully within a garage, carport, or other approved covered or enclosed parking space.

(4) Auto repair and service.

(i) It shall be unlawful to service or repair any vehicle, inoperable or not, whether or not registered to an occupant of the property, or otherwise belonging to him/her, except completely within the garage, carport, or other approved parking space. Only one (1) vehicle at a time may be repaired or serviced in a carport or approved parking space per dwelling unit.

(ii) Notwithstanding subparagraph (4)(i), it shall be unlawful to conduct more than two (2) incidents of repair or service within a thirty-day period on vehicles not registered or otherwise belonging to the occupant(s) of the property on which the repair or service is taking place. An incident shall include all repair or service activities occurring within a seventy-two-consecutive-hour period. This section shall not apply to incidents of repair or service required by an “emergency.”

(iii) An incident of repair or service under subsections (4)(i) and (ii) shall be allowed only if the repair or service is conducted between 8:00 a.m. and 10:00 p.m., noise levels created do not exceed the ambient noise level by more than five (5) decibels at the property line, and the repair or service complies with applicable environmental, health, and safety codes and regulations. Further, use of power tools (pneumatic or electric) shall not be permitted beyond the hour of 8:00 p.m.

(5) *Public nuisance.* It shall be declared unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any residential property in the City to allow the existence of any violation of this section.

(i) No tools, motor vehicle parts, supplies, or equipment used for automobile repair and service shall be left, stored or maintained outdoors in a location that is readily visible from a public right-of-way or an adjoining property upon any overnight interruption or cessation of repair work.

(ii) All fluids, liquids and oil or other petroleum products that are taken out of a motor vehicle or used in conjunction with any repair work shall be disposed of in a lawful manner. In no instance shall these products or substances be allowed to drain or spill onto adjoining property or into the public right-of-way, storm drain, plumbing system or sewer system.

(iii) Hydraulic vehicular lifts and/or similar types of mechanical or hydraulic equipment (as determined by the Community Development Director or their designee) are prohibited from being installed, kept, stored, maintained or otherwise used for conducting automotive repair or storing of vehicles.

(c) Off-street parking standards for commercial, office and industrial zones **[EX. SECTION 26-581]**

(1) *Generally:* All parking areas in nonresidential zones shall conform to the requirements set forth in Planning Commission Resolution No. 2513 and Article III, Division 6.

(2) *Location:* Off-street parking facilities shall be located as specified hereinafter, and shall also comply with Article III, Division 6. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building entrance that such facilities are required to serve:

(i) For hospitals, homes for the aged, orphanages, and other similar uses, not more than 300 feet from the building they are required to serve; and

(ii) For uses other than those specified above not over three hundred (300) feet from the building they are required to serve.

(iii) Off-street parking facilities at greater distances than specified above may be permitted subject to the approval of a conditional use permit as set forth in Article VI of this chapter.

(3) *Mixed occupancies:* In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use in section 26-92.

(4) *Uses not specified:* Where the parking requirements for a use is not specifically defined herein, the parking requirements for such use shall be determined by the Community Development Director, or their designee, in the manner set forth in Article I, Division 2 of this chapter, and such determination shall be based upon the requirements for the most comparable use specified herein.

(5) *Minor parking reduction:* The Community Development Director or their designee may, upon application of an administrative use permit by the owner or lessee of any property, authorize a five (5) percent reduction of the number of spaces required by section 26-90, based on quantitative information (e.g., parking survey of the site, documentation of customer frequency, etc.) documents the need for fewer spaces.

26-90 Number of Parking Space Required and Parking Design Standards [EX. SECTION 26-582]

(a) Number of Parking Spaces Required

Table 3-2 Number of Parking Spaces Required

Land Use Type	Vehicle
General Business	
All business financial and professional service uses, except uses listed below.	1 space for each 250 sf of gfa of leasable area or as required by CUP
Automobile, boat, trailer sales or rental; retail nurseries, lumber yards, other open uses	1 space for each 1,000 sf of gfa devoted to display or as required by CUP.
Automobile service stations	1 space for each two employees (minimum of 2 spaces), plus 1 space for each service bay or as required by CUP.
Adult day care services	1 space per employee and 1 additional space per 10 clients or as required by CUP
Automated teller machines	2 spaces for each machine or as required by CUP.
Bars, taverns, and similar uses	1 space for each 50 sf of gfa seating and waiting areas or as required by CUP.
Billiard parlors	1 space for each billiard table, plus 1 space for each employee or as required by CUP.
Boarding house	1 space for each unit.
Bowling alley	5 spaces for each alley or as required by CUP.
Business, general retail, personal service	1 space for each 250 sf of gfa or as required by CUP.
Clubs, fraternal organizations, etc.	1 space for each 2 beds, plus 1 space for each 40 sf of assembly area or as required by CUP.
Convalescent homes	1 space for each 2 beds or as required by CUP.
Construction and heavy equipment sales, including equipment rental	1 space for each 300 sf of gfa of display area and an additional space for each 1,000 square feet of outdoor display area.
Furniture, appliance / equipment sales.	1 space for each 300 sf of gfa of display area or as required by CUP.
Gasoline sales	1 space for each gasoline pump, plus 1 space per employees plus additional parking requirements for each ancillary use.
Hospitals and sanitariums	1.5 spaces for each .75 beds (2 spaces per bed).
Medical and Dental Office	1 space for each 250~~150~~ sf of gfa, or as required by CUP.
Motels and hotels, including B&B inns	1 space for each room or as required by CUP.
Mortuaries, funeral home	1 space for each 4 seats in assembly area and 1 space per employee or as required by CUP.
Office	1 space for each 300 sf of gfa for buildings under 20,000 sf or 350 sf of gfa for buildings 20,000 sf or more.
Orphanage and rest home	1 space for each 3 beds or as required by CUP.
Recreational vehicle, boat, or motor-home sales	1 space per 450 sf of gfa of building area or as required by CUP.
Restaurant, greater than 2,500 square feet (permanent seating, drive-in, drive-through) and cocktail lounges	1 space for every 100 square feet of GFA, plus ~~1 space for every 3.5 permanent seats, and~~ 1 space per 150 square feet of gfa of ~~1 space for every 5 seats of~~ outdoor customer dining area in excess of 500 square feet. For outdoor customer dining area, no parking spaces are required for the first 500 square feet or as required by CUP.

Land Use Type	Vehicle
Restaurant, 2,500 square feet or less (permanent seating,) and cocktail lounges[1]	1 space for each 250 sf of gfa of leasable area or as required by CUP or as required by CUP.
Shopping centers	1 space for each 250 sf of gfa of gross leasable area or as required by CUP.
Theaters, skating rinks, other places of public assembly	1 space for every 3 seats, plus 1 space for every 40 sf of assembly area not occupied by seats or as required by CUP.
Veterinary clinics, including animal boarding and kennels.	1 space for each 350 sf of gfa and 1 additional space for each 1,250 sf of gfa of boarding area or as required by CUP.
Warehouse	1 space for each 400 sf of gfa or as required by CUP.

Land Use Type	Vehicle
Industrial, Manufacturing and Processing, Wholesale	
Brewery, distillery with or without tasting or tap rooms	1.55 spaces per 1,000 sf of gfa which may include a maximum of 10% office space, plus if the percentages of office space exceed 10% of the gfa, 4 spaces per 1,000 sf of gfa in excess of 10%. Tasting or taprooms and outside patios: 17 spaces per 1,000 sf of gfa.
Computer game/internet access center	1 space for each 5 machines, plus 1 space for each 5 spaces in waiting area or as required by CUP.
Industrial, manufacturing / Processing, wholesale uses less than 50,000 sf.	1 space for each 350 sf of gfa, or as determined by CUP. Gross floor area may include any ancillary uses including offices or as required by CUP.
Industrial, manufacturing / Processing, wholesale uses greater than 50,000 sf.	1 space for each 700 sf of gfa, or as determined by CUP. Gross floor area may include any ancillary uses including offices or as required by CUP.
Laboratory, research and development	1 space for each 300 sf of gfa. plus 1 space for each company vehicle.
Recycling facility	1 space for each 1,000 sf of gfa, or as determined by CUP. The gfa may include ancillary uses including office space or as required by CUP.
Self-storage facilities	A minimum of 5 parking spaces for customers and 2 additional spaces for on-site management or as required by CUP.
Wholesale and warehouse distribution.	1 space for each 1,000 sf of gfa or as determined by CUP. The gfa may include ancillary uses including office space.
Adult entertainment	1 space for each 250 sf of gfa, or as determined by CUP or as required by CUP.
Commercial recreation facility	1 space for each 250 sf of gfa or as required by CUP.
Conference, convention facility	1 space for each 4 seats or 1 space for every 50 sf of gfa. of assembly area or meeting rooms, whichever is greater or as required by CUP.
Fitness facility or health club	1 space for each 250 sf of gfa, not including areas devoted to courts, plus 2 spaces for athletic courts or as required by CUP or AP.
Library, museum	1 space for each 300 sf of gfa and 1 space for associated vehicles or as required by CUP.
Schools	
Elementary schools	1 space for each employee or as required by CUP.
Junior high	1 space for each employee, plus 1 space for each 20-50 students or as required by CUP.
High school	1 space for each employee, plus 1 space for each 5 students or as required by CUP.
Colleges, business schools, trade schools, and similar uses	1 space for each 2 employees, plus 1 for each 2 students or as required by CUP.
Sports and entertainment assembly facilities	1 space for each 4 seats or 1 space for every 50 sf of gfa. of assembly area or meeting rooms, whichever is greater or as required by CUP.
Studios including art, dance, martial arts, music, educational, etc.	1 space per 200 sf of gfa or as required by CUP.

Land Use Type	Vehicle
Theatre, auditorium, religious facilities	1 space for each 4 seats or 1 space for every 50 sf of gfa of assembly area or meeting room, whichever is greater or as required by CUP.
Residential Uses	
Child day care centers	1 space per employee, plus 1 additional space per 10 children or as required by CUP.
Child day care; large family day care homes.	Same as single-family or multi-family dwelling, or as required by State license or as required by CUP.
Child day care – small day care home	Same as single-family or multi-family dwelling, or as required by State license or as required by CUP.
Condominiums	2 spaces for each unit, plus 1 guest space for each 4 units or as required by CUP.
Emergency shelters	1 space per four beds and/or .5 per bedroom, plus 1 parking space per staff member or as required by CUP.
Fraternity, Sorority, dormitory	1 space per bed.
Live/work units	2 spaces, plus 1 guest space for each 2 units.
Multi-family dwelling (non-condominium)	2 spaces for each unit, plus 1 guest space for each 4 units.
Multi-family, mixed-use	One (1) covered parking space per studio unit; One and a half (1.5) covered spaces per 1-bedroom unit; Two (2) spaces covered per 2-bedroom or larger unit; and 1 guest space for each 4 units.
~~Residential care~~ Group home / facilities, and other special group residences	**Six or fewer residents:** See single-family dwelling parking. **Seven or more residents:** 1 space for each 2 residential units and an additional 1 space for guests and employees.
Single-family dwelling	Four or fewer bedrooms: 4 spaces, 2 of which shall be enclosed within a garage; Greater than four bedrooms: one additional garage space shall be required for every two additional bedrooms exceeding the fourth bedroom.
Senior housing	(A) 0 to 1 bedroom: 1 onsite parking space. (B) 2 to 3 bedrooms: 1.5 parking spaces. (C) 4 bedrooms or more: 2.5 parking spaces. (D) or as required by CUP.
Notes: [1] Restaurants less than 2,500 square feet in gfa and located within a multi-tenant parking center may provide parking at the general retain parking rate. *gfa* refers to gross floor area.	

(b) Vehicle parking standards

(1) Off-Street parking standards for R-A and R-1 zones. **[EX. SECTION 26-402]**

(i) Each single-family dwelling shall provide four (4) accessible off-street parking spaces for each dwelling unit. A minimum of two (2) spaces shall be enclosed on three (3) sides and roofed.

(ii) For single-family dwellings with a gross floor area (exclusive of garages) of four thousand five hundred (4,500) square feet or greater or with five (5) or more bedrooms a minimum of the three (3) off-street parking spaces located within an enclosed garage is required. Tandem parking may be permissible for the purpose of providing the three (3) required parking spaces provided tandem parking is limited to not more than one (1) vehicle behind

another and a minimum of two (2) parking spaces are provided side-by-side at the garage entrance. Legal nonconforming covered parking spaces that do not fully meet these requirements may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming covered parking spaces were legally established and maintained. The requirements of this section shall apply to new construction and the expansion of existing single-family dwellings.

(iii) When a carport is not readily visible from the street, the City may determine that six-foot or higher masonry walls around the perimeter of the property (or other view-obscuring physical or topographical features) constitute enclosure.

(iv) All covered parking spaces shall be enclosed on three (3) sides and roofed unless a carport is not readily visible from the street, the City may determine that six-foot or higher masonry walls around the perimeter of the property (or other view-obscuring physical or topographical features) constitute enclosure. Porte cocheres may be allowed when visible from the street if the architectural style and materials are consistent with the house, subject to the review and approval of the planning director.

(v) Garages and carport shall have a minimum interior clear width and depth of twenty (20) feet between columns or walls. Three-car garages shall have a minimum interior clear width of thirty (30) feet and depth of twenty (20) feet. In cases where a tandem parking space is proposed to comply with a required three-car garage, a minimum of two (2) parking spaces shall be provided side-by-side at the garage entrance and a minimum of ten (10) feet by twenty (20) feet shall be provided behind. Unless otherwise approved in advance by the community development director in writing, placement of garage doors shall be centered between columns or walls. Access to such parking shall be paved, not less than twelve (12) feet in width, nor wider than the garage or carport, except as modified in 26-46(c). The balance of the required spaces, if uncovered, shall have minimum dimensions of eight (8) feet by sixteen (16) feet.

a) In the case where an expansion to the existing single-family structure exceeds three hundred (300) square feet, a new garage or carport conforming to the provisions regulating width and depth in subsection (v) of this section shall be required. If the property is developed with an existing two-car garage or carport, the existing garage or carport shall be maintained. In addition, compliance with the provisions regulating the number of required off-street parking spaces in subsection (i) and any front, side and rear yards as regulated by this article shall be required.

(vi) Garages or carports opening towards a side street shall be set back a minimum of twenty-two (22) feet from the property line.

(vii) In addition to the minimum number of off-street parking spaces required for each dwelling unit, additional off-street parking space(s) shall be required on the basis of dwelling unit size according to the following schedule:

Table 3-3 Additional Required Parking Spaces

Gross Unit Size (Sq. Ft.) (Exclusive of Garages)	Additional Number of Required Parking Spaces
4,000 – 5,499	1
5,500 – 7,000	2
7,001 – 8,000	3
8,001+	As per an approved CUP or maximum unit size exception

(viii) Said additional parking space(s) may, but need not be provided in a carport or garage. The minimum required dimensions for uncovered parking spaces shall be eight (8) feet by sixteen (16) feet.

(ix) Garages which are intended to accommodate four (4) or more cars shall not open to any public street, unless designed as a subterranean garage.

(x) A minimum unobstructed vehicular maneuvering distance of twenty-five (25) feet measured from the opening of the garage or carport shall be provided, except as otherwise permitted in this section.

Minor design modifications may be approved, due to the uniqueness of the property as determined by the planning director.

(2) Off-street parking standards for multi-family residential zones (Mf-8, MF-15, MF-20, and MF-45) **[EX. SECTION 26-506]**

(i) Condominiums:

a) Carports shall not be permitted.

b) There shall be two (2) parking spaces provided for each dwelling at a minimum size of ten (10) by twenty (20) feet per space. The required parking shall be provided in a garage or garages. Location of parking spaces shall be within sixty (60) feet of the dwelling unit.

c) Guest parking shall be provided one (1) space for every four (4) dwelling units. The spaces need not be enclosed. The guest parking shall be located within one hundred fifty (150) feet of the units and dispersed throughout the development.

(ii) In Multi-Family dwellings (non-condominium)

a) There shall be two (2) parking spaces provided for each dwelling unit, at least one (1) of which shall be enclosed on three (3) sides and roofed. An additional ten (10) percent of the required parking spaces shall be provided for guest parking, shall be labeled "Guest Parking Only," and shall be dispersed throughout the development. Covered and uncovered spaces shall be permanently maintained for required parking and guest parking spaces shall not be used for storage of boats, campers, or recreation vehicles.

b) Each covered parking space shall be at least ten (10) feet wide by twenty (20) feet long except individual garages shall be at least eleven (11) feet wide and twenty (20) feet long. Garage doors shall be at least ten (10) feet wide.

c) Parking areas shall be evenly distributed throughout the development and no dwelling unit shall be located more than two hundred (200) feet from its assigned parking area.

d) All covered spaces shall be enclosed on three (3) sides. However, if the spaces are built in combinations of two (2) or more, only the rear and the two (2) ends need be enclosed. Design and material shall be architecturally compatible with the main structures.

(iii) In Multi-Family dwellings (including condominiums):

a) Each uncovered space shall be at least nine (9) feet wide and twenty (20) feet long.

b) Covered or uncovered spaces, when adjacent to walls shall be at least eleven (11) feet wide, twelve (12) feet where the wall extends beyond the space. Three-car garages are exempt from this requirement.

c) No off-street parking shall be permitted within any front or side yard setback area when adjacent to a street.

d) Garages or carports (carports prohibited in MF-8 zone) may be located within the side or rear yard setbacks except when side or rear yards abut a public street. In no case, however, may a garage or carport be constructed within twenty (20) feet of any side or rear street or twenty-five (25) feet of any front street in MF-8, MF-15 or MF-20 zones and fifteen (15) feet from any street in MF-45 zone.

e) No carport or garage shall open directly upon a public street.

f) Required parking and guest parking shall be maintained permanently.

g) All parking areas shall conform to Planning Commission Resolution No. 2513.

26-91 Bicycle Parking Standards *NEW*

Bicycle Parking facilities shall be provided in the following manner:

(a) Number of spaces required.

Table 3-4 Bicycle Parking Spaces Required

Land Use	Short-term/Visitor Bicycle Parking	Long-Term Employee or Resident Bicycle Parking
Non-Residential	If the new project or an addition or alteration is anticipated to generate visitor traffic, provide 5 percent of new motorized vehicle parking spaces being added, with a minimum of 1 two-bike capacity rack.	For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking spaces for 5 percent of the tenant-occupant vehicular parking spaces, with a minimum of 1 bicycle parking space.
Emergency Shelters	1 space for each 5 beds.	

(b) Bicycle parking design. Bicycle parking areas shall be designed and provided in the following manner:

(1) Parking racks. Each bicycle parking space shall include a stationary parking device to adequately support the bicycle.

(2) Parking layout.

(i) Aisles. Access to *bicycle* parking spaces shall be at least four feet in width.

(ii) Storage Space Design.

a) Horizontal Storage. Each horizontal bicycle space shall be designed to maintain a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance.

b) Vertical Storage. Each vertical or wall-mounted bicycle space shall be designed to maintain a minimum of three feet six inches in length per space (this may overlap with tandem-mounted orientations) with a minimum of seven feet of floor to ceiling height.

(iii) Bicycle parking location.

a) Long-Term *Bicycle* Parking. *Bicycle* spaces shall be located on the ground floor or first level of a parking structure/garage of a building in a secured location (i.e within in-unit bike storage, indoor or outdoor bike lockers, exterior storage rooms) within proximity to the main entrance of the building and shall not interfere with pedestrian access. There shall be a minimum lighting level of one foot-candle for all outdoor bicycle racks.

b) Short-Term/Visitor *Bicycle* Parking. Visitor bicycle parking spaces shall be located in well-lit and convenient areas on private property within 50 feet of the main entrance to the building. There shall be a minimum lighting level of one foot-candle for all outdoor bicycle racks.

c) For existing buildings and changes of use where the Community Development Director or their designee determines existing site constraints prohibit locating short term *bicycle* parking on-site, the applicant may satisfy the requirement by paying the City an established cost of an appropriately sized *bicycle* rack for providing the short-term parking within the public right-of-way.

d) Security. Long-Term bicycle parking shall be secured as follows:

1) An enclosed locker for individual bicycles; or

2) An enclosed locked bicycle storage area with bicycle racks within; or

3) A rack or stand inside the ground floor of a building that is within view of an attendant or security guard.

(iv) Relationship to Motor Vehicle Parking. Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.

(v) Surfacing. The surface of bicycle parking areas shall be subject to approval of the Planning and Development Services Director.

(c) Signs. Where short-term bicycle parking areas are not clearly visible to approaching cyclists, signs shall be provided to indicate the locations of the facilities.

(d) Interior Parking Spaces. Square footage dedicated to interior bicycle parking shall not be included in the gross floor area for calculating the parking requirement.

(e) The Community Development Director or their designee may approve a modified bicycle parking plan that allows for changes to required location, layout, and number of spaces if a finding is made that special circumstances preclude full compliance with the bicycle parking requirements.

26-92 Reduction of Parking Requirements and Joint Use Parking [EX. SECTION 26-581]

The number of parking spaces specified for a new development and/or use is established in section 26-90. This section establishes alternatives to providing required on-site parking subject to specific requirements. These include in order of importance allowing for shared parking, providing parking off-site, or reductions in the overall required number of parking spaces.

(a) *Joint Use/shared parking.* To encourage efficient use of parking spaces and consistency with best design practices, the total parking requirements for conjunctive uses shall be based on the number of spaces adequate to meet various needs of the individual uses operating during the peak parking period.

(1) The Planning Commission may, upon application by the owner or lessee of any property for a conditional use permit as set forth in Article VI of this chapter, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

(i) Up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by a use considered to be primarily a nighttime and/or Sunday use; up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a nighttime use may be provided by a use considered to be primarily a daytime use, provided that such reciprocal parking area shall be subject to conditions as set forth in subparagraph (iv) below.

(ii) Up to one hundred (100) percent of the parking facilities required by this article for a church or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily daytime use, provided that such reciprocal parking area shall be subject to conditions set forth in subparagraph (iv) below.

(iii) The following are typical daytime uses: Banks, business and financial offices, manufacturing uses. The following uses are typical nighttime and/or Sunday uses: Auditoriums, incidental to a public or parochial school, churches, dance halls Restaurants, retail and theaters.

(iv) Conditions required for joint use:

a) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within three hundred (300) feet of such parking facilities.

b) The applicant shall show that there is no substantial conflict in the principal operating hours for the buildings or uses for which the joint use of off-street parking facilities is proposed.

c) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this chapter, shall be recorded in the office of the county recorder and copies thereof filed with the building, planning, and engineering divisions.

(2) *Conditional use permit for shared parking.* A conditional use permit may be approved for shared parking facilities service multiple uses on a site or serving more than one property. The use permit may allow for a reduction of the total number of spaces required by this article if the following findings are made:

(i) The peak hours of parking demand from all uses do not coincide so that peak demand will not be greater than the parking provided.

(ii) The efficiency of parking will equal or exceed the level that can be expected if parking for each use were provided separately.

(3) *Common facilities:* The planning commission may, upon application by the owner or lessee of any property for a conditional use permit as set forth in Article VI of this chapter, authorize common parking facilities. Common parking facilities shall include size, shape, and relationship to business sites to be served. Only calculated parking required may be reduced by up to the percentages provided below as approved by the planning commission.

(i) When any such common facility is to occupy a site of five thousand (5,000) square feet or more, then the parking requirements as specified herein for each of two (2) or more participating buildings or uses may be reduced not more than fifteen (15) percent.

(ii) When any such common facility is to occupy a site of seventy-five thousand (75,000) square feet or more, then the parking requirements as specified herein for each of two (2) or more participating buildings or uses may be reduced not more than twenty (20) percent.

(4) *Required improvement and maintenance of parking areas and used car sales areas:* Every lot or parcel of land used as a public or private parking area and having a capacity of five (5) or more vehicles, or car sales area, shall be developed and maintained in accordance with the requirements as established from time to time by resolution of the planning commission.

(5) *Comprehensive planned facilities (parking districts):* Areas may be exempted from the parking requirements as otherwise set up in this article, provided:

(i) Such area shall be accurately defined by the Planning Commission in the manner prescribed for conditional uses in Article VI of this chapter.

(ii) No such district may be established and exempted from the provisions of 26-90, unless sixty (60) percent or more of all record lots comprising such proposed district are devoted to uses first permitted in a Commercial or Manufacturing Zone.

(iii) Before such defined district shall be exempt as provided in this section, active proceedings under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities which will reasonably serve the entire district.

(6) M*ultiple story parking:* Multiple story parking shall be permitted within an above-grade or underground structure, or combination thereof.

(7) *Parking or storage of commercial vehicles restricted:* It shall be unlawful to park any commercial vehicle on property which is zoned for commercial purposes except in a space which is reserved for that purpose in the parking facility required to be maintained in connection with such commercial use.

(8) *Shared parking agreement.* A written agreement between the landowners, and in some cases the City, that runs with the land shall be filed, in a form satisfactory to the Community Development Director and include:

(i) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking without application for approval of an amended use permit.

(ii) A reciprocal grant of nonexclusive license among the business operator(s) and landowner(s) for access to and use of the shared parking facilities.

(iii) Prior to the issuance of any certificates of occupancy, evidence that the agreement has been recorded at the County Assessor's Office shall be provided to the Planning Department.

(b) *Mixed- use parking.* All mixed-use projects shall include a parking study prepared by a qualified traffic or parking consultant. The study shall demonstrate how the proposed land uses utilize the parking spaces that are required by section 26-80. Parking studies are subject to review and acceptance by the Community Development Director.

(1) The parking study shall include a discussion of the following options or a reduction of required parking, including but not limited to:

(i) Shared parking that may be provided in accordance with 26-92(a).

(ii) State density bonus that may be provided in accordance with Article 4, Division 3.

(iii) Tandem parking that may be counted toward the required parking calculation.

(2) The parking study shall include a parking management plan, that the City require the developer, management and/or owner of the developments to implement, which shall contain the following provisions including, but not limited to:

(i) Periodic evaluation of the parking management plan to ensure that it continues to address any parking issues on and of site and that on and off-site conditions are consistent with the analysis of the parking study;

(ii) Monitoring with periodic inspections by the property owner, property owners' association, or property management to ensure that all parking areas are used exclusively for that purpose. These inspections may occur jointly with the City at the discretion of the City;

(iii) Prohibition of non-vehicle related storage in a garage and measured to ensure that such storage only occurs within the dwelling unit associated with the garage unless restricted by the property owner. Measures to prevent storage in a garage include restrictions in the tenant lease, periodic inspections, and windows on garage to facilitate visual inspection;

(iv) Property owner, property owners' association, or property management enforcing a limitation on the number of vehicles per dwelling unit;

(v) Day(s) and time(s) of restrictions on the use of guest parking;

(vi) Creation of parking permit district off site and permit parking programs on site by the property owner, property owners' association, or property management; and

(vii) Alternative solutions for physically providing parking spaces on site including converting single-stall spaces to tandem spaces, installing parking lifts, methods to prevent parking spaces by nonresidents of the development, and shuttles or valet services catering to users within the development.

(c) Off-site parking. Where on-site parking for a new development or use is not feasible or practical, off-premises parking may be provide subject to the standards established in this section. All distances specified shall be between the nearest property line of such parking facilities to the nearest property line of the site of the development/use being served.

(1) Pedestrian access between the site, where the development or uses is proposed, and the off-premise parking area shall have the following features:

(i) A paved sidewalk or walkway connecting the new developments or uses with the shared parking area;

(ii) Pedestrian-oriented lighting that illuminates the entire length of the sidewalk or walkways; and

(iii) Trees and/or shade structures along the entire length of the sidewalk or walkways.

(2) The developer, management, and/or property owner of the developments or use requesting off-site parking shall be responsible for the financing, construction, and maintenance of the above-referenced features.

(3) The project developer and/or property owner of the site shall provide a recorded parking agreement describing the intended users of the off-site parking, and the arrangement with the owner of the off-site parking area in accordance with 26-92(a).

(4) If the off-site parking facility is shared, the community development director may allow a reduction in the following manner:

(i) The reduction in the number of required parking spaces shall be based on a parking demand study. The parking demand study shall be in accordance with established professional practices and prepared by a qualified traffic engineer or parking consultant.

(ii) The shared parking agreement shall require a recorded covenant that runs with the land, defining the location of the shared parking area in accordance with section 26-92(a)

(5) The required parking may be provided in an off-street parking facility on another property located within six hundred (600) feet of the site proposed for the development or use.

(6) Off-site parking facilities for non-residential use shall not be located within a residential zone.

(7) Off-site parking facilities for residential use may be located within a non-residential use.

26-93 Parking Facility Design Standards

Prior to the issuance of a building permit for any parking facility, or any project including parking facilities, the review authority shall review and approve each such facility or project so that the proposed parking facility is designed and constructed to conform with the following standards.

(a) Location of parking facilities.

(1) Required off-street parking shall be located on the same parcel as the uses served, except with the approval of a conditional use permit for shared parking pursuant to Section 26-92(a)(2).

(b) Access to parking facilities and parking spaces.

(1) *Access to parking lots.* Parking facilities shall be designed to prevent vehicle access at any point other than at designated driveway entrances.

(2) *Internal circulation.* Parking facilities shall provide suitable maneuvering so that vehicles enter the street in a forward direction, except for lots with four or fewer residential units. Non-residential parking facilities shall also provide a queueing area between the street and the first point where vehicles may maneuver within the parking facility. A minimum of fifteen (15) feet clearance behind the sidewalk to the first parking space shall be provided at all driveway entrances. If there is no sidewalk, a minimum of twenty-five (25') feet to the face of the curb shall be provided.

(3) *Access to adjacent sites.* For non-residential uses, shared vehicle and pedestrian access to adjacent non-residential properties is required to the maximum extent feasible for convenience, safety and efficient circulation. A joint access agreement guaranteeing the continued availability of shared access between the properties and running with the land shall be recorded by the owners of the abutting properties, as approved by the Community Development Director.

(c) Parking space and facility dimensions.

(1) Covered spaces in residential uses. Parking spaces within garages and carports shall have a minimum dimension of nine (9') feet in width by eighteen (18') feet in length or eight and one-half (8'-$\frac{1}{2}$'') by eighteen (18') in length, clear of any obstructions.

(2) Covered or uncovered spaces, when adjacent to walls shall be at least eleven (11) feet wide, twelve (12) feet where the wall extends beyond the space. Three-car garages are exempt from this requirement.

(3) *All other parking spaces.* Minimum parking space dimensions shall be as follows, except as shown in Table 3-4 below and Figure 3-6:

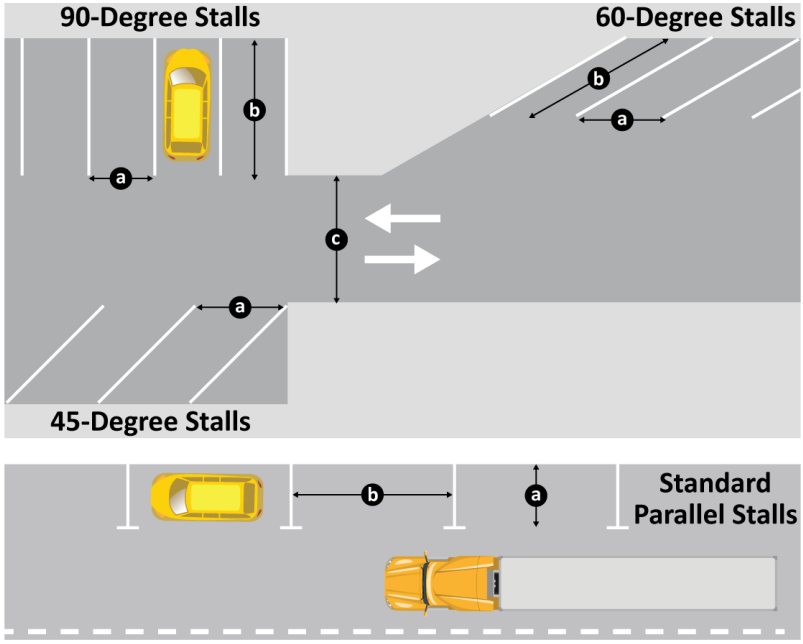
Table 3-5 Minimum Parking Space and Drive Aisle Dimensions [TABLE IS NEW, CONTENT IS EXISTING]

Parking Space Type	Minimum Parking Stall Dimensions		Minimum Width for Drive Aisle with Parking(c)		Minimum Drive Aisles Width for Emergency Access(c)
	Width(a)	Length(b)	One-way	Two-way	
Standard Parallel	9ft	18 ft	12 ft.	21 ft.	20 ft.
Standard 45-degree	12.73 ft.	19.09 ft	13.5 ft.	22 ft.	20 ft.
Standard 60-degree	10.39 ft.	20.09 ft	18.75 ft.	22 ft.	20 ft.
Standard 90-degree	9ft	18 ft	25 ft.	25 ft.	20 ft.
Compact	8 ft.	16 ft	20 ft.	20 ft.	20 ft.

[1] Where parking stalls abut each other such that they may create vehicular movement conflicts, the minimum stall width shall be determined by the City.

[2] Accessible spaces shall be designed consistent with California Building Code requirements

Figure 3-6 Minimum Parking Space and Drive Aisle Dimensions *NEW DIAGRAM*



26-94 Off-Street Loading Requirements *NEW*

The purpose of off-street loading requirements is to provide the number, size, location, and screening requirements for loading areas in various types of developments and uses. The intent of these regulations is to minimize disruptions of traffic flow and vehicular and pedestrian conflicts through adequate sizing and siting of these facilities.

(a) *Loading areas for goods and materials.* The following requirements shall apply to loading areas for goods and materials.

(1) Loading regulations shall apply to all industrial, commercial, office and similar land uses. Buildings or tenant spaces smaller than ten thousand (10,000) square feet in size are exempt from the requirements of this section.

(2) *General loading area requirements.* The number of required loading areas is based on the use of the building and the building size, subtracted by the area of any residential component, as described in Table 3-4, below. Where two (2) or more uses are located on the same lot, the number of loading area spaces required is the sum of the spaces required for each use.

Table 3-6 Required Minimum Loading Spaces

Land Use	Loading Spaces Required
Commercial Uses	1 space for the first 10,000 square feet and 1 space for each additional 35,000 square feet.
Industrial Uses	1 space for the first 10,000 square feet and one space for each additional 20,000 square feet.
Office and Similar Uses	1 space for each building 10,000 square feet or more.

(3) Loading area standards.

(i) The loading space(s) required by this section may be construed as either a dock (where a trick back up directly into a building or platform and goods may be unloaded from the floor of the truck to the floor of the building or platform without the use of a ramp or lift gate) or a designated loading area such as a paved area (with appropriate striping and/or signage), as appropriate for the use and development, subject to the approval of the review authority.

(ii) Loading spaces for all uses shall be at least ten (10') feet in width and thirty-five (35') in length, with fourteen (14') feet of vertical distance, except for office uses, where loading spaces shall be at least ten (10') in width and twenty-five (25') in length.

(iii) Loading areas shall comply with the applicable screening standards provided in Division 4 of this article.

(iv) Loading and maneuvering areas shall be hard surfaced unless a permeable surface is required to reduce surface runoff, as determined by the City.

(v) Parking of passenger vehicles may be allowed in off street loading areas subject to specific time limits to prevent conflicts with off street loading activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count toward meeting parking requirements for the associated use.

(b) *Passenger loading areas.* Public parking areas for development projects consisting of 25,000 square feet or more or shall designate a passenger loading area or areas for embarking and disembarking from ridesharing vehicles. Passenger loading areas shall be located at the point(s) of primary pedestrian access from the parking area to the adjacent building, or buildings, and shall be designed in such a manner that vehicles waiting in line to the loading area do not impede vehicular circulation in the parking area. The passenger loading areas shall be designed as a turnout and shall be large enough to accommodate the number of waiting vehicles equivalent to one-half (0.5%) percent of the required parking for the project. This requirement may also be applied to alternative parking design such as the creation of passenger loading spaces. Parking spaces included within a proposed passenger loading areas shall count toward the requirement parking for the project.

DIVISION 7 TRANSPORTATION AND AIR QUALITY CONTROL MEASURES [EX. DIVISION 2 OF ARTICLE XIV]

26-95 Purpose

(a) The purpose of this section is to adopt and implement a land use analysis program to ensure that the City, in addition to examining and mitigating transportation impacts on the local street network, considers the regional transportation impact of new development through the land use approval process. Integrated with CEQA, this program is designed to provide a consistent, countywide methodology, to determine the impact of new development on the CMP roadway system. It is the intent of this program to promote increased coordination between jurisdictions, transit providers, local decision makers and interested parties, and thereby enhancing countywide mobility and improving air quality.

26-96 Applicability

(a) *Applicability of requirements.* All development projects required to prepare an environmental impact report (EIR) based on the City's determination, will be subject to the land use analysis program. In addition to the procedural guidelines already established by CEQA, traffic and transit impacts shall be assessed using the "Transportation Impact Analysis" methods contained in the Los Angeles County Congestion Management Program and/or Planning Commission Resolution No. 1-93-4135.

26-97 Transportation demand management ordinance.

(a) The purpose of this section is to adopt and implement a trip reduction and travel demand management ordinance that promotes alternative transportation methods, such as carpools, vanpools, transit, bicycles, walking and park-and-ride lots, improvement in the balance between jobs and housing, and other strategies, including flexible work hours, telecommuting and parking management programs, as necessary to meet congestion and air quality goals.

(b) Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a local determination, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted with. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of this division shall be exempted from its provisions. The "Transit Impact Review Worksheet", contained in the Los Angeles County Congestion Management Program Manual, or Planning Commission Resolution No. 1-93-4135, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIR's and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR.

(c) Transportation demand and trip reduction measures.

(1) *Applicability of requirements.* Prior to approval of any development project, the applicant shall make provisions for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.

(2) Development standards.

(i) Nonresidential development of twenty-five thousand (25,000) square feet or more shall provide the following to the satisfaction of the City:

a) A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

1) Current maps, routes and schedules for public transit routes serving the site;

2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

3) Ridesharing promotional material supplied by commuter-oriented organizations;

4) Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

5) A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

(ii) Nonresidential development of fifty thousand (50,000) square feet or more shall comply with subsection (c)(2)(i). above and shall provide all of the following measures to the satisfaction of the City:

a) Not less than ten (10) percent of employee parking area, shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of the City. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one (1) space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet will be signed/striped for carpool/vanpool vehicles.

b) Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven (7) feet two (2) inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas. Compliance with this minimum vertical clearance standard is not intended to relieve the duty or obligation that may be imposed with any requirements or provisions of the Americans with Disabilities Act or Title 24, State of California Energy/Insulation Regulations and Handicapped Persons Standards.

c) Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one (1) bicycle per each additional fifty thousand (50,000) square feet of non-residential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. These standards are intended to exceed the minimum bicycle parking and loading standards set forth in Article III, Division 6. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the City.

(iii) Nonresidential development of one hundred thousand (100,000) square feet or more shall comply with subsections (c)(2)(i). and (c)(2)(ii). above, and shall provide all of the following measures to the satisfaction of the City:

a) A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.

b) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

c) If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops.

d) Safe and convenient access from the external system to bicycle parking facilities on-site.

(d) *Transportation demand and trip reduction measures monitoring.* All development projects for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA), and for which all applicable demand management and trip reduction

measures are required per this division, shall comply with the mitigation monitoring program and enforcement of mitigation measures as established within Section 9 of the City's CEQA Resolution as adopted and amended.

(e) *Transportation demand and trip reduction measures enforcement.* No person shall violate or fail to comply with any or all of the applicable demand management and trip reduction measures, as required per this division and as enforceable as conditions of approval of the conditional use permit, precise plan or other discretionary approval(s) for the project. Should the developer, or responsible or trustee agency, violate or fail to comply with this division, and applicable conditions of approval, all permits including, but not limited to, the certificate of occupancy and/or business license, conditional use permits, precise plans or other discretionary approvals for the project may be revoked by the City. Furthermore, any such violation or failure to comply with any or all of this division may result in the revocation of the certificate of occupancy and/or business license.

Table 3-7 CMP TDM Ordinance Requirements

	New Non-residential Development		
TDM Requirements	**25,000+ Square Feet**	**50,000+ Square Feet**	**100,000+ Square Feet**
Transportation Information Area	*	*	*
Preferential Carpool/Vanpool Parking		*	*
Parking Designed to Admit Vanpools		*	*
Bicycle Parking		*	*
Carpool/Vanpool Loading Zones			*
Efficient Pedestrian Access			*
Bus Stop Improvements			*
Safe Bike Access from Street to Bike Parking			*
Transit Review	For all residential and nonresidential projects subject to EIR.		

DIVISION 8 SIGN REGULATIONS [EX. ARTICLE VII]

26-98 Purpose and Applicability [REPLACES AND SIMPLIFIES EX. SECTIONS 26-301 AND 26-302]

(a) This division provides standards for the regulation of the location, size, type, illumination, and number of signs with the goal of enhancing the visual appearance of the City.

(b) The requirements and development standards set forth in this division shall apply to all zones in the City. Sign authorized by this division shall only be allowed in that zone unless otherwise expressly provided in this division.

26-99 Sign Permit Required [COMBINED AND CONSOLIDATED EX. SECTIONS 26-323, 26-324, 26-325, 26-326, AND 26-339]

No sign, including temporary signs, shall be installed, constructed or altered unless a sign permit, administrative sign permit, or a sign program approval has first been obtained in compliance with this section, or the sign is allowed without a sign permit approval pursuant to section 26-99, below. A building permit may be required prior to the installation, construction or alteration of a sign. Following the approval of a proposed sign or sign program, each sign installed and maintained shall comply with the requirements of the sign permit and/or sign program.

(a) *Sign permit application*. An application for a sign permit shall be prepared, filed, and processed, in compliance with the requirements of Article VI. The application shall include architectural elevations and plans of all proposed signs. The signs on the plans shall be dimensioned, drawn to scale, and include illustrations of copy, colors, and materials. The plans submitted shall also include the location of each proposed sign on any structure(s) at the site.

(b) *Sign permit review authority.* The Community Development Director or their designee shall review all sign permit applications. A sign permit (SP) shall be considered ministerial and reviewed the same way as a zoning clearance. An administrative sign review (ASR) and/or a sign program shall be considered discretional and shall be processed as specified within subsections (c) through (e) below. The review authority may require conditions of approval as reasonably necessary to achieve the purposes of this division.

(c) *Sign Programs.* A sign program shall be required for commercial office, business park, or complexes that include ~~two (2)~~three (3) or more enclosed tenant spaces~~.~~, multiple buildings or in non-residential developments where the individual tenant spaces are not adjacent to the proposed individual tenant signs. Sign programs requiring the coordination of signs on the same site shall be required for sites with two (2) or more enclosed tenant spaces. Developed sites shall comply with this section upon requests for either new signs through sign administrative review or sign exception review or for building design remodel requests through precise plan revision or planning director's modification. This may include, but not be limited to adding building square footage, separation of one (1) tenant unit into two (2), or a change of the exterior architectural color, style, or design. Sign programs for other developments may include shopping centers, industrial complexes, establishments with drive-throughs or business parks where the sign locations are located on any individual tenant spaces are optional at the discretion of the property owner. A sign program may also be proposed to provide identity and directional signage for a neighborhood or district recognized by the City. Sign programs shall be reviewed and approved by the Community Development Director or their designee, or elevated to the appropriate review authority, at the discretion of the Community Development Director or their designee.

(1) The purposes of the sign program is to establish signage for all tenants and users of a complex, shopping center of neighborhood or district. An approved sign program shall set forth standards for all signs within the complex, shopping center, building, neighborhood, or district.

(2) A sign program shall comply with the provisions set forth in this Division. A sign program may be more restrictive than the criteria in this section and the sign program shall set forth standards regulating the size, number, location and types of signage permitted.

(d) *Findings for approval.* The approval of an administrative sign review or sign program shall require that the review authority make all of the following findings:

(1) The proposed signs do not exceed the standards set forth in sections Article III, Division 8, and are of the minimum size and height necessary to identify the site from a sufficient distance for the purposes of conveniently and safety accessing the site;

(2) The size, location and design of the proposed signs are compatible and complementary with the scale and architecture of the primary structures and any prominent natural features on the site and for any adjacent properties along the same street; and

(3) The proposed signs are in conformance with any applicable design criteria in the City's design guidelines.

(e) *Approval period, expiration, and time extension of sign permits.* A sign permit approval shall expire one (1) year from the date of issuance unless the sign has been installed within the period.

(1) Prior to the expiration of a sign permit, the applicant may apply and request to the Community Development Director or their designee, an extension of up to one additional year.

(2) A sign permit shall become null and void if circumstances occurring prior to the installation of the sign change significantly and such changes would not conform to the requirements of this Division.

26-100 Exempt Signs [COMBINED AND CONSOLIDATED EX. SECTIONS 26-311, 26-314, AND 26-322]

The following signs are allowed in all districts and exempt from the requirements of a sign permit provided the sign is not illuminated and does not create a public nuisance and are not located in a public right-of-way. The area of the signs listed in this section shall not be included in the calculation of the maximum total sign area per parcel as set forth in section 26-102.

(a) One (1) temporary noncommercial sign per parcel not exceeding seven (7) ~~32~~ square feet in area, and not posted for longer than thirty (30) days within a one (1) year period.

(b) Official traffic signs or other state, federal, county or local government signs, legal notices, advertisements prescribed by law and placed by governmental entities, and signs indicating utility lines or any notice posted by a government agency.

(c) Directional, warning, or information signs required or authorized, or by federal, state, county, or local government agencies including, but not limited to, traffic control signs, highway route identification signs and construction zone signs.

(d) Street address signs conforming to the City-adopted building and/or fire codes or applicable regulations of the City's Municipal Code.

(e) Signs prohibiting trespassing or providing property security warnings (e.g. alarm, guard dogs, camera)

(f) Election season signs and posters subject to the following conditions:

(1) No sign shall be erected earlier than sixty (60) days prior to the start of the closest future election date and each sign shall be removed within ten (10) days after that election.

(2) No such sign shall be more than sixteen (16) square feet in area. There shall be no more than four (4) signs per parcel and property owner permission shall be obtained prior to the installation of said signs.

(3) Freestanding signs shall be no more than six (6) feet in height.

(4) No sign shall be placed within the public right-of-way or on public property.

(5) No such sign shall be placed on the roof of any structure.

(g) Temporary on-site real estate signs subject to the following conditions:

(1) Real estate signs located within any residential zone shall not exceed six (6) square feet in area, and such signs within commercial, industrial, or mixed-use zoning districts shall not exceed sixteen (16) square feet in area.

(2) Freestanding real estate signs shall not exceed six (6) feet in height.

(3) A maximum of one (1) real estate sign shall be displayed per street frontage.

(4) All real estate signs shall be removed no later than fifteen (15) days after the closing of the transaction proposed by the sign.

(h) Temporary off-site real estate signs advertising an open house for a home sale or special leasing event. Such signs shall be no larger than two (2) square feet, and shall be removed each evening after the close of the open house or when the leasing center closes.

(i) Any window signs located in non-residential zones, provided that the aggregate sign area does not exceed fifty (50) percent of the area of any single window (or as otherwise required by this Development Code) to maintain reasonable visibility into the business for security purposes.

(j) Murals that are non-commercial in nature are allowed on mixed-use and non-residential buildings provided property owner and City approval, subject to the requirements set forth in Chapter 17, Article II (Art in Public Places) have been obtained. The area of the mural shall not count toward any total sign area allowed for the site or building. Any mural displaying an advertisement or commercial message shall be regulated by any applicable standards set forth in Article III, Division 8.

(k) Temporary and permanent address signs and numbers within commercial, industrial, mixed-use and multi-family zoning districts shall not exceed six (6) square feet in area, unless additional area is required by the City-adopted building and/or fire codes.

(l) Temporary garage, estate or yard sale signs advertising the day sale of items shall be limited to a maximum of (1) sign not exceeding (6) square feet in area. The sign shall not be displayed for a period longer than one (1) day within a (1) year period. The sign shall not be displayed or posted within the public right-of-way.

(m) Temporary Construction Signs. One (1) temporary sign per construction site which identifies the developer, designers, and contractors, up to 32 square feet in area. This sign shall be removed once construction activities have ceased.

(n) Tract grand opening or new leasing center signs. One ground-mounted sign per street frontage (maximum of two per site) that provide sale and/or leasing information is permitted up to 12 square feet per sign panel with a maximum character height of 8 inches. The leasing sign structure may have a maximum height of 10 feet. These signs shall be separated by a minimum of 100 feet, unless if they are separated by a driveway/road. No illumination is permitted for this sign type. Wood, steel, and pre-punched galvanized U-posts are not acceptable. No balloons, streamers, or other temporary attachments are permitted.

26-101 Prohibited Signs and Locations [EX. SECTION 26-312]

(a) The following signs are prohibited except as provided in Article V, Division 3, Nonconforming Signs and 26-104, Temporary Signs:

(1) Any sign erected or maintained without the consent of the owner of the land upon which the sign is situated.

(2) Any sign erected upon over public property, other than the signs installed by state, County or City agencies.

(3) Flashing, moving or otherwise animated elements or any revolving signs.

(4) Projecting signs that project within the public right-of-way or private street or have a vertical clearance of less than nine (9) feet from the sidewalk.

(5) Abandoned signs which advertise goods and/or services which have not been available for a period of ninety (90) or more days.

(6) Any A-frame sign, or ground sign temporarily supported by poles or braces places upon the ground, or any other sign propped against a vehicle or object in a parking lot or public right-of-way unless permitted under Tables 3-17 and 3-18.

(7) Bench signs located at bus stops, excluding any authorized bus stop signage.

(8) Roof signs or any sign proposed above a roof line that is not architecturally integrated within the structure of the roof unless approved as a Creative Sign as part of a Sign Program (see sections 26-99 and 26-103).

(9) Any sign containing harmful matter as defined by Chapter 15 of the West Covina Municipal Code.

(10) All banner signs, wind signs, balloons, and tube signs of a commercial nature except those permitted as temporary signs, under Tables 3-17 and 3-18, and/or section 26-104.

(11) All inflatable signs and sign designated to be flown, including balloons, strings of balloons, kites or atrial signs, that are made of an electrically conductive material.

(12) Signs which create sound.

(13) Any sign greater than six (6) square feet on property located within a residential zone, except as otherwise provided by this Development Code.

(14) Painted wall signs.

(15) Off-site commercial signs.

26-102 Signs Allowed by Zoning District and Use

Each sign shall comply with the sign standards set forth by this section, unless otherwise provided in this division.

(a) *Multifamily Residential zoning districts*. Each sign in a residential zoning district established by Article II of this Development Code shall comply with the following requirements:

Table 3-8 Sign Standards for Multifamily Residential Zoning Districts

Sign Class	Type of Sign	Maximum Number	Maximum Sign Area
Multifamily residential signs only (Administrative Sign Review required unless otherwise stated)			
(a) Nameplate (No permit required)		One (1) per residence unit. Limited to name and address of the occupant of the premises.	One (1) s.f. (single-face only).
(b) Flags, Nonpromotional (for promotional signs, see Sec. 26-383(f)).	1. Attached. 2. Detached.	Three (3) per site. Permitted flags are those of a government, government agency, public institution, nonprofit agency, or similar entity. Torn, faded, sagging, or detached banners shall be repaired or replaced.	1. Below eaveline. 2. 25 feet.
(c) Multiple-Family Identification at major entrance	1. Wall sign attached to main building. 2. Wall sign attached to a free-standing wall or fence. 3. Detached	One (1) per site (1.), or One (1) per frontage (2. or 3.)	1. Five (5) s.f. per unit, up to max. 40 s.f. (single-face only). Below eave line 2. 40 s.f. (single-face only). Below eave line. 3. 40 s.f. per face (double-face permitted for detached signs). 6 feet max. height
(d) Institutional.	Includes nonresidential uses allowed with a conditional use permit, e.g., church, school, child-care facilities, adult-care facilities, public utilities, etc.—see sections TABLE 3-10		
Temporary- promotional (No illumination allowed), permit not required unless otherwise stated			
(a) Advertising Products-RA zone only.	1. Attached. 2. Detached.	One (1) per site.	Twelve (12) s.f. (single-face only).
(b) Sale/rental-RA/R1.	1. Attached. 2. Detached.	One (1) per site. Must be below eave line if attached. Maximum height 6 feet if detached.	1. Six (6) s.f. (single-face only).
(c) Sale/rental-Multiple-Family	Attached.	One (1) per site. Must be attached to main building.	15 s.f. (single-face only).

(d) Rental-Multiple-Family.	1. Attached. 2. Detached.	1. one (1) per site. Must be below eave line. 2. No maximum. 6 feet maximum height	1. Ten (10) s.f. (single-face only), or 2. Total of ten (10) s.f. per face (double-face only).
(e) Rental, Promotional-Multiple-Family. Special Events Permit required.	Banners.	One (1) per street frontage.	Three (3) feet by 15 feet long. Must be below eave and mounted flat against building. No neon or fluorescent colors.
(g) Sale/rental-Mobilehome Park main entrance. Sign permit required.	Attached to main building or block wall.	One (1) per site.	24 s.f. (single-face only).
(h) Sale-Unimproved Property. Sign permit required.	Detached.	One (1) per site. 6 feet maximum height.	15 s.f. per face (double-face permitted).
(i) Sale-new Projects with 5+ Units. Sign permit required.	Detached.	One (1) double-face, or up to two (2) single-face signs.	Double-face signs: 60 s.f. per face. Single-face sign(s): 60 s.f. total.

Table 3-9 Sign Standards for Mobilehome Parks

Sign Class	Type of Sign	Maximum Number	Maximum Sign Area
(a) Mobilehome Park Identification (Administrative Sign Review Required)	1. Attached to a building wall 2. Attached to a free-standing block wall at main entrance. 3. Detached.	One (1) per site.	1. or 2. 40 s.f. (single-face only). 3. 40 s.f. per face (double-face permitted). 6 feet maximum height
(b) Mobilehome Park Tenant Directory. (Administrative Sign Review Required)	1. Attached to building or wall 2. Detached on planter area	One (1) per site (one additional per 200,000 s.f. of lot size). 6 feet maximum height	1. 24 s.f. (single-face only) 2. 24 s.f. per face (double-face permitted).

(b) Office and institutional uses (e.g. religious facilities). Each sign in an office or institutional zone shall comply with the requirements set forth in Table 3-10 below, and to the requirements set forth in section 26-100, and to all applicable standards set forth in this Division.

Table 3-10 Sign Standards for Office Buildings including institutional use (e.g. religious facilities)

Sign Class	Maximum Number	Maximum Area	Maximum Height/ Location
Wall signs (Administrative Sign Review required unless otherwise stated)			
(a) Building Identification (for buildings with one to three stories)	One (1) per wall facing a street or parking lot.	Two (2) percent of building face (single-face only).	Between top of roof line and floor level of the top floor, or other appropriate location as approved by the planning director.
(b) Building Identification (for buildings with four or more stories)	One (1) per wall facing a street or parking lot.	One (1) ~~three (3)~~ s.f. for each lineal foot of building frontage, with a five (5) percent increase for each story above the fourth story (single-face only).	Between top of roof line and floor level of the top floor, or other appropriate location as approved by the planning director.
(c) Tenant Identification	Allowed ONLY for tenants on ground floor with exterior entrances. Size and location subject to TABLE 3-11.		
(d) Building Area Bonus (for buildings with floor areas of 60,000 s.f. or more)	One (1) bonus, in addition to wall sign allowance normally allowed, per building.	**Size of bonus (size of building)** 100 s.f. (60—99,000 s.f.) 150 s.f. (100—124,000 s.f.) 200 s.f. (125—149,999 s.f.) 250 s.f. (150,000 s.f. or more) No maximum for total wall signage.	
Detached sign (monument only)			
(a) Building Identification and Tenant Identification Directory	One (1) per street frontage (maximum two per site).	40 s.f. per face (double-face permitted).	Six (6) feet.
(b) Readerboard Signs	See TABLE 3-15 for standards, religious facilities and schools with more than 150 students and site size greater than 2 acres may install a pole sign subject to approval of a CUP		

(c) Commercial, Mixed-Use, and Industrial Zoning District Sign Standards. Each sign in a commercial, mixed-use or industrial zoning district shall comply with the requirements set forth in Tables 3-11 through 3-18 below, and to all applicable standards set forth in this Division.

Table 3-11 Sign Standards for Commercial and other non-office sites (on-site noncommercial signs included)

Sign Class	Maximum Number	Maximum Area	Maximum Height/ Location
Wall sign (Sign Permit required unless otherwise stated) and internally illuminated only			
(a) Ground Floor Primary Business Identification	No maximum.	One (1) ~~three (3)~~ s.f. for every one (1) lineal foot of building frontage (up to 300 s.f. on primary frontage, and 150 s.f. for secondary frontage). Minimum sign size is 40 s.f. (single-face only).	Only on frontages that face a street or public parking area with an entrance exclusive to the enclosed tenant space.

(b) Ground Floor Accessory Business Identification	No maximum.	No greater than sign area devoted to primary business identification signs (maximum 50 percent of total sign area on front wall) (single-face only).	Only on primary frontage of primary business allowed by subsection (a) above.
(c) Nameplate (no illumination), permit not required	One (1) per enclosed tenant space.	Three (3) s.f. (single-face only).	Near main entrance only.
(d) Ground Floor Business Advertising	No maximum.	No greater than sign area devoted to primary business identification signs (maximum 50 percent of total sign area on front wall) (single-face only).	Only on primary frontage of primary business allowed by subsection (a) above.
(e) Second Story Primary Business Identification (for two-story buildings only)	One (1) per enclosed tenant space. Permitted only for buildings allowed exterior signs for ground floor businesses. Must be individual letters no higher than 18 inches.	Maximum one-half (0.5) s.f. for every one (1) lineal foot of building frontage (up to 60 s.f.) (single-face only). Minimum sign size 30 s.f.	Below roofline, but above ceiling level of first floor.
(f) Building Area Bonus (for enclosed tenant spaces with floor areas of 60,000 s.f. or more). Requires Administrative Sign Review	One (1) bonus, in addition to wall sign allowance normally allowed, per enclosed tenant space. Total wall sign utilizing this bonus shall not exceed 550 s.f.	**Bonus (enclosed space s.f.)** 100 s.f. (60,000—99,000 s.f.) 150 s.f. (100—124,000 s.f.) 200 s.f. (125,000—149,999 s.f.) 250 s.f. (150,000 s.f. or more)	Wall sign only.
Hanging Signs (Sign Permit required unless otherwise stated) and internally illuminated only			
(a) Nameplate	One (1) per business.	Five (5) s.f. per face (double face permitted).	Eight (8) feet vertical clearance from sidewalk level; perpendicular or near perpendicular to building fascia.
(b) Business Identification and/or Advertising	No maximum.	Same as wall signs.	Eight (8) feet vertical clearance from sidewalk level; parallel or near parallel to building fascia.

Table 3-12 Sign Standards for Commercial and other non-office sites (on-site noncommercial signs included) - Detached signs (for single-tenant buildings not part of a planned center).

Sign Class	Maximum Number	Maximum Area	Maximum Height/ Location
Administrative Sign Review required			
(a) Business Identification (for sites with floor areas less than 30,000 s.f.)	One (1) per business.	40 s.f. per face (double-face permitted)	Six (6) feet
(b) Business Identification (for sites with floor areas of 30,000 s.f. or more)	One (1) per business	Maximum sign area, per face (double-face permitted), based on size of building's floor area: 55 s.f. (30—39,999 s.f. building) 70 s.f. (40—59,999 s.f. building) 100 s.f. (60—79,999 s.f. building) 150 s.f. (80—99,999 s.f. building) 200 s.f. (100—149,999 s.f. building) 250 s.f. (150—199,999 s.f. building) 275 s.f. (200—249,999 s.f. building) 300 s.f. (250,000+ s.f. building)	Maximum sign height based on size of building's floor area: 15 feet (30—39,999 s.f. building) 25 feet (40—59,999 s.f. building) 40 feet (60,000+ s.f. building)
(c) Freeway adjacent business identification	One (1) per business (allowed on properties that share a common boundary or include street frontage on a public street that is adjacent to the freeway right-of-way)	200 s.f.	35 feet

Table 3-13 Sign Standards for Commercial and other non-office sites (on-site noncommercial signs included) - Detached signs (for multi-tenant buildings or buildings part of a planned center).

Sign Class	Maximum Number	Maximum Area	Maximum Height/ Location
Administrative Sign Review Required			
(a) Tenant Directory/Center Identification (for sites with less than 15,000 s.f. floor area)	One (1) per site	40 s.f. per face (double-face permitted)	Six (6) feet
(b) Tenant Directory/Center Identification (for sites with 15,000 [s.f.] or more floor area)	One (1) per site (additional sign permitted on each major arterial if floor area exceeds 100,000 s.f.)	Maximum sign area per face (double-face permitted) based on size of building's floor area: 55 s.f. (15—19,999 s.f. building) 70 s.f. (20—29,999 s.f. building) 100 s.f. (30—59,999 s.f. building) 150 s.f. (60—99,999 s.f. building) 200 s.f. (100—149,999 s.f. building) 250 s.f. (150-199,999 s.f. building) 275 s.f. (200-249,999 s.f. building) 300 s.f. (250,000+- 499,999 s.f. building) 450 s.f. (500,000+ s.f. building)	Maximum sign height based on size of building's floor area: 15 feet (15—19,999 s.f. building) 25 feet (20—29,999 s.f. building) 40 feet (30,000+ s.f. building)
(c) Tenant Directory, Secondary (for sites with 30,000 [s.f.] or more floor area)	One (1) for every 30,000 s.f. of floor area (with a maximum of three)	50 s.f. per face (double face permitted)	Eight (8) feet
(d) Freeway Adjacent Business Identification	One (1) per business (allowed on properties that share a common boundary or include street frontage on a public street that is adjacent to the freeway right-of-way	300 s.f.	40 feet

Table 3-14 Sign Standards for Commercial and other non-office sites (on-site noncommercial signs included) - Detached signs (General and Special Uses).

Sign Class	Maximum Number	Maximum Area	Maximum Height/ Location
General			
(a) Parking Directional - Sign Permit required	One (1) per major parking lot entrance	Eight (8) s.f. per face (double face permitted)	Four (4) feet
(b) Freeway Site Bonus (for sites wholly or partially within 300 feet of freeway centerline) - CUP required	One (1) bonus per site	75 percent bonus per face, in addition to detached identification sign, up to total sign area of ~~800~~ 750 s.f.	75 percent bonus in addition to what is normally allowed, up to 60 feet max. height
Special Uses - Administrative Sign Review required			
(a) Service Station Identification/Price Panel; Accessory uses may be identified on the service station ID sign at the discretion of the planning director	One (1) per site	100 s.f. single-face or 50 s.f. double-face maximum for identification plus maximum six (6) s.f. single- or double-face per price type and grade (price type and grade shall not be repeated more than once per face), up to 48 s.f. cumulative for price/grade signs and accessory use	1.25 times the building height (35 feet maximum)
(b) Service Station Price Panel	Two (2) per site, may be attached to identification sign, or detached	Twelve (12) s.f. per face (double-face permitted)	Eight (8) feet
(c) Auto Dealer Identification - Sites include any use with approved precise plan designating a minimum 4,000 s.f. "outdoor display" area, and minimum 25,000 s.f. vehicular storage or parking area	One (1) per site with minimum 75,000 s.f. area (a second sign permitted for lots with freeway, arterial, or collector frontage over 350 feet)	150 s.f. per face (double-face permitted), with one-half of the sign area subtracted from the front wall sign allowance	35 feet
(d) Auto Dealer Directional Signs	Maximum of three (3) per site	Maximum cumulative 24 s.f. per face (double-face permitted)	Six (6) feet
(e) Drive-through Restaurant Menu Boards	One (1) per drive-through lane	40 s.f. (single-face only)	Eight (8) feet
(f) Flags	Maximum of three (3) flags per site. Detached (not within building setbacks of underlying zone; shall not encroach or overhang public right-of-way or adjacent properties). Torn, faded, sagging, or detached banners shall be repaired or replaced.	Maximum vertical dimension of eight (8) feet per face. Maximum horizontal dimension of twelve (12) feet.	50 feet

Table 3-15 Sign Standards for Commercial and other non-office sites (on-site noncommercial signs included) - Detached signs (Temporary Special Use). No permit required.

Sign Class	Maximum Number and Area	Maximum Height/Location
(a) Pole-mounted Vertical Banners (only for uses with approved outdoor display and more than 75,000 square feet of lot area).	Two (2) per light pole. 24 s.f. per face. Torn, faded, sagging, or detached banners shall be repaired or replaced. Maximum horizontal dimension of three (3) feet and a maximum vertical dimension of eight (8) feet.	Maximum 35 feet. Minimum vertical clearance of 14.5 feet above ground level. Must be attached to parking lot pole. Minimum vertical clearance of 14.5 feet above ground level.
(b) Small Balloons (only for uses with approved outdoor display and more than 75,000 square feet of lot area).	No maximum. Damaged or deflated balloon displays shall be promptly repaired, replaced or removed from the premises attached to merchandise displays or to building exterior.	Individual balloons may not be more than 36 inches in any dimension. Maximum 95 feet above ground level.
(c) Pennants (only for uses with approved outdoor display and more than 75,000 square feet of lot area).	No maximum. Connected to parking lot light standards. Spaced no closer than 40 feet on center.	Each pennant shall be no larger than 3 feet by 4 feet per face.

Table 3-16 Readerboards – Administrative Sign Review required unless otherwise stated

Sign Class	Maximum Number	Maximum Area	Maximum Height/ Location
(a) Theater and Auditoriums - Manual or Electronic	One (1) readerboard permitted per site and incorporated into a normally allowed sign.	100 percent bonus in addition to allowance normally allowed (including non-readerboard portions of the same sign), up to maximum of 900 s.f. per face.	Same as normally allowed.
(b) Other Commercial Uses Located within 300 Feet of Freeway Centerline - Only freeway oriented electronic readerboards allowed	One (1) readerboard per site and incorporated into a normally allowed sign.	The readerboard area shall ~~not exceed~~ be no more than 75 percent of total allowable sign area, per face.	Same as normally allowed.
(c) Institutional Uses - Manual or Electronic	One (1) readerboard per site and incorporated into a normally allowed sign	Readerboard area shall not exceed 50 percent of total allowable sign area, per face (building mounted or monument) with approval of an administrative sign review; or 70 s.f. maximum display board area per face for a pole sign with approval of a CUP. (20 s.f. of which shall be used for physical static sign copy to identify the name and numerical address of the institution).	Same as normally allowed ~~-~~for monument. 15 feet maximum for a pole sign with approval of a CUP.

Table 3-17 Sign Standards for Events on Commercial Sites Requiring a Temporary Use Permit

Sign Class	Maximum Number	Maximum Sign Area	Maximum Sign Height
(a) Banners.	One (1) per street frontage. Banners shall be maintained in good condition. Torn, faded, sagging, or detached banners shall be repaired or replaced. Banners shall be mounted flat against building exterior wall or other locations (free-standing wall, detached, roof).	One (1) s.f. of sign area per one (1) foot of building frontage up to 60 s.f. on exterior building wall maximum (single-face only), or 50 s.f. per face on other locations (double-face permitted)	Below eaveline.
(b) Banners for uses with a seventy-five (75,000) square foot or larger site with an approved precise plan designating a min. of four thousand (4,000) square feet of area for "outdoor display".	One (1) per street frontage. Torn, faded, sagging, or detached banners shall be repaired or replaced. Banners shall be mounted flat against building exterior wall or other locations (free-standing wall, detached, roof). Banner colors shall be coordinated with building colors and/or corporate colors.	300 square feet	30 feet
(c) Pole-mounted Vertical Banners.	Two (2) per light pole. Maximum horizontal dimension of three (3) feet and a maximum vertical dimension of eight (8) feet. Must be attached to parking lot pole. Torn, faded, sagging, or detached banners shall be repaired or replaced.	24 s.f. per face (double-face permitted).	Minimum vertical clearance of 14.5 feet above ground level.
(d) Inflatable (Large) Balloons.	One (1) per business. Must be spherical or custom shape. May not be helium-filled or lighter than air. Roof-mounted or ground-mounted. Damaged or deflated balloon displays shall be promptly repaired, replaced or removed from the premises.	Width of subject building (up to a maximum of 40 feet).	30 feet (measured from roof level for roof-mounts. Ground level for ground-mounts) above roof level.
(e) Small Balloons.	No maximum. Damaged or deflated balloon displays shall be promptly repaired, replaced or removed from the premises.	Individual balloons may not be more than 36 inches in any dimension.	Maximum 35 feet above ground level.
(f) Window Bonus (buildings with frontages less than 20 feet).	No maximum. Inside glass panel.	50 percent of window up to 100 s.f. maximum.	
(g) Window Bonus (buildings with frontages between 21 to 30 feet).	No maximum. Inside glass panel.	45 percent of window up to 125 s.f.	
(h) Window Bonus (buildings with frontages over 30 feet).	No maximum. Inside glass panel.	40 percent up to 150 square feet maximum.	
(i) Vehicle Signs (only for uses with approved outdoor display and more than 75,000 square feet of lot area).	One (1) per vehicle. Individually strung balloons (less than 36 inches in diameter) may be tied to vehicles.	Six (6) s.f. per vehicle (single-face only).	Mounted directly on vehicle.

(j) Pennants, Streamers, Searchlights, and Other Attention Attracting Devices Not Listed.	May be permitted at the discretion of the planning director when in conjunction with a TUP.

Table 3-18 Sign Standards for Events on Commercial Sites Requiring a Special Event Permit

Sign Class	Maximum Number	Maximum Sign Area	Maximum Sign Height
(a) Banners.	One (1) per business. Banners shall be maintained in good condition. Torn, faded, sagging, or detached banners shall be repaired or replaced. Banner colors shall be coordinated with building colors and/or corporate colors. Banners shall be mounted flat against building exterior wall.	One (1) s.f. of sign area per one (1) foot of building frontage up to 60 s.f. (single-face only).	Below eaveline.
(b) Small Balloons.	No maximum. Damage or deflated balloon displays shall be promptly repaired, replaced or removed from the premises attached to merchandise displays or to building exterior.	Individual balloons may not be more than 36 inches in any dimension.	Maximum 35 feet above ground level.
(c) Window Bonus (buildings with frontages less than 20 feet).	No maximum. Inside glass panel.	50 percent of window up to 100 s.f. max.	
(d) Window Bonus (buildings with frontages between 21 to 30 feet).	No maximum. Inside glass panel.	45 percent of window up to 125 s.f.	
(e) Window Bonus (buildings with frontages over 30 feet).	No maximum. Inside glass panel.	40 percent, up to 150 s.f. maximum.	
(f) Pennants, Streamers, Searchlights, and Other Attention Attracting Devices Not Listed.	May be permitted at planning director's discretion when in conjunction with a SEP.		

26-103 Sign Development Standards and Regulations ***NEW***

(a) The standards set forth in this section shall be utilized for advertising displays and signs and shall not apply to the design of temporary signs.

(1) *Sign height measurement.* The height of a proposed sign shall be measured from the upper most portion of the sign used in determining the area of the sign to the base of the sign of the sign to the nearest base of the adjacent on-site building, or the nearest curb of the public street, whichever is closest to the location of the sign.

(2) *Measurement of sign area.* any supporting structures including sign bases and columns shall not be included in the calculation of sign area. Sign area shall include the entire area within a single continuous perimeter composed of up to four (4) triangles, squares, or rectangles that enclose the extreme limits of all sign elements, including borders, written copy, logos, symbols, illustrations and color.

(3) *Sign illumination.* The following standards shall apply to all illuminated signs:

(i) Signs may be internally or externally lit, however any illumination shall spill onto adjacent properties, nor create a public nuisance or public safety hazards. Any exterior lighting sources shall be shielded from view and directed to illuminate only the sign face.

(ii) The line of sight from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will negatively impact residential properties in a direct line of sight to the sign.

(iii) Any lights illuminating signs shall not flash, blink, flitter, nor include intermittent or chasing lights, or any illumination that is in motion or appears to be in motion.

(iv) Colored lights shall not be used in a manner that may be confused or construed as traffic control devices.

(4) *Sign Maintenance.* Signs and any supporting hardware shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts, supporting frames, and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.

(5) *Design and Style.* Any proposed sign shall be designed to be compatible with and relate to the architectural style of the main structure(s) of the site where the sign will be located. Signs located on commercial sites near residential areas shall be unobtrusive and compatible with adjacent residential areas. Any new can or cabinet signs are prohibited, with the exception of nationally recognized logos. New wall signs shall be individual channel letters with a minimum depth of two (2) inches.

(b) To allow for innovative, imaginative, and a variety of signage that would positively contribute to the aesthetics of the City, a Creative Sign may be proposed as part of a Sign Program. Murals that advertise the business is an example of creative signage.

(1) *Applicability*. An applicant may propose a Creative Sign in order to request approval of development standards that differ from the provisions of this chapter (except as indicated herein),but comply with the purpose and findings of this section. However, a Creative Sign may not be any of the prohibited sign types identified in Section 26-101.

(2) *Application*. All Creative Signs shall be processed pursuant to a Sign Program.

(3) *Approval Authority*. The Planning Commission shall review all creative signs.

(4) Standards.

(i) Creative Signs are only permitted within non-residential and mixed-use zones.

(ii) Creative Signs shall not encroach into the public right-of-way unless an Encroachment Permit is approved by the City Engineer or their designee.

(iii) Creative Signs shall comply with the height limit of the zone.

(iv) A business cannot have both a creative sign and a standard wall sign. If a business opts to have a creative sign, the business shall not have a standard wall sign.

(v) An electronic readerboard and/or any type of digital signage shall not be considered a creative sign.

(5) *Findings*. The Planning Commission shall not approve a Creative Sign unless the proposed sign meets the following design criteria:

(i) *Design quality*. The sign shall:

a) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;

b) Be of unique design, and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and

c) Provide strong graphic character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.

(ii) Contextual criteria. The sign shall contain at least one (1) of the following elements:

a) Classic historic design style

b) Creative image reflecting current or historic character of the City; or

c) Inventive representation of the logo, name, or use of the structure or business.

(iii) Architectural criteria. The sign shall:

a) Utilize or enhance the architectural elements of the building; and

b) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.

(iv) *Impacts on surrounding uses*. The sign shall be located and designed not to cause light and glare impacts on surrounding uses, especially residential uses.

26-104 Temporary Banner Signs [*NEW* was previously year-round banner]

All temporary building mounted banner signs shall comply with the standards provided in this section. A temporary sign permit shall be obtained from the Community Development Department prior to the display of a temporary sign, unless specified in herein. The purpose of this section is to provide standards to prevent temporary signs from creating a distraction for the traveling public by limiting the proliferation of temporary signs and eliminating aesthetic blight that is detrimental to public health, safety and general welfare.

(a) Standards for temporary banners. Temporary banners are allowed in non-residential zones subject to the following standards:

(1) A business may be granted a temporary banner permit to display an on-site temporary banner for a maximum of ninety (90) days within one (1) calendar year. This can be accrued in multiple or consecutive days up to ninety (90) days.

(2) *Number of temporary banner signs allowed.* The maximum number of temporary banner signs that may be displayed at the same time is subject to the applicable requirements of this section.

(3) *Sign area calculation.* The number and area of temporary banner signs shall not be included in the calculation of aggregate permanent sign area allowed.

(4) *Materials and maintenance.* Temporary banners shall be made of durable, weather-resistant materials.

(5) *Removal of temporary banners.* All components shall be removed at the expiration of the temporary banner permit.

(b) Temporary banner sign standards.

(1) Sign Area.

(i) Total temporary banner signs for a single business on a single parcel shall not exceed a total aggregate area of more than one square foot per linear foot of building frontage on a public street and shall not exceed a total aggregate area of thirty-two (32) square feet.

(ii) Individual tenants or buildings with less than twenty-four (24) lineal feet of building frontage may be allowed 24 square feet.

(iii) Individual tenants within a shopping center may be allowed a total aggregate area of one (1) square foot per lineal foot of store frontage at the main entrance and shall not exceed twenty-four (24) square feet of total sign area.

(iv) Only one (1) temporary sign shall be allowed for each individual business.

(v) In no case shall a temporary sign obstruct an adjacent or permanent sign.

(vi) Temporary banner signs shall be placed only upon the site in which they are intended to advertise and shall only be mounted on the building. Off-site temporary banner signs shall not be allowed.

26-105 Appeals and Violations *NEW*

(a) After denial of an application for an administrative sign permit or a sign program, the applicant may appeal that action in compliance with Article VI.

(b) *Public nuisance declared by community development director.* Any sign erected or maintained contrary to the provisions of this division may be declared to be a public nuisance by the community development director and proceedings for its removal may take place in compliance with the Development Code.

(c) *Public nuisance decaled by the City Council.* The director may ask the council to declare a sign a public nuisance under the following conditions:

(1) The sign is significantly damaged either in support structure or sign face, as determined by the building official;

(2) The sign is illegible either through fading, rusting, or erosion of the sign face or through faulty or missing illumination; or

(3) The sign is unsafe for vehicles or pedestrians.

26-106 Severability

The provisions of this division are declared to be separate and *severable*. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this division, or the validity of its application to other persons or circumstances.

ARTICLE IV. STANDARDS FOR SPECIFIC LAND USES

DIVISION 1 STANDARDS FOR SPECIFIC LAND USES [EX. ARTICLE XII]

26-107 Purpose and Applicability

The purpose of this Article is to set forth the procedure, criteria, and standards applicable to unique or unusual land uses which require special regulation. These regulations are established to insure the compatibility of such uses with the surrounding land uses. Please refer to Article III, Division 6 for parking requirements and regulations.

26-108 Adult-Oriented Business [EX. DIVISION 20 OF ARTICLE XII]

The purpose of this subsection is to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods that can be brought about by the concentration of adult-oriented businesses near each other or proximity to other incompatible uses such as schools for minors, places of worship, and residentially zoned districts.

It has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described herein can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Division to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their proximity to incompatible uses, while permitting the location of such businesses in appropriate areas.

By the adoption of this section, the City Council does not intend to condone or legitimize the distribution of obscene material, and the City Council recognizes that state law prohibits the distribution of certain materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities within the City.

(a) Application. Any person, association, partnership, group, or corporation wishing to operate, any adult-oriented business shall submit an application for an Administrative Permit, to the Community Development Director or their designee. Possession of other State or City licenses does not exempt the applicant from this permit. The Community Development Director or their designee shall grant or deny a permit application in accordance with the provisions of grounds for denial pursuant to subsection (m) below. An Administrative Permit application for an adult-oriented business or adult-oriented business performer shall be signed by the applicant and shall contain or include the following information:

(1) A nonrefundable permit processing fee, as set by City Council resolution.

(2) If the applicant is an individual, the individual shall state their legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen (18) years of age.

(3) If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement.

(4) If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address and contact information of the registered office for service of process.

(5) If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten (10) percent or greater interest in the business entity shall sign the application.

(6) If the adult-oriented business applicant intends to operate the adult-oriented business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult-oriented business and show proof of registration of the fictitious name.

(7) A description of the type of adult-oriented business for which the permit is requested and the proposed address where the adult-oriented business will operate, plus the names and addresses of the owners or lessors of the proposed premises.

(8) The address to which notice of action on the application is to be mailed; the address shall not be a post office box.

(9) An applicant must state under penalty of perjury that he or she (as well as any of the officers, directors, or partners in the business) does not have a conviction for a specified criminal activity, or the equivalent in another state for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(10) The names of all employees, independent contractors, and other persons who will work at the adult-oriented business, including performers.

(11) A sketch or diagram showing the interior configuration of the premises or the adult-oriented business, including a statement of the total floor area occupied by the adult-oriented business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(12) A certificate and map prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the adult-oriented business and the property line of any other adult-oriented business within seven hundred and fifty (750) feet of the primary entrance of the adult-oriented business for which a permit is requested; and the property lines of any church, school, park, residential zone or use within five hundred (500) feet of the primary entrance of the adult-oriented business.

(13) A diagram of the off-street parking areas and premises entries of the proposed business showing the location of the lighting system.

(14) A security plan that satisfies the requirements of subsection (f) below.

(15) Any individual who has been issued an Administrative Permit shall promptly supplement the information provided as part of the application for the permit required by this section, including, but not limited to, each and every location within the City where the individual is performing, within fifteen (15) calendar days of any change in the information originally submitted.

(b) Any individual wishing to perform as an adult oriented business performer shall submit an application to the community development director. Possession of other state or City licenses does not exempt the applicant from this permit. The Community Development Director or their designee shall grant, conditionally grant, or deny a permit application in accordance with the provisions of section 26-108(e) (Permit processing; grounds for denial). An application for a performer permit shall be signed by the applicant and shall contain or include the following information:

(1) A nonrefundable permit processing fee, as set by City Council resolution.

(2) The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant; age, date, and place of birth; height, weight, and hair and eye color; and present residence address and telephone number.

(3) A copy of the applicant's driver's license, or other current government-issued identification.

(4) The address to which notice of action on the application is to be mailed.

(5) An applicant must state under penalty of perjury that he or she does not have a conviction for a specified criminal activity, or the equivalent in another state for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(6) The applicant must declare under penalty of perjury whether he or she has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If the applicant has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, the applicant shall provide the place of such registration, licensing or legal authorization, and the inclusive dates during which he or she was so licensed, registered, or authorized to engage in prostitution.

(7) The applicant's fingerprints on a form provided by the police department, and a passport-size color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant.

(8) If the application is made for the purpose of renewing a performer permit, the applicant shall attach a copy of the permit to be renewed.

(9) Any individual who has been issued a performer permit shall promptly supplement the information provided as part of the application for the permit required by this section, including, but not limited to, each and every location within the City where the individual is performing, within fifteen (15) calendar days of any change in the information originally submitted.

(10) All persons who have been issued a business permit shall supplement the information provided as part of the application for the permit required by this section, including, but not limited to, the names of all performers required to obtain a performer permit, within fifteen (15) calendar days of any change in the information originally submitted.

(c) For both a business permit application, the Community Development Director or their designee shall determine whether the application is complete within thirty (30) days of receipt. The application shall be determined to be complete upon receipt of all required documentation and fees. The Community Development Director or their designee shall thereafter approve or deny the permit within thirty (30) days of determining that the application is complete in accordance with the provisions of this section.

(d) Business Permit Grounds for denial. The Community Development Director or their designee shall deny a business permit application for adult entertainment on the following grounds:

(1) The building, structure, equipment or location used by the business for which an adult-oriented business permit is required do not comply with the requirements and standards of the health, zoning, fire and safety laws of the City and the state, or with the locational or development and performance standards and requirements of this Article.

(2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult-oriented business permit, or within any subsequently updated information, renewal or report required by this Division.

(3) An applicant is under eighteen (18) years of age.

(4) The adult-oriented business does not comply with the locational standards.

(5) The applicant has, within the previous twelve (12) months, had a permit for an adult-oriented business denied or revoked or is applying for a new permit within the period in which the existing permit has been suspended.

(6) The applicant (or any officers, directors, or partners in the business) has been convicted of any specified criminal activity for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(iv) If for an adult performer business permit- The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult-oriented performer permit, or within any subsequently updated information, renewal or report required by this Division.

(e) Grounds for denial. The Community Development Director or their designee shall deny an administrative permit for an adult performer application on the following grounds:

(1) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application for an adult oriented performer permit, or within any subsequently updated information, renewal or report required by this division.

(2) The applicant is under eighteen (18) years of age.

(3) The applicant has, within the previous twelve (12) months, had a performer permit denied or revoked or is applying for a new permit within the period in which the existing permit has been suspended.

(4) The applicant has, within the previous twelve (12) months, had a prostitution permit denied, suspended, or revoked.

(5) The applicant has been convicted of any specified criminal activity for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(iv) In the event a business or performer permit is denied, the applicant shall not reapply for a period of twelve (12) months from the date the denial becomes final.

(f) *Location.* The adult-oriented business is to be located in the Service-Commercial (S-C) zone, Medium-Commercial (C-2) zone, heavy-commercial (C-3) zone, regional-commercial (RC) zone, manufacturing (M-1) zone, or the urban center and general urban zones in the Downtown Plan.

(1) Adult-oriented businesses may not be located within the proximity of the following (measured in a straight line from the property line to zone boundary):

(i) Within five hundred (500) feet of any residential zone or any lot upon which a residential use is legally occurring at the time this Article is adopted and continues to occur at the time the application is reviewed;

(ii) Within five hundred (500) feet of any lot upon which there is located a church or other religious facility or institution, public park, or educational institution which is utilized by minors;

(iii) Within seven hundred and fifty (750) feet of another adult-oriented business, provided that this separation requirement also applies from adult-oriented businesses that are in adjacent cities; and

(iv) Within one hundred (100) feet of the civic center property line.

(2) The adult-oriented business shall not be located in an area where the traffic from the adult oriented business shall increase the volume capacity ratio below level of service E; or, will worsen the existing condition at level of service F; or increase the volume capacity ratio by 0.02, all as determined by the city engineer.

(g) Moving signs, as defined in Article I, as well as signs with changeable copy and temporary signs are not permitted for adult businesses. Exterior signs shall not depict recognizable specified anatomical areas or adult entertainment activities. Advertisements, displays of merchandise, signs or any other exhibit depicting specified anatomical areas or adult entertainment activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(h) Exterior painting. Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message and cannot be established or maintained such that the exterior appearance of the structure is substantially inconsistent with the external appearance of structures on abutting properties.

(i) Development standards. Except as set out herein or otherwise restricted by law, the adult oriented business shall comply with the development standards, including signage standards, for the zone in which the business is located.

(j) Display of adult oriented material or merchandise. The adult-oriented business shall not display any adult oriented material or merchandise in such a manner so as to be visible from any location other than within the adult-oriented business.

(k) Exclusion of minors. The adult oriented business shall not be accessible to any person under the age of eighteen (18), and such exclusion shall be clearly posted at all entrances.

(l) Areas open to public view. No area within the adult oriented business shall be visible from its exterior.

(m) Nude adult-oriented performances are prohibited. Adult oriented performers shall wear no less than pasties to cover the nipple areas of female breasts, and a g-string that covers the genital area.

(n) Interior orientation. The interior of the adult oriented business shall be configured such that there is an unobstructed view, by use of the naked eye and unaided by video, closed circuit cameras or any other means, of every public area of the premises (excluding restrooms), including, but not limited to, the interior of all individual viewing areas, from a manager's station which is no larger than thirty-two (32) square feet of floor area with no single dimension being greater than eight (8) feet in a public portion of the establishment. No public area (excluding restrooms), including, but not limited to, the interior of any individual viewing area, shall be obscured by any door, curtain, wall, two way mirror or other device which would prohibit a person from seeing into the interior of the individual viewing area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means, from the manager's station. A manager shall be stationed in the

manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations. No individual viewing area shall be designed or operated to permit occupancy of more than one (1) person at a time.

(o) Business hours. No adult oriented business shall operate from the hours of 2:00 a.m. to 7:00 a.m.

(p) Parking lot lighting. The parking lot lighting system shall be designed to produce a minimum light level of three (3) foot-candles on the entire parking facility's horizontal surface.

(q) Interior Lighting. All areas of the adult-oriented business shall be illuminated at a minimum of the following foot-candles, minimally maintained, and evenly distributed at ground level:

(1) Arcade: Ten (10) foot-candles in public areas;

(2) Bookstores: Twenty (20) foot-candles;

(3) Cabaret: Five (5) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;

(4) Individual viewing booths: 1.25 foot-candles;

(5) Motion picture theater: Ten (10) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;

(6) Theater: Five (5) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot candles;

(7) Other establishments not listed above: Twenty (20) foot-candles ground level (excluding those areas shielded by tables and similar obstructions).

(r) Operation of individual viewing areas. Each machine used to show films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions, which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, shall be located in an individual viewing area. Any individual viewing area of the adult oriented business shall be separated from patrons by a floor to ceiling plexiglass or other clear, permanent barrier and shall be operated and maintained with no holes, openings, or other means of direct visual or physical access between the interior space of two (2) or more individual viewing areas. No individual viewing area may be occupied by more than one (1) person at any one (1) time.

(s) Separation zones. Whenever live entertainment is provided, patrons shall be physically separated from performers by a buffer zone of at least six (6) feet and no physical contact between performers and patrons shall be permitted. This provision shall not apply to an individual viewing area where the stage is completely separated from the individual viewing area by a floor to ceiling permanent, solid barrier.

(t) Use of single building for multiple uses. No building, premises, structure, or other facility shall be permitted to contain more than one (1) type of adult oriented business as such types of adult oriented business are defined in Article I. For the purposes of this section, the phrase "adult oriented business" shall not be considered a single type of adult oriented business.

(u) Payment of gratuity. No patron shall directly or indirectly pay or give any gratuity to any performer and no performer shall solicit or accept any gratuity from any patron.

(v) Separate restrooms. The adult-oriented business shall provide separate restroom facilities for male and female patrons and employees. The restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in the restroom at any time, unless otherwise required by law, in which case the adult oriented business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the restroom during operating hours. The attendant shall prevent any person(s) from engaging in any specified sexual activities within the restroom and shall ensure that no person of the opposite sex is permitted in the restroom.

(w) Parking. The adult oriented business complies with the City's parking standards for the underlying use. Where no city parking standards exist for a particular underlying use, the applicant shall provide one (1) space per occupant as based upon the maximum occupancy as determined by the building official.

(x) Security plan. A detailed security plan is submitted to the Community Development Director that describes measures that will be implemented to provide adequate security both within the interior and exterior of the premises of the business, specifically including, but not limited to, measures to comply with the requirements of for areas open to public view and parking.

(y) Security guards. For an adult oriented business that provides live entertainment, at least one (1) security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open and providing live entertainment. If the occupancy limit of the premises is greater than fifty (50) persons, an additional security guard shall be on duty inside the premises for each additional fifty (50) patrons permitted. The security guard(s) shall be charged with preventing violations of and enforcing compliance by patrons with the requirements of this division, and notifying the appropriate authorities of any violations of law observed. Any security guard required by this subparagraph shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this subparagraph shall act as a door person, ticket seller, ticket taker or admittance person while on duty as a security guard.

(z) The business location, structure, and equipment complies with all applicable health, fire, building, or other state, federal, or local laws and regulations.

(aa) The owner or manager of an adult oriented business will not permit any employee on the premises to engage in a live showing of specified anatomical areas. The owner or manager of an adult oriented business shall be responsible to ensure compliance with this division by employees, performers and patrons.

26-109 Alcohol Beverage Sales Establishments [EX. DIVISION 15 OF ARTICLE XII]

The purpose of this section is to provide conditions for the establishment of commercial uses that serve and/or sell alcohol (retail on-sale and off-sale licenses) and to do so in accordance with certain requirements designed to ensure compatibility of such services with surrounding commercial and residential development, to not create any undue concentration of such licenses, and to not create any adverse effect on the health and welfare of the community.

(a) The required permit as specified in Article II Division 2 in specified commercial and manufacturing zones for any business that sells alcohol for off-site consumption, except for service stations that sell alcohol, which requires a conditional use permit pursuant to section 26-109(b).

  (1) Violation of the provisions of this section or other applicable sections of this code may result in the revocation of the permit in accordance with the revocation standards, provisions and procedures of Article VI Division 12.

(b) Service Stations Selling Beer and Wine for Off-Premises Consumption

  (1) Conditional Use Permit Required. Any service station located in specified commercial and manufacturing zones may sell beer and wine for off-site consumption with a conditional use permit. The sales of distilled spirits shall not be allowed.

  (2) The site shall comply with all current development standards for service stations as set forth in the West Covina Municipal Code, including, but not limited to, the minimum number of parking spaces prior to the approval of a conditional use permit to allow off-sale of alcohol.

  (3) Unless otherwise noted, the following requirements shall apply to all gasoline service stations selling beer and wine:

    (i) A maximum of ten (10) percent of the retail floor area shall be allowed for the display and sale of alcohol. Merchandise stacking shall not be included in the retail floor area calculation when determining the maximum area for display and alcohol sales.

(ii) The sale of beer in quantities fewer than three containers is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

(iii) No beer and wine shall be displayed within five feet of the cash register or front door.

(iv) The advertisement of beer and wine shall not be permitted at motor fuel islands.

(v) Identification card reader is required to determine the authenticity of the identification that displays the age of the individual.

(vi) No beer and wine shall be sold from or displayed in an ice tub.

(vii) No coin or other fee-based operated video games or video entertainment machines shall be permitted on the premises.

(viii) Signage shall be posted in the parking lot and on the exterior of the building notifying persons that alcohol shall not be consumed on the premises.

(ix) Signs shall be prominently posted, stating that California State Law prohibits the sale of beer and wine to persons under the age of 21 years.

(x) A CCTV surveillance system shall be installed that views and records all areas within the interior of the store sales floor and the exterior of the gasoline station, including all points of ingress/egress from the street.

(xi) A Flock Safety camera with license plate recognition that is integrated with the Police Department's system shall be installed at every vehicle entry/exit points for the site.

(c) On-site instructional tasting events at for off-sale premises may be established as follows:

(1) A Conditional Use Permit is required for businesses which offer instructional tasting events.

(2) Conditional Use Permits for instructional tasting may only be granted to businesses with an active off-sale or on-sale alcohol license from the department of alcoholic beverage control (ABC).

(d) Alcohol service (on-sale licenses) may be established in conjunction with the following uses, only in the zones specified in Article II, with the approval of a Conditional Use Permit:

(1) Clubs, lodge halls, and similar facilities as defined in section 23428.9 of the California Business and Professions Code;

(2) Accessory use billiard parlor with a kitchen and dining area as specified in this Article; or

(3) A major motel or a major hotel as defined in this Division;

(e) Alcohol service (on-sale licenses) may be established in conjunction with the following uses, only in the zones specified in Article II, with the approval of an Administrative Permit:

(1) Bona fide eating place as defined in section 23038 of the California Business and Professions Code

(f) Alcohol Beverage Manufacturing (ABM) uses, and Accessory Tasting rooms may be established subject to and Administrative Permit and the following:

(1) The ABM shall comply with all federal, state, and local laws and regulations, including a valid license from the California Department of Alcoholic Beverage Control (ABC) for the specific type of alcoholic beverage manufacturing occurring on site.

(2) The ABM use located in a commercial zone shall not exceed six thousand (6,000) square feet of gross floor area (GFA), unless otherwise permitted by the Administrative Permit.

(3) The ABM in a commercial zone may not exceed production of fifteen thousand (15,000) barrels per year.

(4) The ABM located in a commercial zone must include an accessory tasting room.

(5) The ABM may not be located within five hundred (500) feet of the nearest property line of any elementary, secondary, or high school, as measured from the nearest property line of the site on which the alcohol manufacturing use is located.

(6) All production activities shall be located completely within the ABM facility. All on-site storage shall be located within the ABM facility.

(7) The display of alcoholic beverages shall not be located outside of an ABM and accessory tasting room facility.

(8) Accessory uses such as cooking facilities, and the sales of alcohol for off-site consumption may be allowed as a part of the administrative permit provided that the proposed accessory use complies with the applicable development standards of this title, is permitted in the underlying zone and that the accessory uses are incidental and do not substantially alter the character of the principal use.

(9) The ABM and accessory tasting room use shall not be open to the public, except for the following hours:

  (i) Manufacturing and Production: 7:00 a.m. - 7:00 p.m. Monday - Saturday.

  (ii) Accessory Tasting Room (Industrial Zone): 12:00 p.m. - 9:00 p.m. Sunday - Thursday, and 11:00 a.m. - 10:00 p.m. Friday - Saturday.

  (iii) Accessory Tasting Room (Commercial Zone): 12:00 p.m. - 9:00 p.m. Sunday - Thursday, and 11:00 a.m. - 12:00 p.m. Friday-Saturday. Additional hours may be permitted through an Administrative Permit.

(10) Service trucks used for the purposes of loading and unloading materials, ingredients, products, and equipment shall be restricted to the hours of 8:00 a.m. - 6:00 p.m. Monday - Friday and 11:00 a.m. - 6:00 p.m. on Saturday; the use of service trucks for the purposes of loading and unloading materials, ingredients, equipment, and finished product shall be prohibited on Sunday.

(11) To the greatest extent feasible, access and loading bays are discouraged from facing toward a street.

(12) The purchase, consumption, tasting and sales of alcoholic beverages shall be limited to only those products produced on site.

(13) Ancillary retail sales shall be limited to only those retail items directly associated with the on-site ABM facility and accessory tasting room.

(14) The ABM use or accessory tasting room shall not charge an admission fee, cover charge, or require a minimum purchase.

(15) A sewage plan and all on-site infrastructure shall be approved by the appropriate City departments.

(16) The ABM and accessory tasting room use shall comply with Chapter 15 Article IV- Noise Regulations.

(17) A security plan, including a video surveillance system and exterior lighting plan, satisfactory to the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR), capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than thirty (30) days. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors, as well as the business address.

(18) No more than ten percent (10%) of the square footage of the windows and transparent doors of the premises shall be allowed to bear advertising, signs, or any other obstructions. All advertising, signage or other obstructions shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.

(19) Tours of the ABM and accessory tasting room use shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively impact adjacent businesses or property owners.

(20) ABM and accessory tasting room uses located adjacent to or across from residential areas shall be restricted from utilizing natural ventilation practices that may negatively impact neighboring residences and may be required to install mechanical air filtration systems.

(g) Breweries, wine blending, and distilleries

(1) In addition to the standards for the underlying zone, the following requirements shall apply to breweries, wine blending business, distilleries and accessory tasting rooms:

(i) A brewery, wine blending or distillery use may not exceed production of 15,000 barrels per year for breweries or 150,000 gallons for wine blending/distillery uses.

(ii) All production activities and on-site storage shall be located completely within the facility. Off-site storage is permitted, provided it meets all applicable provisions of the underlying zone. The display of alcoholic beverages shall be located within the manufacturing area and accessory tasting room facility.

(iii) The brewery, wine blending, or distillery use, and accessory tasting room use shall be allowed to operate and be open to the public during the following hours:

a) Manufacturing and Operation: 7:00 A.M. to 7:00 P.M. Monday through Saturday; and Accessory Tasting Room Open to the Public: 11:00 A.M. to 12:00 A.M. daily.

(iv) Service trucks used for the purposes of loading and unloading materials, ingredients, products, and equipment shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday and 9:00 A.M. to 6:00 P.M. on Saturday.

(v) The consumption, tasting, and sales of alcoholic beverages shall be limited to only those products produced on site, unless the use establishes a bona fide eating establishment.

(vi) Ancillary retail sales, including the sale of beer, wine or distilled spirits for off-premises consumption, shall be limited to only those retail items directly associated with the on-site facility and accessory tasting room.

(vii) The brewery, wine blending, distillery use, or accessory tasting room shall not charge an admission fee, cover charge, or require a minimum purchase.

(viii) A security plan, including a video surveillance system and exterior lighting plan, satisfactory to the Community Development Director or designee, shall be submitted and approved prior to issuing a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring of both the interior and exterior of the property. A Digital Video Recorder (DVR) or similar video recording device, capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than 30 days. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors and the business address.

(ix) No more than ten percent of the window display area (including any transparent doors) shall be allowed to bear advertising, signs, or any other obstructions. All advertising, signage, or other obstructions shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.

(x) Tours of the brewery, wine blending, or distillery use, and accessory tasting room use shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively affect adjacent businesses or property owners.

(xi) The business shall be restricted from utilizing ventilation practices that may negatively affect residences and may be required to install mechanical air filtration systems to the satisfaction of the Community Development Director or designee.

(xii) Any proposed alcohol establishment shall comply with all Police Department conditions imposed, including those listed under Section 19 "Building/Site Security" of City Council Resolution 95-20.

26-110 Amusement and entertainment facilities [EX. DIVISION 9 OF ARTICLE XII FORMERLY TITLED "GAME ARCADES"]

The purpose of this Division is to permit the operation of amusement and entertainment facilities, through consideration of physical treatment and compatibility with the community and surrounding property.

(a) The permit required (as specified in Article II Division 2) shall be obtained prior to establishing an amusement and entertainment facility.

(b) The following special development standards shall apply to amusement and entertainment facilities:

(1) Hours of operation shall be limited to between eight (8:00) a.m. to twelve o'clock (12:00) midnight. The Community Development Director or their designee may, after twelve (12) months of operation approve extended hours of operation. The hours of operation must be posted in a conspicuous place.

(2) All activities associated with the use shall comply with the standards of the noise ordinance. An accessory computer game/internet access center with ten (10) or more computers, shall be subject to the granting of a Conditional Use Permit is required, as specified in Article II, Divisions 2 and Article VI Division 4 of this Chapter.

(3) Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks, or similar obstructions.

(4) The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police.

(5) Exterior lighting shall not intrude on surrounding properties.

(6) The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking.

(7) A security plan, including a video surveillance system, exterior lighting plan, noise, litter, loitering, crowd control and parking to the satisfaction of the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy.

(8) The development standards of the zone in which this use is to be located shall apply (as specified in Article III, unless this section specifically permits or prohibits otherwise.

(9) Such other conditions as deemed by the Planning Commission or Community Development Director or their designee to reasonably relate to the purpose of this Division, such as but not mandatory or limited to:

(i) Windows shall be maintained to allow an unobstructed view of the interior.

(ii) Noise, congregation, parking, and other factors generated by the use, which are detrimental to the public health, safety, and welfare.

(iii) Review of the computer game/internet access center, main or accessory use, operation permitted by the Administrative Use and/or Conditional Use Permit is required after six (6) months after opening, then annually thereafter. Ownership changes shall meet the same requirements. The current or new business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to ½ of the pertinent current application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(iv) At no time shall alcoholic beverages be sold, dispensed, possessed, brought, or allowed on the premises of any amusement and entertainment facility except in those cases where the facility is accessory to a bona fide eating place with a Conditional Use Permit for on-sale alcohol service.

(c) Specific development requirements for a game arcade:

(1) No arcade shall be located within one thousand (1,000) feet of a public or private school conducting classes between first and twelfth grades. The distance shall be measured over a pedestrian path of travel from the nearest customer entrance of the arcade to the nearest accessible portion of any school property.

(2) Conditions of approval of an Administrative Use Permit or Conditional Use Permit for an amusement and entertainment facility:

(i) No admittance of juveniles under sixteen (16) years of age until 1:30 p.m. except on Saturday, Sunday, holidays, and school vacations.

(ii) No one under twelve (12) years of age admitted unless supervised by an adult.

(iii) One (1) attendant, twenty-one (21) years of age or older, is required for every twenty-five (25) games; two (2) attendants minimum required for a main use or accessory use game arcade.

(iv) Review of the operation permitted by the Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of a main use game arcade. The business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to two times the current Conditional Use Permit application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(v) The Conditional Use Permit may be revoked, amended, or suspended by the Planning Commission under the provisions of Article VI of this Chapter.

(vi) Licenses or permits as required in Chapter 5, Article V and Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(vii) Amusement and entertainment facility business hours: 10:00 a.m. to 10:00 p.m. The Planning Commission may approve extended hours of operation under certain circumstances; but in any case, after 10:00 p.m. attendance shall be limited to adults and minors accompanied by a parent or legal guardian.

(viii) No sound created by the entertainment facility, or its patrons shall be detected from the exterior of the facility.

(3) Such other conditions as deemed by the Community Development Director or Planning Commission to reasonably relate to the purpose of this Division, such as but not mandatory or limited to:

(i) Review of the operation permitted by the Administrative Permit or Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of an accessory use game arcade.

(ii) Windows shall be maintained to allow an unobstructed view of the interior.

(iii) Accessory use game arcade business hours, if different from business hours of the main use.

(d) Specific development requirements for billiard parlors.

(1) Spacing of tables. A clear and unobstructed distance of six (6) feet shall be provided between tables, and between tables and walls or other obstructions.

(2) Lighting. The interior and exterior of the building and the front and rear parking lot shall be brightly lit with no dark areas. Exterior lighting shall be installed and maintained in a manner eliminating any nuisance to adjacent residential property.

(3) Floor covering. All floor surfaces of the playing and spectator area shall be covered with fabric carpet.

(4) Proximity to school. No billiard parlor shall be located within one thousand (1,000) feet of a public or private school conducting classes between the first and twelfth grades. This distance shall be measured over a pedestrian path of travel from the nearest customer entrance of the parlor to the nearest accessible portion of any school property.

(5) Open view. All billiard parlors shall be so constructed and maintained that a clear and unobstructed view of the entire interior thereof may at all times be had from the street or sidewalk in front of the same, except

in those cases where the billiard parlor is an accessory use to a bona fide eating place, as defined in section 23038 of the California Business and Professions Code. No partitions forming rooms, stalls, or other enclosures where the public congregates shall be permitted. This provision, however, shall not be construed to preclude the maintenance of washrooms, toilet rooms for proper purposes or the maintenance of closets for storage purposes exclusively.

(6) Conditions of approval of a Conditional Use Permit conditions of approval for a billiard parlor:

(i) At no time shall alcoholic beverages be sold, dispensed, possessed, brought or allowed on the premises of any billiard parlor except in those cases where ~~there is a main use with a minimum of twenty-five (25) percent of the floor area of the business utilized as a kitchen and dining area~~the billiard parlor is an accessory use to a bona fide eating place utilizing no more than 10-percent of the total floor area available for customer assembly and/or dining. In no case shall alcoholic beverages be allowed within a primary/main use billiard parlor.

(ii) No person shall operate a billiard parlor between the hours of 2:00 a.m. and 6:00 a.m., or permit or allow any person to play billiards or remain in any billiard parlor between the hours of 2:00 a.m. and 6:00 a.m. This section, however, shall not be construed to prevent regular employees from performing necessary work within the premises.

(iii) Any billiard parlor shall be subject to code enforcement or police inspection and supervision for the purpose of ascertaining if the provisions of this Article are being observed, and no personnel shall hinder, obstruct, or delay any police officer from entering any such place.

(iv) No person shall keep any door or entrance to any billiard parlor locked, barred, or barricaded in such a manner as to make it difficult for access to police officers while two (2) or more persons are present.

(v) No person shall permit gambling of any kind or description or playing any games whatsoever for money or anything of value, within any billiard parlor.

(vi) No card table shall be kept, or any card games played or allowed in any billiard parlor.

(7) Main use billiard parlors and all accessory use billiard parlors shall comply with the following:

(i) No person under the age of sixteen (16) years shall be in, remain in, enter, or visit any billiard parlor, unless accompanied by a person over twenty-one (21) years of age who is responsible for the minor's control and supervision.

(ii) No person having charge or control of the billiard parlor shall permit or allow any person under the age of sixteen (16) years to be in, remain in, enter, or visit any billiard parlor, unless such minor person is accompanied by a person over twenty-one (21) years of age who is responsible for the minor's control and supervision.

(iii) The provisions of paragraphs (i) and (ii) of this section shall not apply to any person under the age of sixteen (16) years, if such person while in any billiard parlor is a member of a bona fide organized recreational group attending such room as a part of its activities, and there is in charge of such group and accompanying such group, while in a billiard parlor, a person over the age of twenty-one (21) years.

(iv) No person shall represent themselves to have reached the age of sixteen (16) years to obtain admission to a billiard parlor or to be permitted to remain therein when such person in fact is under sixteen (16) years of age.

(v) No person under the age of eighteen (18) years shall be in, remain in, enter, or visit any billiard parlor after 10:00 p.m. and before 6:00 a.m. of the next day, unless accompanied by his/her parent, guardian or other person having the legal care, custody, or control of such person.

(vi) No person having charge or control of any billiard parlor shall permit or allow any person under the age of eighteen (18) years to be in, remain in, enter, or visit any billiard parlor, after 10:00 p.m. and before 6:00 a.m. of the next day, unless accompanied by his/her parent, guardian or other person having the legal care, custody, or control of such person.

(vii) The proprietor or manager of such billiard parlor shall maintain a notice at the front entrance thereof to the effect that a person under the age of sixteen (16) years of age is prohibited from entering the same unless accompanied by a person over twenty-one (21) years of age who is responsible for his/her control and supervision.

(viii) No alcohol shall be served in main use billiard parlors.

26-111 Animal Keeping [EX. SECTION 26-391 (5)]

The purpose of this Division is to permit and regulate the keeping and maintenance of animals on any lot or parcel being legally used as a single-family residence and/or zoned for residential use without changing the residential character of surrounding neighborhoods. The following animals of such type, size and number so as not to be capable of inflicting harm or discomfort or endangering the peace, health or safety of any person or property.

(a) Household pets: Provided that not more than three (3) adult dogs or four (4) adult cats, one (1) miniature pot-bellied pig ~~(subject to the approval of an administrative use permit)~~ or a combination of three (3) such animals may be kept on any lot unless a Conditional Use Permit has been granted authorizing the development, maintenance, and operation of a hobby kennel on the lot.

(b) Poultry and fowl provided that not more than six (6)~~twenty-four (24)~~ birds are maintained on any lot or parcel, with the exception of domestic homing pigeons in excess of six (6) birds approved through an Administrative Permit outlined in subsection (2) below.

(1) Roosters are prohibited.

(2) Domestic homing pigeons, in excess of six (6) ~~twenty-four (24)~~ birds and not more than twenty-four (24)~~sixty (60)~~ birds on any lot or parcel may be permitted subject to the approval of an Administrative Permit and compliance with the standards listed below. Domestic homing pigeons are defined as members of the family Columbidae, and include “racing pigeons,” “fancy pigeons,” and “sporting pigeons,” as defined by the American Racing Pigeon Union and can be identified by a numbered leg band issued by a recognized national or state pigeon organization or other organization recognized by the City of West Covina.

(i) A detailed plan of the loft showing its location on the property and evidence of membership and/or certification by one (1) of the above-mentioned organizations shall be submitted in conjunction with the Administrative Permit application.

(ii) The loft shall be of sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.

(iii) No loft structure shall be closer than ten (10) feet to any separate accessory building on the subject site.

(iv) Lofts and pigeons shall be located no closer than thirty-five (35) feet from any property line and/or habitable building on the subject site.

(v) Lofts and pigeons shall be located no closer than one hundred (100) feet from any school or hospital property.

(vi) All feed for pigeons shall be stored in sealed containers in a manner as to protect against intrusion by rodents and other vermin.

(vii) The hours in which exercising/training may occur are limited by the Administrative Permit.

(viii) Each pigeon shall not be allowed out of its loft more than one (1) time in a twenty-four-hour period.

(ix) Pigeons shall not be allowed out of their loft except for exercising/training or when being transported for a flight.

(x) Facilities and equipment shall be cleaned daily and maintained in a clean and healthy condition.

(xi) No one shall release pigeons to fly for exercise, training, or competition except in compliance with the following:

a) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

b) Pigeons shall not be released for flying which have been fed within the previous four (4) hours.

c) All pigeons shall be banded and registered with one (1) of the national pigeon associations/registries.

(c) Small animals such as rabbits, chinchillas, hamsters, reptiles, and other small animals (subject to Section 671, Title 14, of the California Code of Regulations) raised for:

(1) Domestic noncommercial use in residential zones. Provided not more than a total of six (6) of such animals maintained on a site.

(d) Bovine animals, sheep and goats or any combination thereof shall only be allowed in the R-A zone on sites having at least twenty thousand (20,000) square feet, provided that the following ratio of animals to lot area is maintained and that they are owned only by persons residing on the parcel:

Table 4-1 Number of Bovine Animals per Lot Size

Number of Animals	Lot Area
1	20,000 sq ft
2	35,000 sq ft
3	43,560 sq ft (one acre)

(e) Horses may be maintained on lots of twenty thousand (20,000) square feet or greater. The number of horses over nine (9) months of age permitted to be maintained shall be as follows:

Table 4-2 Number of Horses Per Lot Size

No. of Horses	Minimum Lot Area (square feet)
2	20,000
3	27,500
4	35,000
5	42,500+

(f) For lots that abut equestrian facilities and trails, the number of horses permitted to be maintained shall be increased as follows:

Table 4-3 Number of Horses per Lot Size (Adjacent to Special Facilities Park)

Number of Horses	Minimum Lot Area (Square feet)
2	20,000
3	25,000
4	30,000
5	35,000+

(g) The keeping of horses under ten (10) months of age are not subject to the limitations stated above.

(h) An additional number of horses, bovine animals more than those permitted above, may be maintained up to a maximum of ten (10), subject to the granting of a conditional use permit.

(i) Commercial boarding or breeding of horses may be permitted subject to the granting of a conditional use permit.

(j) Poultry, homing pigeons, small animals, bovine animals, and horses must be kept within a corral, pen, or other suitable enclosure maintained so as to confine such animals. In addition, horses must be provided with a corral or stable area of the following minimum sizes:

(1) Corral: Two hundred forty (240) square feet per horse; minimum dimensions of twelve (12) feet by twenty (20) feet;

(2) Stable: Twelve (12) feet by twelve (12) feet per horse.

(3) Corrals shall be a minimum of five (5) feet in height and shall be constructed of material to adequately confine the horses.

(k) The location of barns, corrals, or stables shall comply with applicable zoning setback requirements. A barn, corral, or stable may be located within fifty (50) feet of a front property line at the discretion of the Community Development Director or their designee or his designee through an Administrative Permit where the design and appearance of such structures is determined to be harmonious with and complementary to that of surrounding properties.

(l) Refuse from animals shall be stored in water-tight receptacles with close fitting lids or stockpiled for composting. The outer layer of manure shall be covered with polyethylene tarp and sealed by covering the edges with soil for animal composting. Stored animal refuse shall be disposed of not less than once per week.

(m) Barns, corrals, or stables shall be cleaned and maintained on a weekly basis such that dust, flies, and odors shall not be detectable from adjacent properties.

(n) Notwithstanding the poultry and animals permitted to be kept, no wild and dangerous or wild and potentially dangerous animal or animals (as defined in Chapter 6 Article I of this Code) shall be brought into, kept, harbored, possessed, liberated, or maintained on any portion of any lot or within any building or structure thereon.

(1) This prohibition shall not apply to any offspring of any legally kept wild animal until such offspring reaches an age of four (4) months.

(2) This prohibition shall not apply to any circus or show involving the temporary exhibition of wild animals when otherwise permitted under this Code.

(o) Miniature pot-bellied pig. Miniature pot-bellied pigs commonly referred to as a pygmy pig or mini pig, which stands no higher than twenty (20) inches at the shoulder and is no longer than forty (40) inches from the tip of the snout to the end of the buttocks and weighs no more than one hundred twenty (120) pounds shall be permitted.

(1) Only one (1) miniature pot-bellied pig shall be permitted per single-family residential lot.

(2) If kept outdoors, the pot-belly pig must be maintained at least twenty (20) feet from any habitable dwellings (other than the permittees).

(3) Breeding of the pot-bellied pig is prohibited. Each pig shall be surgically altered to prevent reproduction. Evidence of such surgery shall be submitted to the City prior to the approval of an Administrative Permit for miniature pot-bellied pigs.

(4) The owner of the miniature pot-bellied pig is responsible for ensuring that the animal is maintained in a manner which complies with Chapter 6, Article II pertaining to the general keeping of miniature pot-bellied pigs and the licensing requirements thereof.

(5) The keeping of adult dogs and adult cats in conjunction with a miniature pot-bellied pig shall be limited such that the total number of adult household pets, including the one (1) miniature pot-bellied pig, shall not exceed three (3) for a single-family residential property.

(6) If kept as an indoor pet, a minimum of one hundred (100) square feet outdoor cemented, or turfed, fenced with solid footings, smooth-surfaced floor run shall be provided.

(7) If kept outdoors a minimum of two hundred (200) square feet cemented, or turfed, fenced with solid footings, smooth-surfaced floor run shall be provided. Said fenced area must comply with all setback requirements for the underlying area district and be maintained in an orderly and odor-free manner.

26-112 Body Art [COMBINED EX. DIVISIONS 23 AND 24 OF ARTICLE XII]

(a) Body Piercing. The practice of body piercing shall be allowed in conjunction only with a beauty shop or jewelry store use. Only body piercing uses shall supply body piercing services to the public. Medical practitioners licensed by the State of California under the Business and Professions Code Chapter 5 (commencing with Section 2000 of Division 2) who utilize body art activities as part of patient treatment are exempt from the registration and permitting requirements of this Division.

(1) The practice of body piercing shall be subject to and comply with the following standards and regulations:

(i) Body piercing uses established and operated only in the zones specified in Article II Division 2 and shall occupy no more than ten (10) percent of the gross floor area of the primary business.

(ii) Body piercing uses may only be established in permitted businesses with a minimum of one thousand two hundred (1,200) square feet of gross floor area.

(iii) The permit required (as specified in Article II Division 2) shall be obtained prior to establishing a body piercing use. An administrative permit is not required for jewelry stores or beauty shops that offer incidental ear piercing.

(iv) The body piercing use shall comply with the Los Angeles County Code Department Regulations Body Art Title 11-Health and Safety Code Division 1 - Health Code Chapter 11.36-Body Art Establishments and Environmental Health Regulations Part 1 Public Health Chapter 36 Body Art Regulations as adopted July 1999 or as may be amended in the future.

(v) A business license as required by Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation.

(vi) The Community Development Director or their designee may impose other conditions deemed necessary to reasonably relate to the purpose of this Division.

(b) Tattooing. The practice of tattooing established and operated only in the zones specified in Article II Division 2 and shall be subject to the permit required (as specified in Article VI Division 4). Tattooing shall comply with the following standards and regulations:

(1) Tattooing uses may only be established in a tenant space with a minimum of one thousand (1,000) square feet of gross floor area.

(2) Tattooing uses shall be located a minimum of three hundred (300) feet from a residential use, religious facility, public parks, or educational institution which is utilized by minors (measured from property line).

(3) Tattooing uses shall be located more than one thousand five hundred (1,500) feet from the perimeter of the tenant space of any other tattooing use.

(4) Tattooing uses shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

(5) Temporary or mobile tattooing uses or events are not allowed by this section.

(6) The parking requirement for a tattooing use shall be consistent with standards for personal service business. Accessory use tattooing shall comply with the parking requirements for primary use.

(7) The tattooing use shall comply with the Los Angeles County Code title 7, Chapter 7.94, Body Art Establishments.

(8) A business license as required by Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(9) The Planning Commission may impose other conditions deemed necessary to reasonably relate to the purpose of this Division.

26-113 Cannabis [REPLACED EX. DIVISIONS 27 AND 28 OF ARTICLE XII]

Commercial cannabis uses and activities are prohibited in the City of West Covina, and no commercial cannabis uses shall operate, locate, or otherwise be permitted or established within the City, even if located within or associated with an otherwise permitted use, and neither the City Council nor City staff shall approve any use, interpretation, permit, license certificate of occupancy, Zoning Code or General Plan amendment allowing the operation and/or establishment of commercial cannabis uses.

(a) No person shall own, operate, engage with or manage a commercial cannabis activity in the City of West Covina. No person shall lease or offer to lease any facility or any location for a commercial cannabis use in the City of West Covina. No person shall employ any person or be employed at a commercial cannabis business in the City of West Covina, whether or not such employment is on a paid or volunteer basis.

(b) Personal cultivation. Cultivation of cannabis indoors for personal consumption shall be permitted within a fully enclosed and secure structure by persons twenty-one (21) years of age or older, which shall conform to state law and the following minimum standards.

(1) The cultivation of cannabis by any person, including primary caregivers and qualified patients, collective, cooperatives or dispensaries, for commercial cannabis activity, as defined in Article I Division 4- Definitions.

(2) Cannabis plants shall be cultivated by a person or primary caregiver exclusively for personal use only and shall not be donated, sold, distributed, transported, or given to any other person or entity.

(3) Outdoor cannabis cultivation by any person, including primary caregivers, qualified patients, and dispensaries, for any purpose including medical or non-medical (recreational) purposes is prohibited in all zoning districts within the City of West Covina.

(4) No person shall cultivate more cannabis plants indoors than is expressly authorized by State Law.

(c) Public nuisance. Any violation of this Division shall constitute a public nuisance and may be abated in accordance with applicable laws, including, but not limited to, Chapter 15, Article IX of this Code, or remediated by way of a criminal proceeding, civil action, or abatement. Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this Article, is hereby declared to be unlawful and a public nuisance and may be abated by the City through civil, criminal, and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

(d) Violation. Any person who violates this division shall be guilty of a misdemeanor and be punished in accordance with applicable laws, including, but not limited to, Section 1-37 of this Code.

(e) This Article is not the exclusive means for the abatement of cannabis cultivation within the City of West Covina. The remedies set forth pursuant to this section shall be in addition to any other existing remedies for violations of the Zoning Code, including, but not limited to, any action at law or equity.

26-114 Community assembly facility [REPLACED EX. DIVISION 8 OF ARTICLE XII]

The purpose of this Division is to provide for the establishment and operation of privately owned community assembly facilities in accordance with certain requirements designed to ensure compatibility of such facilities with surrounding businesses and residential development.

(a) The requirements of this Division shall apply to community assembly facilities such as banquet halls, dance halls, union halls, meeting halls for clubs and other membership organizations, and other similar facilities. Any business which permits a community assembly facility on the premises, whether for profit or not for profit, whether as a primary use or in conjunction with a commercial use, shall be considered a community assembly facility as defined in Article I Division 4.

(b) Community assembly facilities may be established and operated only in the zones specified in Article II Division 2 of the Zoning Code.

(c) The permit required (as specified in Article VI Division 4) shall be obtained prior to establishing a community assembly facility.

(d) The community assembly facility shall be subject to periodic review by the Planning Commission every six (6) months for an initial two (2) years from date of commencement of the facility operation. The current or new business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to ½ of the pertinent current application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(e) Live entertainment and other entertainment activities conducted on the premises shall be subject to the City noise regulations prescribed in Chapter 15, Article IV of this Code.

(f) The permitted occupancy or total number of patrons allowed to enter the premises for dancing or related activity shall be restricted to two (2) persons per parking space provided on the site or the maximum occupancy permitted by the Uniform Building Code whichever is less.

(g) Hours of operation for community assembly facilities may be established by the Planning Commission but in no case shall extend beyond 1:45 a.m.

(h) A Conditional Use Permit for the community assembly facility use shall be granted personally to the owner of such business or use and shall become null and void upon transfer of ownership or any other interest for such business or use.

(i) There shall be no public nuisance created by such use as a result of noise.

(j) No person in charge of or assisting in the conduct of the facility, or featuring live entertainment, shall permit any person to enter into, to be in or to remain in any place where such dance hall, facility or live entertainment is conducted, who is intoxicated, boisterous, or disorderly. No person in an intoxicated condition shall enter, be in or remain in the facility or where live entertainment is permitted by this Article. No person shall conduct themselves in a boisterous or disorderly manner in or at a dance hall, facility or where live entertainment is permitted by this Article.

26-115 Containment of Carts [EX. DIVISION 31 OF ARTICLE XII]

This division sets forth a uniform set of standards for any business establishment that uses carts in its operations, or that provides, or otherwise makes carts available for the use of its customers. Business establishments utilizing carts shall employ and/or install physical containment devices and/or equipment designed to prevent the unauthorized removal of such carts from the premises where they are located.

(a) The following definitions shall apply:

(1) Cart means any basket or other like container of any size, dimension or material construction which is mounted on wheels or a similar device and is typically (but not necessarily exclusively) used by the customers, agents or employees of a business establishment for the purposes of transporting items of any kind.

(b) Cart containment regulations:

(1) Each business establishment shall have a sign permanently affixed to all carts complying with the requirements of the Business and Professions Code Section 22435.1, shall have signage installed on site notifying customers that removal of the carts from the premises is prohibited, and shall be required to employ and or install one or more of the following physical containment measures, subject to the Community Development Director's review and approval of a cart containment plan specifically indicating the means of cart containment proposed to be utilized;

(i) Equipping all carts with a wheel locking or stopping mechanism used in conjunction with an electronic or magnetic barrier running along or within the perimeter of the premises. Such wheel locking or stopping mechanism must activate when the cart crosses the electronic or magnetic barrier.

(ii) Equipping all carts with devices and/or equipment which physically prevents the carts from being removed from the interior of any building or structure in which they are used;

(iii) Installing physical barriers within all buildings or structures which physically prevent carts from being removed from the interior of any building or structure in which they are used;

(iv) Installing an alternative cart containment system proposed by the specific business establishment and approved by the community development director.

(2) The employment and/or installation of any one or more of the options set forth under subsections (b)(1) through (b)(3) of this section shall be required within sixty (60) calendar days of a written determination by the Community Development Director or their designee determining that an approved alternative cart containment system option does not reliably prevent the removal of carts from the premises. A containment system option does not relatively prevent the removal of carts from the premises. A containment system shall be deemed not to reliably prevent the removal of carts from the premises if the number of carts removed from the premises or found abandoned exceeds three (3) carts in a thirty (30)-day period and/or eight (8) total carts in any calendar year.

(c) Cart containment approval process.

(1) Approval by community development director. Commencing upon the effective date of this division, every new or existing business establishment utilizing carts must either:

(i) Submit documentation proving, to the reasonable satisfaction of the Community Development Director or their designee, that the business establishment has installed any one or more of the measures set forth under subsections (b)(1) through (b)(3) and that such system is operational and in good working condition; or

(ii) Submit to the Community Development Director or their designee a proposal for the installation of an alternative cart containment system. The Community Development Director or their designee shall have thirty (30) calendar days from the date of submission to review any proposal for a barrier system contemplated under section (b)(4) and may thereafter approve the proposal; deny the proposal; approve the proposal subject to modification and amendments aimed at enhancing its cart containment reliability and/or its architectural and aesthetic consistency with other on-premises improvements; or forward the proposal to the Planning Commission for review and render the final decision . No new business establishment shall be issued a certificate of occupancy until the requirements of this section are satisfied.

(d) Implementation and amortization.

(1) All existing business establishments which do not have cart containment measures employed in accordance with subsections (b)(1) through (b)(3) or have an approved alternative containment measure employed per subsection (b)(4), as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after the effective date. A business establishment and/or owner of the premises upon which the business establishment is located may apply for an extension of time from the

amortization period no more than ninety (90) days prior to the expiration date or no more than thirty (30) days after the expiration date.

(i) The extension of time request shall be reviewed by the community development director. The Community Development Director may only consider one extension of time per business establishment. In no case shall an extension of time greater than six (6) months be granted. The Planning Commission, upon appeal, shall make the following findings in approving or conditionally approving an application for the extension of time request.

a) That the struct application of the required cart containment measure will create an unreasonable hardship upon the applicant, which was not brought about by an act of the applicant.

b) That the extension of time requested will not be materially detrimental to the public health, safety, or general welfare or to the use, enjoyment or valuation of property of other persons located within the vicinity.

c) That sufficient evidence has been submitted to support the need for the extension of time and appropriate amount of time.

(ii) Written notice of time and place of hearings conducted by the Planning Commission upon appeal relating to such matter shall be given not less than ten (10) consecutive calendar days in advance of such hearing to the applicant and property owner whose property is within a three hundred (300) foot radius of the subject lot. The applicant shall be responsible for providing the City with the required radius map and mailing labels. All persons interested in such matters shall be given a reasonable opportunity to present relevant evidence relating to the request.

(e) Requirements for securing carts.

(1) All carts located on the premises of any business (other than business establishments open 24 hours per day) shall be collected at the end of each business day by employees of the establishment and shall be collectively confined in a secure manner until the commencement of the next business day.

(f) Cart retrieval requirements.

(1) The cart owner shall secure and continuously maintain a service to retrieve shopping carts which have been removed from their business premises within 24 hours of the removal or notice of removal.

26-116 Drive-Through Facilities [REPLACED EX. DIVISION 19 OF ARTICLE XII]

This Division sets forth the performance standards for the construction and implementation of drive-through pharmacies and financial institutions in a manner which ensures the on-going compatibility of such uses with neighboring residential development and other sensitive receptors such as but not limited to schools, hospitals, convalescent homes, etc. A conditional use permit shall be obtained prior to establishing and operating a drive-through facility in a commercial, mixed use and industrial zones, and specific plan zones where applicable, provided that the facility and/or site complies with the following minimum requirements:

(a) Drive-through facilities shall not be within five hundred (500) feet of another drive-through facility. This shall be measured from the building and/or queuing lane, whichever is closer.

(b) Area requirements. Every drive-through facility shall be located on a site having an area of not less than ten thousand (10,000) square feet and a minimum street frontage of not less than one hundred (100) feet.

(c) Drive-through facilities are prohibited in the West Covina Downtown Plan area.

(d) Adequate separation between drive-through facility and adjacent residential developments and other sensitive receptors, as determined by the Community Development Director or their designee and/or Planning Commission, shall be provided by the following methods:

(1) A minimum distance of fifty (50) feet between the property lines of any residential zone or residential development or other sensitive receptor and the outer perimeter of the drive-through lane(s), outdoor play area, and outdoor seating area shall be maintained.

(2) The drive-through facility shall not be located within a 500-foot radius of a school or park unless mitigating factors exist.

(3) A minimum of five-foot (5'-0") wide landscaped buffer and/or minimum six-foot (6'-0") high wall along the property line shall be provided. Said landscape buffer shall be landscaped with specimen plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the Community Development Director or their designee.

(e) Design standards. The following standards shall apply to the design of any new development providing a drive-through service.

(1) Drive-through lanes shall not obstruct the circulation routes necessary for access to the property, parking areas (including backup area of parking spaces), and pedestrian walkways.

(2) Pedestrian walkways shall be emphasized by enriched pavement or striping.

(3) Drive-through facilities within an integrated shopping center shall be consistent with the center in terms of architectural design and detailing, roof material, exterior finish materials and color.

(4) Each drive-through aisle shall be appropriately screened with a combination of landscaping, low decorative walls, and/or berms to prevent headlight glare from impacting adjacent residences, businesses, public rights-of-way, and parking lots.

(5) Landscaping along the drive-through aisle shall be a minimum of five (5) feet in width.

(6) Landscaping and fencing shall be consistent with Article III Division 5 and trees should be provided to buffer adjacent uses.

(7) Decorative paving shall be used at project entries and in pedestrian areas to enhance the pedestrian environment.

(8) New buildings with drive-through facilities shall orient the primary building entrance toward the street to provide direct access to the public sidewalk.

(f) Queuing. Proposed drive-through facilities shall require a parking and queuing study that is based on similar operations, addressing the anticipated traffic volumes and vehicular stacking needs of the proposed business.

(1) Queuing lanes shall be a minimum length of 200 feet starting from the center of a pick-up station or window. Queuing length may vary dependent on the queuing study.

(2) Queuing lanes shall not interfere with the use of or access to any parking or loading spaces.

(g) Noise levels shall not increase ambient noise levels by five (5) dba as measured at all property lines abutting residential development and other sensitive receptors. This may be achieved through one (1) or more of the following methods, as determined by the Community Development Director or their designee and/or Planning Commission:

(1) All deliveries and exterior building and landscaping maintenance and cleaning activities may be limited as necessary to achieve compatibility with adjacent sensitive land uses.

(2) Hours of operation may be limited as necessary to achieve compatibility with adjacent sensitive land uses.

(3) The applicant shall provide a noise study prepared by an acoustical engineer indicating that the proposed operation will not increase ambient noise levels by five (5) dba as measured at all property lines abutting residential development and other sensitive receptors.

(4) The applicant shall provide the plans and specifications for any potential noise sources (e.g., the speaker system, trash compactor, delivery trucks, etc.).

(5) If speakers are utilized, the speaker box shall be oriented away from adjacent residences and other sensitive receptors.

(h) The site shall be served by an improved arterial or collector street adequate in width to carry the quantity of traffic generated by the use without significantly lowering the existing level of service of that street. The Community Development Director or their designee and/or Planning Commission may require the applicant to prepare and submit a traffic study which addresses:

(1) The placement, design, and adequacy of the vehicle queuing aisle.

(2) The use demand for the proposed facility.

(3) On-site circulation and parking lot design.

(i) Such other requirements and/or standards as deemed by the Community Development Director or their designee and/or Planning Commission to reasonably relate to the purpose of this Division may be required as a condition of approval.

(j) Findings. The Planning Commission shall not grant a Conditional Use Permit for a drive-through facility without finding:

(1) Said facility has adequate vehicle queuing distance, including with due consideration for menu board location, clear of any adjacent public right of way, and shall not create any vehicular or pedestrian travel hazards as demonstrated in a traffic study prepared to the satisfaction of the city engineer.

(2) That the project substantially conforms with the purpose, intent and provisions of the General Plan, any applicable Specific Plan, or other applicable regulation.

(3) That the location and design of the facility is compatible with surrounding existing uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities, and interior floor area.

(4) The said facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.

(5) That said facility includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris that may impact surrounding sensitive receptors.

(6) That said facility, if located within 150-feet of a residential zone, includes appropriate limits on hours of operation of the drive-through.

(7) That said facility is not located in an area of existing overconcentration of drive-through facilities and is not located within a 500-foot radius of a school or park unless mitigating factors exist.

26-117 Electric Vehicle Charging Stations and Solar Carports ***NEW***

This Division sets forth design and development standards for Commercial Electric Vehicle Charging Stations and Solar Carports located within parking lots.

(a) Electric Vehicle Charging Stations. This section shall provide additional development standards in addition to the standards adopted in Article XVIII- Permit Process for Electric Vehicle Charging Stations.

(1) Electric vehicle charging stations may only provide required signage for compliance with accessibility requirements and U.S Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Controls.

(2) Per State law, electric vehicle charging stations and related equipment are required to be counted towards the City's parking standards/ratio. As such, signage preventing non-electric vehicles from being parked on electric vehicle charging station spaces shall be prohibited.

(b) Solar Carports. This section shall provide development standards for Solar Panel Canopies located within parking lots.

(1) Solar carports shall not be located within any required building setback.

(2) Solar carports shall not be located within 100 feet of the front facing portion of buildings.

(3) Solar carports shall not result in a net loss of any required parking.

(4) Solar carport shall not result in a net loss of any required parking.

(5) No signage shall be permitted on the solar carports other than signage required for ADA and identification purposes.

(6) No offsite advertising.

26-118 Emergency Shelters [EX. DIVISION 25 OF ARTICLE XII updated to be consistent with State Law]

This Division sets forth a uniform set of standards for emergency shelters to provide temporary housing for ~~the homeless~~people who are not securely housed.

(a) Standards and Regulations. Emergency shelters for ~~homeless persons~~people experiencing homelessness shall be subject to and comply with the following standards and regulations.

(1) A single emergency shelter for thirty (30) occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants, shall be allowed as a permitted use per Article II Division 2, consistent with section 65583(a)(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet the minimum standards contained herein below. Any emergency shelter with a capacity greater than thirty (30) occupants shall also be subject to the approval of a Conditional Use Permit, as set forth in Article VI Division 4.

(2) The maximum stay at the facility shall not exceed ~~one hundred twenty (120)~~one hundred eighty (180) days in a three hundred sixty-five (365) day period. ~~The facility shall operate on a first-come, first-serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew no later than 10:00 p.m. shall be established and strictly enforced and clients shall not be admitted after the curfew.~~

(3) A minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter, as measured from the property line.

(4) A minimum of one (1) staff member per fifteen (15) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.

(5) Bike rack parking shall be provided at the facility at a rate of one space for every four (4) beds.

(6) Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Parking Lot Design and Lighting Standards.

(7) A waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility. Said waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by a minimum six (6) foot tall visually screening decorative wall or fence and shall provide consideration for shade/rain provisions.

(b) Operational Plan. An operational plan shall be provided. The approved operational plan shall remain active throughout the life of the facility. At a minimum, the plan shall contain provisions addressing the topical areas outlined below.

(1) Security and safety. Addressing both on and off-site needs shall include the following rules and procedures:

(i) The facility shall establish and enforce a strict code of conduct including the prohibition of weapons and their use.

(ii) The facility shall establish procedures for client intake and shall maintain a client roster. The roster shall be made available to the City upon request.

(2) Loitering control. With specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.

(3) Management of outdoor areas. Including a system for daily admittance and discharge procedures and monitoring of waiting areas.

(4) Hiring procedures. Describe procedures for ensuring that staff are not convicted felons or are required to register as a sex registrant.

(5) Staff training. With objective to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income.

(6) Communication and outreach. With objective to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the public.

(7) Screening. Provide criteria to screen clients for admittance eligibility, with objective to provide first service to individuals with connections to West Covina.

(8) Counseling. To provide counseling programs with referrals to outside assistance agencies and provide an annual report on this activity to the City.

(9) Litter control. With an objective to provide for the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four (24) hour period.

(10) Contact information. The operator shall provide the City with the most current contact information for the operator of the facility during the normal daytime office business hours, and the nighttime contact information for the "person on duty" when the emergency shelter is operating.

(11) State law compliance. The operator shall ensure proper compliance with all state laws pertaining to client residency and occupancy.

(12) Emergency response. The operator shall establish standards for responding to emergencies and incidents by expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.

(c) Required Services. The facility shall provide the following services in a designated area separate from sleeping areas:

(1) A recreation area inside the shelter or in an outdoor area visually separated from [public] view by a minimum six (6) foot tall visually screening decorative wall or fence.

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

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

(4) Kitchen and dining area.

(5) Client storage area.

(6) Similar types of facilities to address the needs of homeless clients, as determined by the Community Development Director or their designee.

(d) Parking. An emergency shelter facility shall provide parking as indicated in Article III, Division 6.

(e) The facility shall comply with all other laws, rules, and regulations that apply including, but not limited to, building and fire codes. The facility shall be subject to City inspections prior to the commencement of operation. In addition, the City may inspect the facility at any time for compliance with the facility's operational plan and other applicable laws and standards.

26-119 Private Gymnasiums and Fitness Studios [EX. DIVISION 10 OF ARTICLE XII]

The purpose of this Division is to serve the need of the public in regard to gymnasiums and fitness studios while guaranteeing the adequacy of the site for the use and the protection of the surrounding properties through consideration of physical treatment, parking requirements and compatibility with surrounding properties.

(a) Application. Gymnasiums and fitness studios may be established only in the zones as specified in Article II, Division 2 through a Conditional Use Permit. The application shall include a precise plan for new structures (as specified in Article VI, Division 3).

(b) Development Standards. The development standards of the zone in which this use is to be located shall apply (as specified in Article II, Division 2 of this Chapter) unless this section specifically permits or prohibits otherwise.

(c) Parking shall be required as indicated in Article III, Division 6.

(d) Conditions of Approval. Conditions of approval of an Administrative Permit or Conditional Use Permit for gymnasiums and athletic clubs shall include but not limited to the following:

(1) The Administrative Permit or Conditional Use Permit shall become null and void upon transfer of ownership or any other interest in the use permitted.

(2) The Administrative Permit or Conditional Use Permit may be revoked, amended, and suspended by the community development director or Planning Commission under the provisions of Article VI of this Chapter.

(3) Licenses and permits as required in Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(4) Such other conditions as deemed by the Community Development Director or Planning Commission to reasonably relate to the purpose of this Division.

26-120 Home Occupation [EX. DIVISION 5 OF ARTICLE XII]

The purpose of the home occupations provisions is to permit the conducting of a business for supplemental income in residential dwellings without changing the residential character of surrounding neighborhood.

(a) Regulations and Requirements. The following regulations and requirements apply to home occupations:

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

(2) No mechanical, electrical equipment, or stock material shall be used other than that customarily found in the home associated with a hobby or avocation not conducted for gain or profit except machinery, equipment or stock material which is essential in the conduct of the home occupation, providing that such machinery, equipment or stock material does not generate, emit or create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than normally experienced in an average residential neighborhood.

(3) No in person contact with the public or in person sale of products on the premises except by mail, phone, or internet ~~or telephone~~.

(4) No generation of pedestrian or vehicular traffic beyond the amount normal to a residential neighborhood.

(5) No more than one (1) room or two hundred (200) square feet, whichever is less, shall be employed for the home occupation.

(6) No garage, accessory building or open ground space shall be employed for home occupation or for storage of equipment, supplies, or products, except the vehicle (and equipment, supplies or products stored within the vehicle) employed by the home occupation.

(7) No commercial advertising or identifying signs.

(8) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character prior to the installation of the home occupation.

(9) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes~~. (Private telephone excluded)~~, including computers and phones used for business.

(10) These regulations shall not apply to community care facilities except when in conflict with a specific state licensing requirement.

(b) Permitted uses regarding home occupations are limited to sales and services type business with no on-site contact with the public, production and assembling of small quantities of items. Contact with clients is limited to one client on the premises. This does not include family day cares.

(c) The following services and uses require a Conditional Use Permit as set forth in Article VI.

(1) Foster home (more than six (6) children)

(2) Hobby kennel (subject to requirements of section 26-111- Animal Keeping)

(3) Horse boarding or breeding (subject to requirements of section 26-111- Animal keeping)

(d) The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby substantially impair the use and value of a residential neighborhood. These specified uses shall not be permitted as home occupations:

(1) Auto Repair

(2) Barber or beauty shop.

(3) Bicycle repair.

(4) Carpentry work.

(5) Dance instruction.

(6) Laundering service.

(7) Massage parlor.

(8) Medical or dental office.

(9) Painting of vehicles, trailers or boats.

(10) Photo developing.

(11) Photo studio.

(12) Private school with organized classes.

(13) Radio or television repair.

(14) Upholstering.

(15) Welding.

26-121 Massage Parlors and Health and Beauty Spas [EX. DIVISION 12 OF ARTICLE XII]

The purpose for this Division is to serve the need of the public in regard to massage parlors and health and beauty spas while guaranteeing the adequacy of the site for the use and the protection of surrounding properties through consideration of physical treatment and compatibility with surrounding properties.

(a) This Division shall not apply to any uses or professions exempted by Chapter 14 Article V of this Code.

(b) Massage parlors and health and beauty spas may be established only in the zones as specified in Article II, Division 2 of this Chapter.

(c) The permit required (as specified in Table 2-12 in Article II, Division 2) shall be obtained prior to establishing a massage parlor or health and beauty spa.

(d) The development standards of the zone in which this use is to be located shall apply (as specified in Article II of this Chapter unless this section specifically permits or prohibits otherwise.

(e) Parking shall be required as indicated in Article III Division 6.

(f) Massage Parlors and Health and Beauty Spas shall comply with the following minimum standards:

(1) Massage parlors and Health and Beauty Spas shall not be located within 1,000 feet of another massage use;

(2) Massage parlors and Health and Beauty Spas shall not be located within 150 feet from any residential use.

(3) A massage room shall not have light dimmers and shall not be equipped with lamps.

(4) Accessory massage uses (where massage is not the primary use) shall not have any doors for massage rooms but may cover the doorway with draped curtains. Massage parlors and Health and Beauty Spas may have doors that are not equipped with any locking devices.

(5) Each massage room or area where massage is performed shall be illuminated with light equivalent to a minimum of forty-watt incandescent light bulb and shall provide sufficient ventilation. Such lighting and ventilation shall otherwise comply with the current mechanical and building code of the city. The lighting in each massage room shall be always activated while the patron is in such room or area.

(6) No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area, shall, during business hours, block visibility into the interior reception and waiting area by curtains, closed blinds, or any other material that obstructs, blurs, or darkens the view into the premises.

(g) No person or persons shall be allowed to live inside the massage establishment at any time. Beds, mattresses, waterbeds, futons, sofa beds, or any type of portable or convertible beds are not permitted on the premises.

(h) No food of any kind shall be cooked or prepared in a massage establishment. No food of any kind shall be for sale or sold in the establishment.

(i) A massage establishment may be inspected at least twice a year for the purpose of determining that the provisions of this chapter are met. Such inspections may be made by the police department, persons employed by the City whose job descriptions require the person to enforce the provisions of this code, including, but not limited to, code enforcement officers, and such other enforcement officials.

(j) Advertising. No permitted massage establishment shall place, publish, or distribute, or cause to be placed, published, or distributed, in any publication or any website, any advertising that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services authorized by the Massage Therapy Act and pursuant to this chapter. No massage establishment shall employ language in the text of such advertising that would reasonably suggest to a prospective patron that any service is available other than those services authorized by this chapter. The massage establishment shall ensure that it and all certified massage professionals comply with Business and Professions Code Sections 4608, 4609 and 4611, by requiring the massage professionals to include the name under which he or she is certified and his or her certificate number in any and all advertising of massage for compensation; to not engage in sexually suggestive advertising related to massage services; to not hold him or herself out as a certified massage professional, or use terms such as “licensed” or “certified,” that implies that an uncertified person is certified as a massage professional; to not falsely state or advertise or put out any sign or card, or to falsely represent to the public, that any individual is licensed, certified, or registered as a massage professional if that individual is not so certified by the CAMTC.

(k) Clothing. A massage professional may not wear attire that is transparent, see-through, or substantially exposes the massage professional's undergarments or that exposes their breasts, buttocks, or genitals, or that in any way willfully and lewdly exposes their private parts in any place that is in public or where there are other people present who may be offended or annoyed by such action. Swim attire may not be worn unless the massage professional is providing a water-based massage modality approved by the CAMTC. A massage professional shall not wear any clothing that is deemed by the CAMTC to constitute unprofessional attire. All employees of the massage establishment that are not massage professionals shall also adhere to these clothing requirements.

(l) Responsibility for Conduct of Massage Establishment. The operator and on duty manager shall be jointly responsible for the conduct of all employees while the employees are on the premises of the massage establishment. Any act or omission of an employee constituting a violation of any provision of this chapter shall be deemed to be an act or omission of the operator and on duty manager for purposes of determining whether the massage establishment permit should be revoked, or an application for such permit or renewal thereof, denied.

(m) Conditions of approval of a Conditional Use Permit for health and beauty spas or massage parlors:

(1) Review of the operation permitted by the Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of the use. The business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to two times the current Conditional Use Permit application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(2) All persons providing massage services shall obtain a CAMTC certificate.

(3) Signs—Display of Permits. Neither signs nor the front of the business shall be illuminated by strobe, flashing lights or string lights. Each operator and/or on-duty manager shall display the massage establishment permit in a conspicuous public place in the lobby of the massage establishment. In addition, each operator and/or on-duty manager shall ensure: (a) CAMTC Certificates for each massage professional employed at the establishment (whether on-duty or not) are conspicuously displayed in the lobby area of the massage establishment; and (b) that each massage professional has his or her identification card in his or her possession while providing massage services for compensation.

(4) The Conditional Use Permit may be revoked, amended, or suspended by the Planning Commission under the provisions of Article VI Division 4 of the West Covina Municipal Code.

(5) Licenses and permits as required by Section 14-117 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(6) The use shall be conducted in compliance with all applicable requirements of Article V of Chapter 14 of the West Covina Municipal Code.

(7) Such other conditions as deemed by the Planning Commission to reasonably relate to the purpose of this Division.

(n) Accessory massage service is allowed as an accessory to hair salons, barbershop, nail salons, gyms/fitness studios, medical office/clinic only.

(1) An administrative review shall be obtained prior to establishing accessory massage and prior to issuance of business license and the start of operations subject to the following minimum standards:

(i) A massage room shall not have light dimmers and shall not be equipped with lamps.

(ii) The massage room shall not have any doors but may cover the doorway with draped curtains.

(iii) Each massage room or area where massage is performed shall be illuminated with light equivalent to a minimum of forty-watt incandescent light bulb and shall provide sufficient ventilation. Such lighting and ventilation shall otherwise comply with the current mechanical and building code of the City. The lighting in each massage room shall be always activated while the patron is in such room or area.

(2) A letter signed by the applicant for massage services requesting that the Community Development Director or their designee approve massage services as an accessory use at the subject address. The letter should also include the following:

(i) Applicant's full name, mailing address, and phone number (the applicant must be the same business owner of the primary business.

(ii) The proposed hours of operations for the massage services and hours of operation of the primary use.

(iii) A statement that massage services will not be permitted beyond the hours of operation of the primary use.

(iv) A statement that the proposed massage technician is strictly accessory to the primary use and will abide by all requirements of an accessory use, including permitting no exterior advertising relating to massage services.

(3) A floor plan, drawn to scale, of the primary use indicating location of walls and entries and labeling the intended use of rooms. Specifically, show the following:

(i) The location of the massage room and fixtures related to the business (sink, table, counter, bathroom shall be indicated on the floor plan);

(ii) No separate exterior entrance to the massage room. The path of travel to the massage room should be through the main entrance of the primary use; and

(iii) The massage room and other areas devoted to the massage service shall not exceed ten (10) percent of the total business floor area.

(4) A business license from the city treasurer's office is required.

(5) Each individual massage technician shall comply with the requirements of section 14-68 of the Municipal Code.

26-122 Mobile Home Development and Design Standards [EX. DIVISION 2 OF ARTICLE XII]

The regulations contained in this Division, in addition to the requirements for the underlying zone, shall govern the land, buildings, yard restrictions, signs, landscaping, and other improvements required for mobile home parks developed within any such district.

(a) The following general criteria are hereby set forth to guide the Planning Commission in establishing a mobile home park district. The Planning Commission may, based upon compliance with said criteria, approve or deny a request for a mobile home park district.

(1) A mobile home park shall be located on a four (4) lane or wider street.

(2) A mobile home park shall consist of not less than five (5) acres of usable area (ten (10) percent grade or less).

(3) The existing utility systems (water, sewer, drainage, electrical, gas and communications facilities) should be adequate or the construction of new systems possible to serve a mobile home park within the mobile home park district.

(b) The following development standards shall apply to a mobile home park.

(1) The required permit (as specified in Article II Division 2) shall be obtained prior to construction of a mobile home park.

(2) State standards. The mobile home park standards of the state, as the same now exist or as they may be amended, shall apply.

(3) Underground utilities. All utilities shall be underground in accordance with the Municipal Code and approved by the city engineer.

(4) Off-street parking shall be provided as indicated in Article III Division 6.

(5) Landscaping. The required setback areas shall be landscaped. In addition, there shall be planters, trees, shrubs, and other plant material generally dispersed through the mobile home park. Such landscaping shall be permanently watered and maintained. All such planted areas shall be surrounded by a curb of concrete or comparable material not less than six (6) inches high.

(i) No planting area shall be less than twenty-four (24) square feet in overall area or less than three (3) feet in width (inside dimension) except for raised planter boxes around or near buildings.

(ii) There shall be at least one fifteen (15) gallon size tree provided per mobile home lot.

(iii) Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

(iv) Each unused space resulting from the design or layout of parking spaces or accessory structures which is over twenty-four (24) square feet shall be landscaped.

(v) The landscaping plan shall be drawn to a minimum scale of one (1) inch for each fifty (50) feet; shall indicate the square footage of each planting area; shall tabulate the square footage of all landscaped area and percentage of the total site devoted to landscaping; shall identify at the planting area the type of plant; shall list the botanical and common names of all plants with the number of each and their container size; and shall clearly portray the permanent irrigation system.

(6) Walls. A five (5) foot high (minimum) concrete, masonry or decorative block wall shall be provided and maintained on the boundary of the mobile home park. Walls along dedicated street frontages must be set back a minimum distance of fifteen (15) feet from the property line and this setback area shall be landscaped. Type, texture, and color shall be approved by the Planning Commission.

(7) Yards. There shall be a fifteen (15) foot setback along all dedicated street frontages which area shall be landscaped as indicated in subparagraph (e) above.

(8) No mobile home or structure shall be located within five (5) feet of the side or rear line of a mobile home park boundary.

(9) Refuse storage. All outdoor trash, garbage, and refuse containers shall be screened on all sides from public view by a minimum five and one-half (5½) foot high concrete, masonry or decorative block wall and the opening provided with a gate of durable wood or comparable material. Such an area shall be so located as to be easily accessible for trash pickup. Type, texture, and color shall be approved by the Planning Commission.

(10) Lighting. All lighting of the mobile home buildings, landscaping, parking lot, or similar facilities shall be so located and directed as to reflect away from adjoining properties.

(11) Mechanical equipment. All ground mechanical equipment shall be completely screened behind a permanent structure, and all roof top mechanical equipment on permanent structures shall be placed behind a permanent parapet wall and be completely restricted from all view.

26-123 Mobile services [EX. DIVISION 13 OF ARTICLE XII]

(a) The purpose for this division is to serve the need of the public for convenient and economical services to residents and business while guaranteeing the adequacy of the site for the use and the protection of surrounding properties.

(b) Mobile Services permitted

(1) For the purposes of this division, mobile services shall include specified commercial services that are rendered at residences or places of business, provided only in response to direct requests for such services. Mobile services shall be limited to those typically and customarily provided by stationary service businesses permitted in the commercial zones (not including the M-1 zone) of the City.

(2) Mobile services shall not include services that create a nuisance to adjacent properties, such as but not limited to vibration, sound, electro-mechanical disturbance or radiation, air or water pollution, dust, emission of odorous, toxic, or noxious matter, or violates the provisions of Chapter 15 of the Municipal Code.

(3) Mobile services involving the maintenance of stationary property fixtures shall be exempt from the provisions of this division, notwithstanding that such services must comply with the provisions of Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations). These services shall include, but are not limited to, gardeners, pool maintenance, and building contractors.

(4) Mobile food vendors requiring a business license permit, as stated in section 14-161, shall be allowed only in commercial and manufacturing zones. However, a mobile food vendor may conduct business on a property used or zoned for residential purposes during the construction or reconstruction of any structure on that property if the area actually being constructed or reconstructed consists of 2,500 square feet or greater in area. Such operation shall comply with the provisions of Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations).

(5) The Community Development Director shall be authorized to make determinations regarding the conformance of proposed mobile services with these stated criteria, provided, however, that the decision of the Community Development Director may be appealed to the Planning Commission pursuant to the procedures of section 26-193 of this chapter.

(c) Standards for mobile services operation.

(1) Mobile services provided at residences may be rendered only to the residents of the subject property. Mobile services provided at places of business may be rendered only to the owner or proprietor of the subject business, or to employees of the subject business with the consent of the owner or proprietor.

(2) Mobile services may be provided only in response to direct request for such services, and may not be provided through “door-to-door” solicitation.

(3) The total number of days that a service may be provided at a particular residence or place of business by a given mobile service operator shall be limited to a maximum of five (5) during any given thirty-day period.

(4) Mobile services may be rendered only between the hours of 8:00 a.m. and 9:00 p.m., except as prohibited by noise regulations contained in Chapter 15 of the West Covina Municipal Code.

(5) Mobile services shall be provided entirely within enclosed buildings, with the exceptions of the following services:

(i) Auto repair and services provided at single-family residential properties, provided it occurs in conformance with section 26-45 of this chapter (including the prohibition of power tools after 8:00 p.m.), and further provided that oil, gasoline, and other flammable or hazardous materials are properly disposed of in accordance with environmental laws and regulations.

(ii) Auto repair and services provided at multiple-family residential properties, provided it occurs in conformance with section 26-45 of this chapter (including the prohibition of power tools after 8:00 p.m.), and further provided that oil, gasoline, and other flammable or hazardous materials are properly disposed of in accordance with environmental laws and regulations.

(iii) Services provided at residential properties, provided it occurs within a commercial service vehicle designed for the particular service provided.

(6) Licenses and permits as required in Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations) must be obtained by operators of mobile services.

(7) The Community Development Director shall be authorized to make exceptions to these standards, based on extraordinary circumstances, provided that negative impacts are not created, provided, however, that the decision of the Community Development Director may be appealed to the Planning Commission pursuant to the procedures of section 26-193 of this chapter.

26-124 Temporary leasing centers, Modular trailers and Model Homes [EX. DIVISION 3 OF ARTICLE XII]

Notwithstanding any other provisions of this Chapter, after a tentative subdivision map or precise plan has been approved, a model home marketing complex may be constructed within the area covered by the tentative subdivision map if all the conditions of this division are complied with.

(a) The owner or developer of land within a subdivision who desires to construct a model home marketing complex therein shall file the following with the Community Development Director or their designee:

(1) The model home marketing complex site plan (which must be a typical representation of the proposed development), including plot plans showing the proposed location and elevation of all models and of all other structures proposed to be built, the location of roads, walks, parking areas and other improvements within the complex and landscaping plans.

(2) An "Agreement and Consent to Judgment" signed and acknowledged by both the owner and the developer guaranteeing that all land and improvements constructed as part of the model home complex shall conform to the final subdivision map, zoning and improvement plans, or guaranteeing that if the final subdivision map is not recorded within eighteen (18) months from the date of the agreement or any authorized extension thereof, all of the improvements shall be removed at the sole cost of the owner thereof and the land restored to its former condition. The form of the agreement shall be approved by the City Attorney before it is filed.

(3) The legal description of the area including each individual lot within the subdivision upon which the model home marketing complex is to be constructed.

(b) The Community Development Director or their designee shall review the plot plans of a proposed model home marketing complex and may either approve, amend, or disapprove the plot plans.

(c) Any applicant dissatisfied with the action of the Community Development Director or their designee may appeal in the manner and within the time specified in section 26-193.

(d) After the plot plans have been approved by the Community Development Director or their designee, the owner or developer may apply to the building official for the necessary permits required for the construction of the model home marketing complex in accordance with the approved plot plans. All plans, specifications and certificates required for compliance with the building code, together with the payment of the prescribed fees, shall be required.

(e) Plans and specifications shall be submitted to the city engineer for the construction of necessary streets, curb, gutters and paving to serve the model home complex and necessary utilities, sewers and storm drains shall be constructed. Plans and specifications shall be approved by the city engineer prior to issuance of building permits. Final street construction may be deferred until such time as the model home complex is no longer in use provided a bond, in an amount approved by the city engineer, guaranteeing final street construction, is posted.

(f) The owner or developer shall also construct on the model home complex site suitable and adequate toilets and washing facilities for public use. The plans and specifications for such facilities and their location shall be approved by the building official prior to construction. The facilities shall be permanently maintained in a clean and sanitary manner to the satisfaction of the health department.

(g) A model home marketing complex may be constructed in a Planned Residential Development overlay zone or in a Planned Community Development zone for which no tentative subdivision map is required if the owner or developer complies with all the conditions of this division with the following exceptions:

(1) Reference to the approved tentative subdivision map shall mean the approved development plan for the planned residential development or the planned community development, whichever is applicable.

(2) Reference to the removal of improvements if a final subdivision map is not recorded shall refer to a notice to remove improvements issued by the Community Development Director or their designee of the City for noncompliance with master plan requirements or with development plan requirements. Removal of

improvements may be required within eighteen (18) months of the date of the approval of the development plan unless an extension of time is approved by the Planning Commission.

(h) No residential occupancy shall be permitted in any dwelling unit constructed as a part of a model home marketing complex until the Community Development Director or their designee and city engineer have certified that all the requirements of this Chapter which are applicable to the unit have been met and the building official has finally certified that all building code requirements have been met.

(i) A fee as established by a resolution of the City Council is required for the application and review of the plot plans for a model home complex. Building permit and engineering fees required by other provisions of this Code shall be paid.

26-125 Outdoor Dining *NEW*

(a) Outdoor dining and seating areas may be permitted for approved restaurant or other similar uses subject to the following standards:

(1) New outdoor dining facilities shall be subject to an Administrative Permit as per Article VI Division 6 Administrative Permit.

(2) Minor Modifications of existing outdoor dining facilities shall be subject to the provisions of Article VI Division 7 Minor Modifications.

(3) Outdoor dining areas located on public walkways shall be limited to commercial areas within the plaza area and which provide meal service, specialty food service or full menu food services.

(4) Outdoor dining areas located on City owned properties shall require a separate encroachment permit issued by the Engineering Division and/or a lease agreement with the City that includes indemnification of the City.

(5) Dining areas adjacent to storefronts shall not be permitted in areas where less than an eight (8) foot minimum sidewalk width exists, unless additional or lesser public walkway is approved by the Community Development Director or their designee. The dining area must permit at least four feet of unobstructed area of public walkway.

(6) The outdoor dining area shall be located in a manner which will not obstruct pedestrian or vehicular line of sight, interfere with vehicular or pedestrian mobility, or impede access to City or public utilities or facilities. The determination of whether an outdoor dining area, or any part thereof, interferes shall be made by the Community Development Director or their designee at the time of application based on the characteristics of each proposed site.

(7) All Fire Department regulations and standards concerning exterior lighting and power must be met. These regulations and standards will be supplied at the time of application.

(8) Any permanent supports for shade structures, such as solar sails shall obtain the appropriate building permit and Fire Department approval for use of the solar sails. For purposes of lot covered, solar sails shall not be considered towards lot coverage.

(9) The outdoor dining area shall only be located directly adjacent to the business that it serves. The outdoor dining area shall not encroach into the front of adjacent tenant spaces.

(b) Operating requirements and restrictions.

(1) Tables and other outdoor dining components shall be located on the same site as the restaurant, within private property.

(2) Outdoor dining areas are limited to the serving and consumption of food and non-alcoholic beverages. An approval to serve alcoholic beverages within the outdoor dining shall comply with the standards established by the state Department of Alcohol Beverage Control and shall require a permit as specified in Article II Division 2.

(3) Displaying merchandise within the outdoor dining area is prohibited.

(4) Any proposed furnishings associated with the outdoor dining areas shall not obstruct or restrict the lines of sight of vehicles.

(5) Applicants requesting outdoor dining areas exceeding 25 percent of the restaurant's gross floor area shall provide evidence of sufficient parking onsite or provide a parking study analyzing on-site parking impacts that is prepared by a licensed civil or traffic engineer.

(6) Components associated with the outdoor dining areas shall be arranged in a manner that is compliance with all local, state, and federal laws, including but not limited to, the Americans with Disability Act.

(7) Access to entrances and exits, fire hydrants and fire lanes shall not be obstructed.

(8) The use of amplified music including live entertainment within outdoor dining areas shall require live entertainment approval pursuant to Article II, Division 2**.**

(9) Lighting shall be incorporated into the façade of the building and shall complement the style of the building. Lights on buildings shall not be glaring at pedestrian or vehicular traffic and should illuminate only the outdoor dining area.

(10) Heating sources are not permitted for outdoor areas when underneath an awning canopy or other temporary or permanent structure.

(i) Any temporary shade structures such as canopies, etc. shall obtain a Temporary Use Permit from the Planning Division.

(11) The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition at all times. Regular cleanup of trash and debris shall be the responsibility of the business owner.

(12) If table service is not offered, then outdoor dining area must contain waste receptacles for use by the public and employees.

(13) All moveable furniture shall be stored indoors during hours of non-operation or shall be secured to the satisfaction of the City.

(c) Design standards.

(1) The outdoor dining area may be defined by placement of fencing or other suitable dividers as required or approved by the Community Development Director or their designee and shall be in keeping with the aesthetic and architectural character of the building.

(2) Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structures.

(3) The outdoor dining area shall be defined by placement of portable but sturdy fencing or other suitable dividers such as planter boxes, as required or approved by the Community Development Director or their designee and shall be in be compatible with the business's exterior aesthetic features. All fences and/or dividers shall be of durable material, fire safe, structurally sound, aesthetically pleasing, and compatible with adjoining improvements or structures.

(d) Any modification to public surfaces, such as borings for recessed sleeves or post holes must be approved in advance by the Community Development Director or their designee. A cash deposit or bond, posted in a form acceptable to the City Attorney's office, in the amount of $1,000.00 and shall be posted by the permittee to ensure proper site restoration.

(e) Parking requirements for outdoor dining shall be consistent with the provisions of Article III Division 6.

26-126 Portable Self-Storage Containers [NEW - COMBINED AND CONSOLIDATED EX. STANDARDS IN RESIDENTIAL AND COMMERCIAL ZONES]

This section provides location, development, and operating requirements for portable self-storage containers.

(a) *Temporary placement on residential zoned properties developed with a residential use.* Storage containers may be located on a lot developed with a single-family residence, duplex, or multi-family residential on a temporary basis, subject to the following standards:

(1) *Short-term location.* One (1) container may be located on a lot up to a total of fourteen (14) days in a calendar year without the approval of any permit.

(2) One (1) storage container may be located on a lot in conjunction with active construction with a valid Building and/or grading permit on the same lot. The storage container shall be removed from the site within ten (10) days of building permit final.

(3) *Location.* The temporary storage container shall be located no closer than 5 feet from the rear and side property lines. Location within the front setback shall be limited to no more than fourteen (14) days unless screened from the public right-of-way. The temporary storage container shall not impede access to the garage and/or carport. The temporary storage container shall not be located on the driveway if parking of at least two vehicles is not feasible.

(4) *Size.* Storage containers shall be no greater than twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width.

(b) *Temporary placement on commercial properties.* Temporary storage containers may be located on a commercial lot subject to the following standards:

(1) *In conjunction with permitted active construction.* Storage containers may be temporarily located on a commercial site for the storage of construction materials and/or store/retail inventory in conjunction with active construction with a building or grading permit.

(ii) The location of the temporary storage container shall be indicated on a site plan approved by the Planning and Engineering Divisions prior to its placement on site.

(iii) The temporary storage container(s) shall be screened and secured with temporary construction fencing.

(iv) The temporary storage container(s) and temporary construction fencing shall be removed within 7 days after building permit final or the issuance of a temporary certificate of occupancy, whichever comes first.

(2) *Size.* Storage containers shall be no greater than twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width.

(c) *Permanent placement.* Permanent placement of storage containers is prohibited on vacant lots and lots developed with a single-family residence, multifamily residence and/or commercial use.

(d) The temporary storage container shall be immediately removed at such time as the storage container becomes a nuisance or danger due to its conditions.

26-127 Recycling Facilities [EX. DIVISION 14 OF ARTICLE XII]

The purpose of this Division is to address the critical statewide issue of diminishing landfill capacity. Consistent with the waste diversion goals and objectives adopted as part of the City's source reduction and recycling element, this Division is intended to conserve, to the extent possible, remaining landfill capacities, by promoting an integrated waste management approach whereby each waste stream is handled in the most efficient and environmentally sound manner and providing the public with convenient recycling and/or disposal alternatives. This Division further seeks to guarantee the adequacy of the site for the proposed use and ensure the protection of the surrounding properties through review and consideration of physical design and compatibility with surrounding properties.

(a) *Permitted zones and required permit.* No person or entity shall be permitted to place, construct, or operate a recycling facility, materials recovery facility, and/or a solid waste transfer station without first obtaining the required permit indicated in Article II, Division 2 of this Development Code. This permit is in addition to and is

intended to supplement permits required by state law to protect local health, safety and welfare. Any business seeking a land use permit must obtain a business license.

(b) *Development standards.* The following development standards, in addition to the requirements of the underlying zone, shall apply. In no case shall there be more than one (1) small collection facility, donation drop box, and/or reverse vending machine located and approved on the same site, shopping center, and/or lot. Where the following code provisions conflict with other, the stricter requirements shall apply.

(1) *Small collection facility.* Unless otherwise noted, the following requirements shall apply to all small collection facilities:

(i) The center shall be established in conjunction with an existing or planned commercial use, industrial use, or service facility (herein referred to as the "host use") which is in compliance with the zoning, building and fire codes of the City of West Covina.

(ii) The center shall be no larger than five hundred (500) square feet, and the placement of a small collection facility shall not create a parking deficit.

(iii) The center shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director, or their designee, or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(iv) No power-driven processing equipment except for reverse vending machines shall be employed.

(v) Containers shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the materials collected and the collection schedule.

(vi) All recyclable material shall be stored in containers or in the mobile unit vehicle, and no materials shall be left outside of containers when the attendant is not present.

(vii) The facility shall be maintained free of vermin, litter, and any other undesirable materials, and be swept at the end of each collection day and cleaned weekly.

(viii) Noise levels shall not exceed sixty (60) dBA as measured at the property line of a residentially zoned or occupied site; otherwise, noise levels shall not exceed seventy (70) dBA.

(ix) Attended facilities shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use. This minimum distance requirement does not need to be met if the facility is at least one hundred fifty (150) feet from a site zoned or occupied for residential use and is separated from that site by an arterial street.

(x) Attended facilities shall operate only during the hours between 8:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends and holidays.

(xi) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the containers.

(xii) The facility shall not impair the landscaping required for any concurrent use.

(xiii) No additional parking spaces are required for customers of the recycling center when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

(xiv) Small collection facility shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

(xv) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

a) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.

b) A parking study shows that the existing parking capacity is not already fully utilized during the time the recycling facility is in operation.

c) If the permit expired without renewal, the recycling facility shall be removed from the site on the day following permit expiration.

d) A twelve-inch by twelve-inch sign which states the redemption value offered shall be posted daily.

e) The small collection facility shall be screened when determined by the review authority to reduce visibility impacts from off-site and main traffic areas on-site.

f) Small collection facilities shall only be located on a property with a market that is greater than twenty ~~five~~ thousand (~~25,000~~20,000) square feet in floor area.

(2) *Donation drop boxes.* Unless otherwise noted, the following requirements shall apply to all donation drop boxes:

(i) Donation drop boxes must be attended by employee(s) per the schedule approved and posted on the site.

(ii) Donation drop boxes shall be established in conjunction with an existing or planned commercial use, industrial use, or service facility (herein referred to as the "host use") which is in compliance with the zoning, building, and fire codes of the City of West Covina.

(iii) The drop box location shall be no larger than one thousand (1,000) square feet.

(iv) The drop box shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director or their designee or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(v) Donation drop boxes shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the materials collected and the collection schedule.

(vi) All donated material shall be stored in the drop box and no materials shall be left outside of containers.

(vii) The drop box shall be maintained free of vermin, litter, and any other undesirable materials, and be swept at the end of each collection day and cleaned weekly.

(viii) Noise levels shall not exceed sixty (60) dBA as measured at the property line of a residentially zoned or occupied site; otherwise, noise levels shall not exceed seventy (70) dBA.

(ix) Donation drop boxes shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use.

(x) Donation drop boxes shall operate only during the hours between 8:00 a.m. and 9:00 p.m.

(xi) An approved donation drop box shall be open and attended at least six (6) days of the week. If the donation drop box is open only six (6) days in a week, an attendant shall patrol the donation drop box on any day that the donation drop box is not open to clean up any discarded items within the site.

(xii) Donation drop boxes shall be open at least six (6) hours a day on weekdays and four (4) hours a day on weekends.

(xiii) Donation drop boxes shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the containers.

(xiv) The facility shall not impair the landscaping required for any concurrent use.

(xv) No additional parking spaces are required for customers of the donation drop box when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

(xvi) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary use.

(xvii) Graffiti-resistant coatings shall be used on approved donation drop boxes to assist in deterring graffiti.

(xviii) If the permit expires, the donation drop box shall be removed by the owner of the donation drop box from the site on the day following permit expiration or when the business ceases. The provisions of the California Welfare and Institutions Code, section 150 et seq. are incorporated by reference here.

(xix) This section does not apply to religious facilities or non-profit businesses which place and operate their own donation boxes on the property at which they operate.

(3) Reverse vending machines.

(i) Provide and maintain a minimum illumination level of two-foot candles within a minimum twenty-five-foot radius around the reverse vending machines from dusk to dawn.

(ii) Provide an eight-foot wide unobstructed clear walkway area in front of the reverse vending machines. Consideration may be given to alternative solutions such as recessing the machines into the building frontage of the adjacent lease space.

(iii) The placement of the reverse vending machines shall not obstruct any portion of a storefront window or door and shall be placed immediately in front of or inserted into, the facade of the building.

(iv) Where practicable, the reverse vending machines shall be placed in a location away from the most heavily traveled pedestrian areas within the vicinity of the store being served and in compliance with the other provisions of the WCMC.

(v) The machines shall be located within thirty (30) feet of a primary entrance to the commercial structure, and shall not obstruct pedestrian, handicapped or vehicular circulation. If a more suitable location presents itself because of the layout and/or architecture of the development, the Community Development Director or their designee may approve a variation to the location.

(vi) The machines shall not occupy parking spaces required by the primary use(s).

(vii) The machines shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall not be more than eight (8) feet in height.

(viii) The machines(s) shall be constructed and maintained with durable waterproof material.

(ix) Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operation instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

(x) The machines shall be maintained in a clean, vermin free, and litter free condition daily. This shall include the cleaning of the machines and the surrounding walkways to reduce the discoloration, stickiness, and likelihood for attracting vermin. A cleaning schedule shall be submitted for approval via a Community Development Director or their designee's modification to the approved precise plan for the site. Said cleaning schedule shall identify the tasks to be undertaken, and the frequency of those tasks.

(xi) Operating hours shall be at least the operating hours of the primary host use.

(xii) A twelve-inch by twelve-inch sign which states the redemption value offered shall be posted prominently on or adjacent to the machines.

(xiii) Reverse vending machines do not require additional parking spaces for recycling customers.

(4) *Material recycling facilities and solid waste transfer or processing stations.* These requirements are minimum land use requirements which supplement the requirements of state law permits. Additional requirements may be required through the Conditional Use Permit process.

(i) Site location criteria:

a) Said facilities shall not substantially increase vehicular traffic, noxious odors, or existing noise levels in adjacent residential areas on local residential streets or shall be mitigated.

b) Said facilities shall not substantially lessen the usability and suitability of adjacent or nearby properties for their existing use.

c) The site shall be served by an improved arterial street adequate in width and pavement type to carry the quantity and type of traffic generated by said use without significantly lowering the existing level of service of that arterial.

d) The site shall be adequate in size and shape to accommodate said use, and to accommodate all yards, walls, vehicular stacking, parking, landscaping, and other required improvements.

(ii) Site development standards.

a) All buildings, structures or improvements shall meet the setback requirements of the underlying zone. Setbacks may be used only for the following purposes: passage or temporary standing of automobiles, landscape areas or light poles.

b) All waste unloading, loading, and processing equipment and activities shall be contained within an enclosed building with only sufficient openings for ingress/egress of vehicles and ventilation.

c) Sufficient off-street parking shall be provided to accommodate all company, employee, and visitor vehicles on-site.

d) On-site truck stacking and maneuvering area shall be provided as necessary to accommodate the anticipated vehicular usage of the facility, depending on the size and nature of the facility. No truck stacking and maneuvering area shall be permitted within the required front and street side yard setback and shall be completely screened by solid masonry walls not less than six (6) feet in height with appropriate landscaping and irrigation.

e) Any leachate and other liquid flow that may result shall be contained on-site and disposed of through an on-site treatment and/or sewer system to a regular or industrial sewer. Such leachate must also be handled pursuant to the requirements of the integrated waste management board, regional water quality control board, and Los Angeles County Department of Health.

f) Average noise levels shall not exceed seventy (70) dBA as measured at the property line of the facility in cases where any abutting nonresidential zoned property is impacted, and sixty (60) dBA as measured at the property line of the facility in cases where any abutting residentially zoned property is impacted.

g) Adequate safety features (e.g., sprinkler systems, alarm systems, materials screening program, emergency procedures) shall at a minimum be incorporated into the design of the facility.

h) Adequate dust, odor and noise controls shall be incorporated into the facility to minimize generation and off-site transmission of dust, odor, and noise.

i) All materials stored outside shall either be in processed bales or kept within storage bins constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry and removal of material, and of a capacity sufficient to accommodate the materials collected and the collection schedule.

j) All lighting shall be focused and directed and so arranged as to prevent glare or direct illumination on streets or adjoining property.

k) The lighting system shall be so designed to produce a minimum maintained average lighting level of one (1) footcandle on the entire facility's horizontal surface.

l) If the MRF/transfer station facility is located within five hundred (500) feet of property occupied by residential use, operating hours of operation shall at a minimum be restricted to between 6:00 a.m. and 8:00 p.m., and the average noise levels during this time shall be in accordance with subsection (c)(2)f. above, except for indoor activities such as, but not limited to, dispatching of

vehicles and administration. Said hours may be extended for some or all activities when appropriate mitigation measures and acceptable noise performance standards during these extended operating hours, as determined by the Planning Commission or Community Development Director, or their designee, are in place.

m) All open areas, other than landscaped planter beds, shall be paved with not less than two and one-half (2½) inches of asphaltic concrete or an equivalent surface meeting the established standards and specifications of the engineering department, shall be graded and drained to adequately dispose of all surface water and shall be maintained in good repair at all times.

n) No operating portion of the site shall be visible from public view. This requirement may at a minimum be satisfied by a solid masonry wall not less than six (6) feet in height, landscaping, existing topographic conditions, or a combination thereof.

o) A minimum of twenty-foot (20'-0") wide planters shall be provided along all street frontages except for driveway openings.

p) A daily cleaning program for floors, equipment and facility buildings and grounds and ongoing maintenance program shall be established to the approval of the West Covina Enforcement Waste Management Agency.

q) Refuse shall be handled as quickly as possible to avoid long term exposure on-site.

r) All incoming or outgoing trucks shall be completely enclosed or equipped with an impermeable tight-fitting cover to suppress odors and prevent spillage of materials.

s) No waste, trash except for separated recyclables, shall be stored at the facility overnight for longer than twenty-four (24) hours, unless the facility is properly permitted to do so.

t) Additional noise controls including use of the best available noise suppression and control technology shall be used if necessary to achieve the established noise control performance standards.

u) The facility operator shall prepare and implement a noise monitoring and abatement program, which shall be approved by the City Enforcement Waste Management Agency. The program shall monitor noise levels at the property line of at a minimum of three (3) sensitive receptor locations within the potential impact zone of the project. If noise levels at these locations exceed performance standards the operator shall notify the City within twenty-four (24) hours and institute additional noise reduction measures to bring noise emanating from the facility into compliance with the standards within thirty (30) days or otherwise seek City approval for a time extension. Data from all noise monitoring activities are to be recorded and made available for review by the City upon request.

v) The facility shall comply with Rule 402 of the South Coast Air Quality Management District.

w) Upon detection, extremely odorous loads entering the MRF shall be transferred as soon as possible.

x) When necessary, the MRF operator shall treat waste in the MRF with odor suppressants to comply with the baseline odor standards. A certified industrial hygienist shall establish baseline indoor odor standards and perform quarterly inspections to monitor odor levels.

y) Additional odor controls, including the base available odor suppression technology, shall be used if necessary to minimize the release of fugitive odors.

z) The facility operator shall prepare and implement an odor monitoring and abatement program, which shall be approved by the West Covina Enforcement Waste Management Agency. The program shall ensure that odor levels within the facility are kept within the baseline odor standards and that odors emanating from the facility shall not exceed the odor detection thresholds at the facility's boundary line. The program shall use the services of a certified industrial hygienist to monitor odor levels on a quarterly basis, both within the facility and at a minimum of three (3) sensitive receptor locations within the potential impact zone of the project.

If odor levels at these monitoring locations exceed the odor detection thresholds, the operator shall notify the City within twenty-four (24) hours and institute additional odor reduction measures to meet the specified odor performance standards. The facility operator shall bring the odor level into compliance with the baseline odor standards within thirty (30) days or shall otherwise request an extension of time from the City in order to reach compliance. Data from all odor monitoring activities are to be recorded and made available for review by the City upon request.

(iii) *Load inspection program.* All material recovery facilities, solid waste transfer stations or other solid waste management facilities will be required to institute a load inspection program (LIP) as part of their daily operations. The requirements for the LIP are as follows: The facility operator shall prepare and implement a program for screening loads at the facility gate house, and for checking loads at the facility building(s) and areas of operation. The load inspection program shall include inspection for hazardous wastes and other ineligible wastes and shall include procedures for their handling and disposal. Specifics of the program will be submitted to the City in a written report for their review and comment. The program shall be approved by the West Covina Enforcement Waste Management Agency.

(c) Signage. Reverse vending machines shall have a sign area of a maximum of two (2) square feet per machine, exclusive of operating instructions.

(1) Recycling centers may have signage provided as follows:

(i) Identification signs with a maximum of sixteen (16) square feet.

(ii) The signs must be consistent with the architectural style and character of the host use.

(iii) Directional signs, bearing no advertising message, may be installed on the site with the approval of the Community Development Director or their designee, if deemed to be necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

(2) Materials recovery facilities and solid waste transfer or processing stations shall have signs as provided for the zone in which they are located.

26-128 Restaurants, Limited-Service, Take-Out, Delivery-Only only *NEW*

The purpose of this Section is to ensure that Limited-Service, Take-Out, Delivery Only restaurants do not result in adverse impacts on adjacent properties and residents or on surrounding neighborhoods by reason of customer and employee parking demand, traffic generation, noise, light, litter, or cumulative impact of such demands in one area. Limited-Service, Take-Out, and Delivery-Only restaurants shall be located, developed, and operated consistent with the following standards.

(d) Applicability. The provisions of this Section shall apply to all new Limited-Service and Take-Out Only Restaurants, and to any existing such restaurant that is expanded by more than 10 percent of the gross floor area or increase of more than 25 percent of the number of seats.

(e) Litter. Employees shall collect on-site and off-site litter including food wrappers, containers, and packaging from restaurant products generated by customers on the subject property and abutting public parking at least once per business day. On-site trash and recycling containers shall be maintained and kept from overflowing.

(f) In addition to meeting the standards of Chapter 12- Garbage and Rubbish Collection, one on-site outdoor trash and one recycling receptacle shall be provided for each entrance to the establishment.

(g) Equipment. No noise-generating compressors or other such equipment shall be placed on or near the property line adjoining any Residential District or any property used for residential uses.

26-129 Service Stations [EX. DIVISION 4 OF ARTICLE XII]

The purpose of service stations is to supply motor fuel to motor vehicles. Additionally, specified accessory services and sales may be provided in conjunction with service stations, either as an extension of the service station or as a separate multi-tenant use. Only service stations shall sell gasoline from a pump to the general public.

(a) Development Standards.

(1) *Zoning.* Service stations may be established and operated only in the zones specified in Table 2-12 in Article II Division 2 of this Chapter.

(2) A Conditional Use Permit shall be obtained prior to establishing a service station as specified in Article VI, Division 4 of this Chapter.

(3) The development standards of the zone in which the service station is to be located shall applied, unless otherwise permitted or prohibited by this section.

(4) Materials, goods or commodities offered for sale, rent or storage upon the premises of *service stations* shall be located on the gasoline pump island or islands or within a structure enclosed on at least two (2) sides which shall be visible only from adjacent abutting streets and located a minimum of fifteen (15) feet from any street-side property line.

(5) The minimum site size required for service stations is fifteen thousand (15,000) square feet.

(b) Permitted incidental uses:

(1) In additional to the sale of motor fuel, a service station may offer and consist of the following sales, services, and facilities:

(i) Motor oil;

(ii) Lubrication including grease rack or elevator;

(iii) Minor tire service;

(iv) Minor battery service;

(v) Minor motor tune-up;

(vi) Head lamp adjusting;

(vii) Brake adjustment and repair;

(viii) Sale of automotive accessories ;

(ix) Car washes, hand and/or automatic;

(x) Rental of trailers, trucks, and other such vehicles, limited to twenty-five (25) percent of the site area, shall not interfere with the required parking or access and shall be located a minimum of fifteen (15) feet from any street-side property line;

(xi) The sale of nonalcoholic drinks, packaged food, tobacco and similar convenience goods, but only as an accessory or incidental use, enclosed within the main building.

(xii) Vending machines subject to the condition of paragraph (xi).

(xiii) Fast-food restaurants and other similar food service establishments offering quick food service from a limited menu of items generally served in ready-to-consume individual portions often in disposable wrappings or containers for consumption either within the restaurant or for carry-out.

(c) Car washes.

(1) Car washes established in conjunction with service stations shall be subject to the following minimum standards and conditions, which may be made more restrictive as necessary through the Conditional Use Permit process.

(i) Noise levels shall not exceed 70db(A) at the property line. If the property line is adjacent to residential property, the noise level shall not exceed 65db(A).

(ii) The wash and dry mechanism shall be contained entirely within a building.

(iii) A water recovery system shall be installed and in operation at all times.

(iv) All wash fluids used shall be biodegradable and environmentally safe.

(v) The car wash shall in no way interfere with the primary function of motor fuel distribution, automobile access, or traffic circulation.

(vi) Accessory items normally associated with a car wash, such as vacuums, may be permitted provided they meet the above-specified criteria.

(vii) Hours of operation may be limited through the Conditional Use Permit process.

(d) Prohibitions.

(1) A service station shall not be established or maintained without facilities to pump gasoline.

(2) Garage, mechanical repair service not specifically mentioned in section 26-129 (b), including but not limited to the following items are prohibited:

(i) Battery repair.

(ii) Tire rebuilding or recapping.

(iii) Painting.

(iv) Body work.

(v) Steam cleaning or radiator repair.

(vi) Transmission rebuilding.

(vii) Motor repairs involving the removal of the head or crank case.

(3) Subleasing of floor space or site area except for any use specifically authorized by section 26-129 (b), subparagraphs (i) through (ix), (xi) and (xiii).

26-130 Skilled nursing facilities, assisted living facilities, dialysis facilities and other similar facilities *NEW*

(a) Skilled nursing facilities assisted living facilities, dialysis facilities and other similar facilities may be established and operated only in the zones and permit required as specified in Table 2-2 and Table 2-12 in Article II of this Chapter. The uses listed shall provide the following information along with the required permit application:

(1) Provide information regarding the ambulance services that are to be provided. This includes the number of expected trips per day, the ambulance company that will service the site, etc.

(2) Provide a fiscal analysis.

26-131 Single Room Occupancy Structure (SRO) *NEW*

The purpose of this Division is to assist in providing housing for persons of all income levels, consistent with the public health and safety and good planning practices. The specific purpose of this Chapter is to provide access to clean, comfortable, and safe living conditions for residents. A related purpose is to facilitate new construction of efficiency dwelling units, or the structural conversion of transient occupancy uses into single-room occupancy projects, as appropriate, and to require that efficiency units be consistently maintained in accordance with applicable standards so as not to create a public nuisance.

(a) *Efficiency unit standards.* Efficiency residential units, also known as single room occupancy ("SRO"), shall be subject to and comply with the following standards and regulations.

(1) *Unit size.* Units shall have a minimum size of one hundred fifty (150) square feet and a maximum of four hundred (400) square feet.

(2) *Occupancy.* Each unit shall accommodate a maximum of two (2) persons.

(3) *Lighting.* Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Parking Lot Design and Lighting Standards (Planning Commission Resolution No. 2513)

(4) *Laundry facilities.* Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units of fractional number thereof, with at least one (1) washer and dryer per floor.

(5) *Cleaning supply room.* A cleaning supply room or utility closet with a wash tub and with hot and cold running water shall be provided on each floor of the SRO facility.

(6) *Bathroom.* Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.

(7) *Kitchen.* Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than thirty (30) inches.

(8) *Closet.* Each SRO unit shall have a separate closet.

(9) *Trash Enclosure:* An SRO building shall provide a trash enclosure in compliance with the minimum requirements and standards in Section 26-81 of this code.

(10) *Code compliance.* SRO units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

(11) *Separation.* An efficiency unit project shall not be located within three hundred (300) feet of any other efficiency unit project, emergency shelter, or other similar program, unless such program is located within the same building or on the same lot.

(12) *Facilities management.* An efficiency units project with ten (10) or more units shall provide on-site management. An efficiency units project with less than ten (10) units may provide a management office on-site.

(13) *Tenancy.* Tenancy of efficiency units shall not be less than thirty (30) days.

(14) *Review process.* Applications for efficiency unit projects shall be processed in a manner consistent with procedures for a multiple-family residential project per Article VI.

26-132 Kiosk *NEW*

The purpose of this section is to provide standards and regulations for stand-alone kiosks such as water fill stations, key duplication kiosks, or other similar uses that may be an accessory use to another commercial use or as a standalone use.

(a) *Permitted zones and required permit.* No person or entity shall be permitted to place, construct, or operate an unattended or attended stand-alone kiosk without first obtaining the required permit indicated in Article II Division 2 of this Development Code.

(1) An unattended kiosk and/or machines for water refills shall only be permitted in conjunction with a larger retail use and must be located within the commercial building or along the outside wall of the building and shall meet the following development standards:

(i) Graffiti-resistant coatings shall be used on approved machines to assist in deterring graffiti.

(ii) Provide and maintain a minimum illumination level of two-foot candles within a minimum twenty-five-foot radius around the machines from dusk to dawn.

(iii) Provide an eight-foot (8'-0") wide unobstructed clear walkway area in front of the kiosk. Consideration may be given to alternative solutions such as recessing the kiosk into the building frontage of the adjacent lease space.

(iv) The placement of the kiosk shall not obstruct any portion of a storefront window or door and shall be placed immediately in front of or inserted into, the front facade of the building.

(v) Where practicable, the kiosk shall be placed in a location away from the most heavily traveled pedestrian areas within the vicinity of the store being served and in compliance with the other provisions of the WCMC.

(vi) The kiosk shall be located within thirty (30) feet of a primary entrance to the commercial structure, and shall not obstruct pedestrian, handicapped or vehicular circulation. If a more suitable location presents itself because of the layout and/or architecture of the development, the Community Development Director or their designee may approve a variation to the location.

(vii) The kiosk shall not occupy parking spaces required by the primary use(s).

(viii) The kiosk shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall not be more than eight (8) feet in height.

(2) The following requirements shall apply to stand-alone kiosks with an attendant:

(i) The kiosk shall be established in conjunction with an existing or planned commercial use, or service facility (herein referred to as the "host use").

(ii) The kiosk shall be no larger than five hundred (500) square feet, and the placement of the kiosk will not create a parking deficit.

(iii) The kiosk shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director, or their designee, or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(iv) Kiosks shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the kiosk is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the kiosk services.

(v) All materials shall be stored within the kiosk/structure, and no materials shall be left outside of the kiosk.

(vi) The kiosk shall be maintained free of vermin, litter, and any other undesirable materials.

(vii) Noise levels shall comply with the noise standards in Chapter 15 Article IV.

(viii) Attended kiosks shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use. This minimum distance requirement does not need to be met if the facility is at least one hundred fifty (150) feet from a site zoned or occupied for residential use and is separated from that site by an arterial street.

(ix) Attended kiosks shall operate only during the hours between 8:00 a.m. and 10:00 p.m.

(x) The facility shall not impair the landscaping required for any concurrent use.

(xi) No additional parking spaces are required for customers of the kiosk when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

26-133 Transitional and Supportive Housing *NEW*

These provisions are intended to allow transitional and supportive housing, as defined in Government Code Section 65582, consistent with State law to ensure equality of treatment for all residential uses regardless of the occupant. Transitional housing is generally described as a type of supportive housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living. Supportive housing is generally described as permanent housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives.

(a) Permitted Zones.

(1) Transitional and supportive housing shall be permitted in any zoning designation in which residential uses are allowed, and subject only to the regulations, permits, parking requirements, and development standards applicable to residential uses of the same type in that zone as specified in Article II Division 2.

(2) Supportive housing shall be permitted in any zone where multifamily and mixed uses are permitted if the proposed housing development satisfies all the requirements of California Government Code Section 65651(a).

(3) If the supportive housing development is located within one-half mile of a major transit stop, no parking spaces are required for the units occupied by supportive housing residents per Government Code Section 65654.

(b) Standards for Transitional and Supportive Housing. Supportive and Transitional Housing shall comply with the same development standards that apply to other residential dwellings of the same type in the same zoning designation, and with the following standards:

(1) Length of occupant stay: No limit of the length of stay.

(2) Supportive and transitional housing shall include adequate living space, shower and toilet facilities, laundry facilities with washer and dryer appliances, and secure areas for storage for residents.

(3) If the supportive housing facility is located within one-half mile of a public transit stop, no parking spaces are required for the units occupied by supportive housing residents pursuant to California Government Code Section 656554.

(4) Supportive and Transitional housing services include but are not limited to, a combination of subsidized, permanent housing, case management, medical and mental health services, substance abuse treatment, employment, and benefits services. At minimum a Supportive and Transitional Housing facility shall provide the following services:

(i) For facilities including drug or alcohol abuse counseling, appropriate State and/or Federal licensing shall be required.

(ii) The program shall identify a transportation system to provide clients with a reasonable level of mobility to access social services including housing and employment opportunities.

(iii) The program shall provide clear and acceptable arrangement for residents of the facility, including on-site meal preparations or food provisions.

(iv) The supportive and transitional housing program shall provide childcare services and ensure that school-age children staying at the facility are enrolled in school.

26-134 Standards for Special Group Residences and Similar Uses *NEW*

The following conditions shall apply to special group residences including but not limited to, board and care, convalescent home, half-way house, boardinghouses and communal housing;

(a) Density. In a residential zone, special group housing shall be limited to the density allowed by the underlying zone district. In congregate care facilities, each bedroom with one (1) or two (2) beds shall count as a unit when calculating density. In bedrooms with more than two (2) beds, each bed shall count as a unit. This shall be the maximum permitted density. The Planning Commission may require a lower density as the situation requires. In a nonresidential zone, density shall be limited to one (1) unit per two hundred (200) square feet of lot area;

(b) Location. When within a residential district, no other similar facility may be in operation within one-half mile of the proposed project site. If the use is a fraternity or sorority, the use shall be sufficiently located from other residential uses so as not to potentially disturb the surrounding neighborhood;

(c) Concerns. Consideration of the conditional use permit shall address crime rate, concentration of similar uses, and the style and scale of the proposed building in relation to other buildings in the immediate vicinity;

(d) Continuation of use. The applicant shall provide sufficient evidence that the use will remain as the use applied for through a deed restriction or other method suitable to the Planning Commission;

(e) Open Space. Each facility shall provide not less than three hundred (300) square feet of common open space and one hundred fifty (150) square feet of usable open space per unit or room. Of the one hundred fifty (150)

square feet, not less than fifty (50) square feet shall be private open space, and the remainder may be common open space added to the required three hundred (300) square feet of common open space;

(f) Proximity to public transit. The facility shall be located within one thousand feet (1,000') by legal pedestrian route to a public transit stop; and

(g) Parking requirements. Parking and loading shall be as required by Article III, Division 6 of this Development Code.

26-135 Hotel and Motel Conversions for Affordable Housing. *NEW*

The purpose of this section is to establish a set of regulations and standards for the conversion of hotels and motels to and maintaining compatibility of such uses with surrounding properties.

(a) Development standards for the conversion of hotels and motels to apartments

(1) Any hotel or motel to be converted shall have been established and in operation as a hotel and/or motel for a minimum of ten (10) years.

(2) All hotel or motel conversions shall convert all hotel and/or motel rooms to apartments.

(3) Except as otherwise allowed in this section, any converted hotel and/or motel shall provide dwelling units exclusively for lower income households, as defined in Section 50079.5 of the California Health and Safety Code.

(4) Each unit shall meet the standards for decent, safe and sanitary dwelling units, as defined by Section 50099.5 of the California Health and Safety Code and other applicable regulations and shall include the following:

(5) A kitchen that includes a sink, garbage disposal, refrigerator, stove and oven, and a countertop;

(6) A separate bathroom that includes a sink, toilet and a shower; and

(7) A closet providing storage space.

(8) Each converted hotel and/or motel shall have a minimum of 499 square feet plus an additional 10 square feet for each unit over thirty (30) units of common usable open space as defined in 26-32, except that if the hotel and/or motel to be converted is to be rented out exclusively to senior citizens, no less than forty (40) percent of this common open space shall be indoors. The common recreation area may be provided in multiple locations, but no single open space area shall be less than 200 square feet.

(9) Any hotel and/or motel to be converted shall have a common laundry facility, including washers, and dryers accessible and available to the residents, except if such facilities are provided within each unit.

(10) Any hotel and/or motel to be converted shall maintain the parking and landscaping required at the time of the original construction and any modifications shall be permitted by the City.

(11) One parking stall shall be provided per unit and the stall shall be registered to the resident of that unit.

(12) Any hotel and/or motel to be converted shall conform to any required building, electrical, mechanical, plumbing, and other construction codes administered by the City at the time of the application for the conversion.

(13) Each bedroom shall not be occupied by more than two (2) persons.

(14) The use shall operate with an on-site manager who shall be available to resolve standard residential issues (e.g., broken equipment, noise complaints) and maintain order within the facility.

26-136 Wireless Telecommunications within all Land Uses [EX. DIVISION 16 OF ARTICLE XII]

(a) This Division sets forth a uniform and comprehensive set of development standards for the placement, design, installation and maintenance of wireless telecommunication facilities within all land-use zones of the City. The purpose of these regulations is to ensure that all wireless telecommunication facilities are consistent with the

health, safety, and aesthetic objectives of the City, while not unduly restricting the development of needed telecommunications facilities.

(b) *Applicability.* Unless otherwise exempt by this Division, the regulations set forth herein shall apply to wireless telecommunication facilities within the City.

(c) *Exemptions.* The regulations of this Division do not apply to the following:

(1) Single ground-mounted, building- mounted, or roof-mounted receive- only AM/FM radio or television antennas, DBS dish antennas, amateur and/or citizens band radio antennas, for the sole use of the occupant of the parcel on which the antenna is located.

(2) Wireless telecommunications facilities owned and operated by the City or other public agency when used for emergency response services, public utilities, operations, and maintenance.

(3) This exemption does not apply to free-standing or roof-mounted satellite dish antennas greater than twenty-one (21) inches in diameter.

(4) Wireless telecommunication facilities located in the public right-of-way, which are regulated under Chapter 19 (Streets, Sidewalks, and Public Places), Article X.

(d) Prohibited wireless telecommunication facilities in residential zones.

(1) Antennas with a solid or wire-mesh surface with a diameter or maximum width greater than twelve (12) feet are prohibited in residential zones.

(2) No wireless telecommunication facilities are permitted within residential zones except for the following:

(i) Wireless telecommunication facilities listed under Section 26-136(c)(1) and (2).

(ii) Wireless telecommunication facilities located in residential zones that are developed with permitted nonresidential uses.

(iii) Wireless telecommunication facilities consisting of roof-mounted antennas located on multiple-family residential buildings.

(e) Administrative Permit required.

(1) The following types of wireless telecommunications facilities shall be permitted subject to approval of an Administrative Permit pursuant to Article VI, Division 6 of this Chapter:

(i) New building-and roof-mounted antenna facilities.

(ii) Other forms of wireless telecommunication facilities not specifically addressed within this Division which are designed to integrate with a supporting building and pose minimal visual impacts similar to building and roof-mounted antenna facilities, as determined by the Community Development Director or their designee.

(2) *Review by Planning Commission.* The Community Development Director or their designee may elect to not rule on a request for an Administrative Permit and transfer the matter to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant.

(f) Conditional Use Permit required. Wireless telecommunication facilities consisting of free-standing wireless facilities shall be permitted subject to approval of a Conditional Use Permit pursuant to Article VI, Division 4 of this Chapter.

(g) Minor modification permitted per the process identified within Article VI, Division 7 of this Chapter.

(1) Additions or modifications to existing wireless telecommunication facilities which meet all the following criteria shall be permitted subject to approval by the Community Development Director or their designee pursuant to section 26-238:

(i) The overall height of the free-standing wireless facility is not increased by more than 10%, or more than 10 feet, whichever is greater per Title 47 of the Code of Federal Regulations. Changes in height shall be measured from the original support structure, tower, or base station, inclusive of originally approved appurtenances.

(ii) No ancillary features are added to the monopole other than the antennas, required safety equipment, and accessory equipment enclosures.

(iii) All conditions of approval for the previous facility have been met.

(iv) No required parking stalls are eliminated in conjunction with the placement of the additional accessory equipment.

(v) The addition or modification is designed to minimize visual impacts.

(vi) The wireless facility has been well maintained and does not consist of damaged flags, dead trees/landscape, discolored elements, peeling paint, graffiti, broken/missing faux branches/fronds, etc.

(2) Additions or modifications to existing wireless telecommunication facilities which do not meet all the above criteria shall be permitted subject to the approval of a Conditional Use Permit pursuant to Article VI, Division 4 of this Chapter.

(h) Conditional Use Permit required. Wireless telecommunication facilities located on City owned property shall be permitted subject to approval of a Conditional Use Permit pursuant to Article VI, Division 4 of this Chapter provided that development standards listed under 26-136(i) are complied with.

(i) Development standards. All wireless telecommunication facilities regulated under this Division shall comply with the following development standards:

(1) *Site Selection.* City-owned properties shall be considered before privately-owned properties where wireless telecommunication facilities are permitted.

(2) Location on property.

(i) Free-standing wireless facilities or roof-mounted satellite dishes greater than twenty-one (21) inches in diameter and located in residential zones.

a) No free-standing wireless facilities shall be permitted in the required side yard or front yard.

b) No free-standing wireless facilities shall be permitted within five (5) feet of the rear property line.

c) No antennas consisting of a solid or wire-mesh surface shall be permitted on the roof.

(ii) Nonresidential zones and Nonresidential uses (including wireless telecommunication facilities located in residential zones which are developed with permitted nonresidential uses).

a) No free-standing wireless facilities shall be permitted in the required front or streetside yards of the underlying zone.

b) No free-standing wireless facilities shall be permitted within ~~one~~five hundred (~~100~~500) feet of surrounding single-family residences or one hundred (100) feet of surrounding multi-family ~~residences~~residential zones (MF). This distance shall be determined by measuring from the free-standing wireless facility to the nearest property line of the single- or multi-family residence.

c) No free-standing wireless facilities shall be permitted in a required parking space or driveway.

d) Free-standing wireless facilities shall be located to the extent feasible to the rear of all existing buildings on the property.

(3) Height restrictions.

a) No free-standing wireless facilities shall exceed sixty (60) feet in height measured from the average finished grade of the subject site, except as otherwise approved under Section k.

b) No roof-mounted antennas shall exceed twenty (20) feet above the peak of the roof (excluding the height of mechanical penthouses and parapets).

c) In addition to the maximum height limits stated above, free-standing wireless facilities shall be designed at the minimum functional height as demonstrated by RF coverage maps or other alternative acceptable to the community development director.

1) In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be required to determine the engineering or screening requirements of establishing a specific wireless telecommunication facility. This service will be provided at the applicant's expense.

(4) Noise. No portion of a wireless telecommunications facility, including, but not limited to, emergency generators, shall violate the City's noise ordinance at any time.

(j) *Design Standards.* All wireless telecommunication facilities regulated under this section shall comply with the following design standards:

(1) Setbacks for wireless telecommunications facilities shall be determined in each individual case with the minimum setbacks adhering to those required by the zone.

(2) No part of any antenna, telecommunication facility, or support structure shall be in any required front, side or rear setback area, unless it's determined by the approving body that using a setback area is required in achieving the best design.

(3) Telecommunication facilities and antennas shall not be located within 1,500 feet of a property with an existing facility or antenna (measured from property line to property line), unless the proposed facility will be co-located and designed to be fully screened or camouflaged. This shall not be interpreted to include receive only antennas installed for individual residences.

(4) Monopoles and alternative antenna support structures shall be located a minimum of one-half mile (1/2) from other monopole or alternative support structure.

(5) All facilities, antennas and associated structures shall be architecturally designed, located, screened, concealed, or disguised to the extent reasonably necessary to achieve compatibility with adjacent or nearby structures, neighborhoods, and streetscapes. Alternative antenna support structures (e.g., man-made trees) shall be used in lieu of monopoles where there would otherwise be a substantial negative visibility impact.

(6) At least two 36-inch box size trees shall be planted with the construction of any mono-tree. The trees shall be of the same species as the proposed mono-tree.

(i) This requirement may be waived by the Planning Commission or City Council if there are at least two mature trees within 40 feet from the proposed mono-tree (measured from center of tree and center of mono-tree), depending on the maturity and species of the neighboring trees.

(7) Free-standing wireless facilities designed as faux trees shall bear a realistic resemblance to the type of tree that it is designed after to the greatest extent possible with emphasis on features including branches, fronds, leaves, needles, bulb diameter, trunk shape, trunk color, and trunk diameter. All antennas shall have "sock covers" installed over each antenna to simulate tree branches, leaves, needles, or similar elements for additional stealthing.

(8) All facilities, towers, antennas and associated structures shall have a matte finish to prevent glares and painted to blend into the surrounding background.

(9) Satellite dishes, other than microwave dishes, shall be of mesh construction, except where technical evidence shows that this is infeasible.

(10) Ground level support facilities shall be no taller than 17 feet in height and shall be designed to look like a building or facility typically found in the area. Said facilities shall be located below grade wherever aesthetically desirable.

(11) Security fences shall not be less than six feet in height. Chain-link may be used in those areas where accessory support facilities are not easily visible from the public view, as determined by the community development director.

(12) All satellite dishes greater than one meter in diameter and located in residential zones shall be screened to the extent necessary to achieve concealment when viewed from ground level from any adjacent public rights-of-way, parks, schools, or residentially zoned properties. Such screening may include perimeter fence/wall, landscaping, or a combination thereof, and must achieve its screening effect within sixty (60) days of installation. Roof mounted facilities may incorporate features of the existing roof such as a parapet or the slope of a pitched roof and/or landscaping or fencing which is compatible with the design and material of the existing development of the subject site.

(13) Backup generators shall only be used during power outages and for testing and maintenance purposes. Noise attenuation measured shall be incorporated to reduce noise levels to an exterior level of a maximum sixty (60) dBA at the property line when adjacent to a residential use and a maximum forty-five (45) dBA in other zones. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(14) All areas disturbed during the construction, other than required road or parking areas, shall be replanted as it existed prior to construction or with plants and/or vegetation compatible with surrounding area. New vegetation shall be irrigated unless native plantings are used. Native plantings shall include temporary irrigation (for a minimum period of six months) to ensure proper establishment of the vegetation.

(15) All telecommunication facilities shall be unlit except for:

(i) Manually operated motion sensor light(s) above the access doors, which shall be kept off unless person(s) are present;

(ii) The minimum identification tower lighting that is required under FAA regulations; or

(iii) Essential lighting that is necessary for safety and security purposes. Where essential lighting is required, it shall be shielded or directed downward or away from adjacent properties.

(16) Building and roof-mounted antennas shall be mounted on a building feature such as a parapet, penthouse wall, or building façade unless the antennas are designed to reduce negative visual impacts to adjacent properties and/or public rights-of-way. Building mounted antennas shall be painted or architecturally integrated to match the existing structure.

(k) Deviation from certain development and design standards not defined as an eligible facilities request by Title 47 of the Code of Federal Regulations. Deviation from the height requirements and minimum distance between free-standing wireless facilities by not more than twenty (20) percent may be granted by the ~~Community Development Director or their designee or~~ Planning Commission if one (1) or more of the following findings is made based on evidence submitted by the applicant:

(1) None of the permitted locations or height restrictions for free-standing wireless facilities provide for an obstruction-free reception window of said antenna as per blockage by the primary on-site structure or off-site buildings and trees of abutting properties; and/or

(2) Existing natural geographic conditions preclude an obstruction-free reception window.

(3) The relief from the development standards results in a more appropriate design which minimizes the visual impact of the facility.

(4) In order to accommodate the establishment of a co-located facility, the antenna height of the facility must be increased.

(5) The visual impacts of locating free-standing wireless facilities closer than 1,500 feet ~~¼ mile~~ to one another is negligible because the facility is designed to architecturally integrate with the surrounding environment.

(6) The visual impact of locating free-standing wireless facilities closer to single-family residential and/or multifamily residential is negligible because the facility is designed to architecturally integrate with the surrounding environment.

(l) Installation and operation.

(1) All wireless telecommunication facilities shall be installed and maintained in compliance with the requirements of the City of West Covina Municipal Code Chapter 7 (Buildings and Building Regulations), the Uniform Building Code, National Electric Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Fire Code, and the manufacturer's structural specifications.

(2) All antennas shall be permanently and properly grounded for protection against a direct strike of lightning, with an adequate ground wire as specified by the electrical code.

(3) All electrical wires (excluding those wires covered in co-axial cables) connected from the electrical cabinets to the antennas or antenna support structure shall be protected in conduit, which shall be undergrounded or fixed to the ground and/or building.

(4) Prior to the issuance of a certificate of occupancy for any wireless telecommunication facility, the project applicant shall submit a radio frequency radiation (RFR) field measurement study which verifies compliance with FCC emission standards to the Community Development Director or their designee. The study shall be accompanied by a report written to be easily understood by a lay person which describes compliance with these standards.

(5) Prior to the issuance of a certificate of occupancy for any building-or roof-mounted wireless telecommunication facility, a disclosure notice approved by the Community Development Director or their designee shall be mailed to the manager or property management company of the building on which the facility is installed.

(6) All wireless telecommunication facilities shall comply at all times with all FCC regulations, rules, and standards.

(m) Maintenance of facilities.

(1) The wireless telecommunication provider and/or property owner shall be responsible for maintaining the facility in an appropriate manner, which includes, but is not limited to, the following: Regular cleaning of the facility, graffiti abatement, periodic repainting of antennas, free-standing wireless facilities, rooftop screen enclosures, accessory equipment walls and fences as needed, keeping debris and other similar items cleared from the antenna area, and regular landscape maintenance.

(i) *Landscaping maintenance.* All trees, foliage, and other landscaping elements on a wireless telecommunication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping. Modifications to the landscape plan shall be submitted for approval to the planning department.

(ii) *Lighting.* Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal Law or FCC rules. Lighting shall be maintained in good condition at all times, including any shielding to reduce light impacts to neighboring properties.

(n) Periodic safety monitoring.

(1) As requested by the Community Development Director or their designee, all wireless telecommunication providers shall submit a certification attested to by a licensed engineer expert in the field of RF emissions, that the facilities are and have been operated within the then current applicable FCC standards for RF emissions.

(2) Any wireless telecommunication facilities operated and/or maintained in violation of FCC emission standards shall be subject to permit revocation by the Planning Commission under Article VI.

(o) Posting ownership information. In the event that a wireless telecommunication facility changes ownership, change of ownership notification must be posted on-site within sixty (60) days of the ownership change. The ownership and contact information shall be posted on site, on the wireless facility or the equipment.

(p) Abandonment provisions.

(1) The provider and/or property owner shall be required to remove the facility and all associated equipment and restore the property to its original condition within ninety (90) days after the abandonment, expiration, or termination of the Conditional Use Permit or Administrative Permit.

(2) The provider shall notify the City of its intent to remove the wireless telecommunications facility at least thirty (30) days prior to implementation.

(q) Required modifications.

(1) Notwithstanding, the City may add conditions after issuance of the Conditional Use Permit or other permit if necessary to advance a legitimate governmental interest related to health, safety, or welfare; provided, however, that no one condition by itself may impose a substantial expense or deprive the applicant or provider of a substantial revenue source. Any condition relating to technological changes shall comply with applicable Federal Communications Commission (FCC) and Public Utilities Commission (PUC) standards.

(r) Application requirements.

(1) A "justification study" shall be submitted for each wireless telecommunication application indicating the rationale for selection of the proposed site in view of the relative merits of any feasible alternative site within the service area. This study shall also include the applicant's master plan which indicates the proposed site in relation to the provider's existing network of sites within the City and surrounding areas (if applicable). For modifications or alterations to existing facilities, the applicant may be required to submit a "justification study" limited to the need to modify, alter, or expand the facility. ~~All wireless telecommunication providers shall submit a wireless telecommunication master plan for city review and approval. Providers who operate and maintain existing antenna facilities shall submit this master plan for review and approval within one (1) year of the effective date of this division or concurrent with a request to modify or alter an existing facility, or for the placement and installation of a new antenna facility, whichever is sooner. Proprietary information, when so designated, will not be available for public review.~~

(2) All wireless telecommunication applicants shall submit a "co-location study." This study shall examine the potential for co-location at an existing site. A good faith effort in achieving co-location shall be required of all applicants. Applicants which propose facilities which are not co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location. Furthermore, new wireless facilities shall include information with the application about how many co-locations are anticipated to be accommodated at the new facility.

(3) All wireless telecommunication applicants shall conduct a radio frequency (RF) "drive test" and submit documentation analyzing the results of the test. This study shall examine the existing signal strength within the targeted area in comparison to the anticipated signal strength of the proposed wireless telecommunication facility.

(4) All wireless telecommunication applicants shall provide a visual analysis, including photographic simulations, to ensure visual and architectural compatibility with surrounding structures.

(5) Written documentation with property owner contact information for all sites that were considered as an alternate location for the proposed wireless telecommunication facility.

(6) Other relevant information requested by the Community Development Director or their designee or his/her ~~Planning Commission or~~ authorized representative.

(s) Findings. In addition to the findings for approval required pursuant to Article VI, Division 4, the following findings shall also be met:

(1) The project complies with the goals and objectives of the City's General Plan.

(2) The facility structures and equipment are located, designed, and screened to blend with the existing natural environment and/or built surroundings to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.

(3) The wireless facility or equipment is located on a site that is appropriate in size and shape to accommodate the use of the facility, its equipment, and all other required features. ~~The facility is designed to blend with any existing supporting structures and does not substantially alter the character of the structure or local area.~~

DIVISION 2 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS [EX. DIVISION 11 OF ARTICLE XII]

26-137 Purpose

The purpose of this section is to ensure that accessory dwelling units and junior accessory dwelling units remain as an accessory use to single-family and multifamily residential uses, that the structures on parcels are organized to accommodate an accessory dwelling unit (ADU) and/or junior accessory dwelling unit (JADU), and that such dwelling units do not impact surrounding residents or the community. This division is intended to retain the maximum ability of the City to regulate accessory dwelling units and to comply with the requirements California Government Code Sections 65852.2 and 65852.22.

26-138 Permit

(a) Accessory dwelling units are permitted only in areas zoned to allow multifamily and single family residential, subject to the issuance of a building permit. Any application for an accessory dwelling unit that meets the unit size standards and development standards contained in this division or is the type of accessory dwelling unit described in this division, shall be approved ministerially by the City by applying the standards herein and without a public hearing.

(b) An application for an accessory dwelling unit permit (Second Unit Review- see Article VI Division 9) shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the City on a City-approved application form and subject to the established fee set by City Council resolution as it may be amended from time to time. The Second Unit Review application process shall be considered the same as a zoning clearance.

(c) Applications for accessory dwelling units shall conform to the requirements for, and shall obtain, a building permit consistent with the requirements of Chapter 7 (Buildings and Building Regulations) of this Code.

26-139 Types

(a) An accessory dwelling unit approved under this Division shall be one of the following types:

(1) *Attached.* An accessory dwelling unit that is created as a result on a new construction which is attached to an existing or proposed primary dwelling, such as through a shared wall, floor or ceiling. An attached accessory dwelling unit can also be constructed within an existing or proposed primary dwelling.

(2) *Detached.* An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The detached accessory dwelling unit shall be located on the same parcel as the existing or proposed primary dwelling.

(3) *Converted on a Single Family Lot.* One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(i) Is either: within the space of a proposed single-family dwelling; within the space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to a studio, pool house, detached garage, or other similar structure, plus up

to one hundred and fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress to the converted structure.

(ii) Has exterior access that is independent of that for a single-family dwelling.

(iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(4) *Junior accessory dwelling unit.* A junior accessory dwelling is a dwelling unit that meets the following:

(i) Is no more than 500 square feet in size and contained entirely within a single-unit primary dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

(ii) Is located and contained entirely within an existing or proposed single-unit primary dwelling.

(iii) Has a separate entrance from the main entrance to the existing or proposed single-unit dwelling.

(iv) Has a bathroom that is either shared with or separate from those of the primary dwelling.

(v) Includes an efficiency kitchen.

26-140 Development standards

(a) The following types of accessory dwelling units shall be approved, regardless of whether the accessory dwelling unit meets the development standards contained in this title. Accessory dwelling units and junior accessory dwelling units are accessory to the primary use. Therefore, accessory dwelling units and junior accessory dwelling units shall not be assigned an address separate from the primary dwelling unit, unless the accessory dwelling unit is accessory to a multi-family residential use.

(b) For single family dwelling lots in residential zones, either:

(1) One (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot may be constructed. Each accessory dwelling unit and junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety and comply with all other setback requirements. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of Section 26-139; or

(2) One (1) detached, new construction, accessory dwelling unit with setbacks of at least four (4) feet from side and rear setbacks, no more than eight hundred (800) square feet floor area with an existing or proposed single-family dwelling.

(c) On a lot with an existing multi-family residential use:

(1) Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five (25) percent of the current number of units of the multi-family complex on the lot and at least one (1) such unit shall be allowed; and

(2) Up to two (2) detached accessory dwelling units may be constructed, provided they are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks. Detached accessory dwelling units constructed pursuant to this subsection (b) shall not exceed one thousand (1,000) square feet in floor area per unit.

(d) Accessory dwelling units or junior accessory dwelling units approved under this section shall not be rented for a term of 30 days or less.

(e) Accessory dwelling units or junior accessory dwelling units approved under this section shall not be required to correct legal nonconforming zoning conditions as a pre-condition to obtaining this authorization.

(f) Allowable Zoning District.

(1) An accessory dwelling unit or junior accessory dwelling unit subject to a building permit, as described in subsection 26-139 above may be constructed on a lot in a single-family or multi-family residential or mixed-use zone.

(2) An accessory dwelling unit or junior accessory dwelling unit subject to a Second Unit Review, as described under section 26-139 above may be constructed on a lot that is zoned for single-family or multi-family residential uses.

(g) Unit Size Standards. Except as otherwise provided in this section of this division, all accessory dwelling units shall not exceed the size standards listed below.

(1) Attached accessory dwelling units. The maximum floor area of an attached accessory dwelling unit shall be the greater of:

(i) Eight hundred fifty (850) square feet for an accessory dwelling unit with zero (0) to one (1) bedroom or one thousand (1,000) square feet for an accessory dwelling unit with two (2) or more bedrooms; or

(ii) If there is an existing primary single-family dwelling, fifty percent (50%) of the square footage of the existing primary single-family dwelling but shall not exceed one thousand two hundred (1,200) square feet; or

(iii) Existing habitable and/or non-habitable areas may be converted into an attached accessory dwelling unit without any size and/or setback limitations.

(2) Detached units. A detached accessory dwelling unit shall not have more than one thousand two hundred (1,200) square feet of living area.

(h) Setback requirements.

(1) No setbacks are required for:

(i) Portions of accessory dwelling units that are created by converting existing living area or existing accessory structures to new accessory dwelling units; or

(ii) New accessory dwelling units in the same location and to the same dimensions as an existing structure.

(2) For all other accessory dwelling units, there must be a minimum setback of four (4) feet from side and rear yard setbacks.

(3) The accessory dwelling unit shall adhere to the required front setback of the underlying zone, unless it can be demonstrated by the applicant that an accessory dwelling unit of up to 800 square feet is not feasible on the subject property. In this case, there shall be no required front yard setback for an accessory dwelling unit of up to 800 square feet.

(4) The minimum required distance between a detached accessory dwelling unit and the primary dwelling unit, and all other structures, including garages, on the property, shall be ten (10) feet. An accessory dwelling unit may only be attached to another accessory structure if the construction of at least an 800 square foot detached accessory dwelling unit would not be possible on the property without the said attachment.

(i) Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the City that contains a legal, single-family or multi-family residence as an existing or proposed primary unit on a lot.

(j) Accessory dwelling units and junior accessory dwelling units are accessory to the primary use. Therefore, accessory dwelling units shall not be assigned an address separate from the primary dwelling unit, unless the accessory dwelling unit is accessory to a multi-family residential use.

(k) Number of accessory dwelling units per lot.

(1) For lots with proposed or existing single-family residences, no more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be on the lot.

(2) For lots with existing multi-family residential dwellings:

(i) No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space (e.g., storage rooms, boiler rooms, hallways, attics, basements, or garages) of the existing multifamily dwelling structure provided that applicable building codes are met; or

(ii) No more than two (2) detached accessory dwelling units, provided that no such unit shall be more than sixteen (16) feet in height, and each such unit complies with front yard setbacks, and meets rear-yard and side yard setbacks of four (4) feet. No setback shall be required for an existing living area or accessory structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit when created within an existing structure. The maximum square footage of detached accessory dwelling units on lots with existing multi-family residential dwellings shall be limited to one thousand (1,000) square feet of living area per accessory dwelling unit.

(l) Building code compliance. All new accessory dwelling units must comply with chapter 7 of this Code (Buildings and Building Regulations) and any other applicable provisions of the California Building Standards Code. However, fire sprinklers shall not be required if they are not required for the primary residence.

(m) Utilities.

(1) All accessory dwelling units and junior accessory dwelling units must be connected to public utilities (or their equivalent), including water, electric, and sewer services. Accessory dwelling units and junior accessory dwelling units shall not have its own separate utility meter and shall share utility connections with the primary use with the exception of accessory dwelling units on properties developed with a multifamily residential use.

(2) All accessory dwelling units and junior accessory dwelling units shall have adequate water supply and sewer service.

(3) No overhead utility lines are to be relocated or otherwise modified to permit construction of an accessory dwelling unit or junior accessory dwelling unit, unless required by the California Building Code or by the utility provider. If existing overhead utility lines are to be relocated or otherwise modified to permit construction of an accessory unit, such lines shall be converted to underground services.

(4) The City may require the installation of a new or upgraded utility connection for a new accessory dwelling unit structure and/or the existing house to accommodate the additional burden of the proposed accessory dwelling unit on the existing utility infrastructure. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on either its square feet or number of drainage fixture unit values. New or upgraded utility connection shall not be required for existing structures converted into accessory dwelling units.

(n) Parking.

(1) The City shall require the owner to provide one (1) parking space unless the accessory dwelling unit has no bedrooms (e.g., a studio), in which case no space is required. The required parking space shall have a minimum dimension of ten (10) feet in width and twenty (20) feet in depth. The required parking space may be provided as:

(i) Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk and otherwise complies with City parking requirements; or

(ii) Within a setback area or as tandem parking in locations determined feasible by the City for such use. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that such parking is not permitted anywhere else in the City.

(2) Notwithstanding the foregoing, no parking space shall be required for an accessory dwelling unit if:

(i) It is located within one-half (½) mile walking distance of public transit;

(ii) It is located within an architecturally and historically significant district;

(iii) It is part of a proposed or existing primary residence or accessory structure;

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

(v) Where there is a car share vehicle located within one (1) block of the accessory dwelling unit.

(o) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the off-street parking spaces do not have to be replaced.

(p) Exterior access. The entrance to an accessory dwelling unit shall be separate from the entrance to the primary dwelling unit.

(q) Recorded covenants. Before obtaining a permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration or agreement of restrictions which has been approved by the City Attorney as to its form and content, describing restrictions that allows for and the continued use of the accessory dwelling as follows:

(1) The accessory dwelling unit shall not be sold separately from the primary residence, except for instances allowed by Government Code section 65852.26;

(2) The accessory second unit is restricted to the maximum size allowed per the development standards set forth in this section;

(3) The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance with the requirements for an accessory dwelling unit. In the event of violation, the property owner shall be responsible for all fees and penalties, as well as the City's enforcement costs.

(r) Conversion of existing primary unit. An existing primary dwelling may be converted to an accessory dwelling unit if it complies with all applicable requirements of this division. If so, a new, larger primary residence may be constructed.

(s) Design requirements for new units. All new accessory dwelling units must comply with the following design requirements:

(1) The exterior materials, colors, roof design~~pitch~~ (e.g. gable, hipped, flat) and architecture shall match the primary unit.

(2) Accessory dwelling units shall not exceed sixteen (16) feet in height, with the following exceptions;

(i) The accessory dwelling unit is a conversion of an existing second floor area, a second-story addition to an existing residence, or is located on the second floor of a new two-story house. All second-story additions to an existing residence, and/or new two-story homes shall require the approval of an Administrative Permit per Article VI of this Code.

(ii) The accessory dwelling unit is located within a half-mile of a major transit stop or high-quality transit corridor then a detached ADU that is on a lot with a single-family or multifamily dwelling may be constructed up to 18 feet in height by right. In no case shall the City require ADUs to match the roof-pitch of the main house.

(iii) The detached ADU is on a lot with an existing or proposed multistory multifamily dwelling, then the ADU may be up to 18 feet in height, regardless of how close it is to transit.

(iv) An attached ADU may be up to 25 feet high or as high as a primary dwelling may be under the underlying zone, whichever is lower.

(3) Exterior staircases serving second-floor accessory dwelling units shall not be located in between the side property line and the existing building.

(4) Lighting shall be shielded so that light rays are not spilled onto neighboring lots.

(5) Any attached accessory dwelling unit shall be attached to the living area of the primary dwelling unit by a common wall or floor/ceiling, and not simply by an attached breezeway, porch, or patio.

(t) Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(u) Patio covers and porches. The accessory dwelling unit shall not have more than one (1), thirty (30) square foot covered patio or porch. The patio cover and/or porch shall be considered as a part of the accessory dwelling unit structure, but shall not be included in the maximum allowable ADU size calculation.

26-141 General Plan Consistency

In adopting these standards, the City recognizes that the approval of dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the General Plan. The City finds that this occurrence is consistent with the general plan, as dictated under state planning and zoning law applicable to accessory dwelling units.

26-142 Junior Accessory Dwelling Units

(a) Purpose. This section provides standards for the establishment of junior accessory dwelling units. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing or proposed single family residence and require owner occupancy in the single-family residence where the unit is located.

(b) Size. A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size.

(c) Owner occupancy. The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or "housing organization" as that term is defined in Government Code section 65589.5(k)(2), as that section may be amended from time to time.

(d) Sale prohibited. A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

(e) Short term rentals. The junior accessory dwelling unit shall not be rented for periods of thirty (30) days or less.

(f) Location of junior accessory dwelling unit. A junior accessory dwelling unit shall be entirely within a single-family residence; an attached garage is considered a part of the residence.

(g) Kitchen Requirements. The junior accessory dwelling unit shall include an efficiency kitchen, including a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(h) Parking. No additional parking is required beyond that already required for the primary dwelling.

(i) Fire protection; utility service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single-family dwelling. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single-family dwelling unless the junior accessory dwelling unit is being constructed in connection with a new single-family dwelling.

(j) Deed restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (c) above, does not permit rentals for periods thirty (30) days or shorter, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

DIVISION 3 AFFORDABLE HOUSING AND DENSITY BONUS INCENTIVES [REPLACES EX. DIVISION 6 OF ARTICLE XII TO BE INCOMPLIANCE WITH STATE LAW]

26-143 Purpose and Intent

(a) The purpose of this Division is to provide requirements and incentives for the development of affordable housing units in conjunction with other residential, mixed-use, and commercial projects by partnering with affordable housing providers as provided by state law. The following provisions are intended to implement the policies of the City's General Plan to encourage the production of affordable housing for all economic groups, and housing for disabled and elderly residents, transitional foster youth, and disabled veterans, and homeless persons as defined in Government Code 65915, all of which is integrated, compatible with and complements adjacent uses, and is located near public and commercial services.

(b) The incentives offered in this Division are provided by the City as a means of meeting its commitment to encourage housing affordability to all economic groups, and to meet the regional fair share requirements for the construction and rehabilitation of affordable housing for very-low-, low-, and moderate-income persons.

(c) This Division shall be interpreted in a manner supplementary to, and consistent with, the California Government Code 65915, et seq., as it may be amended from time to time.

26-144 Definitions

The definitions found in State Density Bonus Law shall apply to the terms contained in this section.

26-145 Applicability

(a) The provisions of this Division apply to a housing development consisting of either five (5) or more general Dwelling Units. A housing development as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory incentives that are provided by State Density Bonus Law when the applicant seeks and agrees to provide very-low, low or moderate income housing units, or units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, and lower income students in the threshold amounts specified in State Density Bonus Law. A housing development includes only the residential component of a mixed-use project.

26-146 Application Requirements

(a) Any applicant requesting a density bonus and any incentive(s), concession(s), waiver(s), parking reductions, or commercial development bonus provided by State Density Bonus Law shall submit a density bonus application as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing development, commercial development, or mixed-use development. The requests contained in the density bonus report shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with California Government Code Section 65943.

(b) The density bonus application shall include the following minimum information:

(1) Requested Density Bonus.

(2) Summary table showing the maximum number of dwelling units permitted by the zoning and General Plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

(3) A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.

(4) The zoning and General Plan designations and assessor's parcel number(s) of the housing development site.

(5) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

(6) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very-low or lower income households in the five-year period preceding the date of submittal of the application.

(7) If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in California Government Code Section 65915, subdivision (g) can be met.

(8) Requested Concession(s) or Incentive(s). In the event an application proposes concessions or incentives (a reduction in site development standards or a modification of zoning code or architectural design requirements) for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each incentive requested, shown on a site plan if appropriate:

   (i) The City's usual development standard and the requested development standard or regulatory incentive.

(9) Requested Waiver(s). In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each waiver requested on each lot, shown on a site plan if appropriate:

   (i) The City's usual development standard and the requested development standard.

   (ii) Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.

(10) Requested Parking Reduction. In the event an application proposes a parking reduction for a housing development pursuant to California Government Code Section 65915, subdivision (p), a table showing parking required by the zoning regulations, parking proposed under Section 65915, subdivision (p), and reasonable documentation that the project is eligible for the requested parking reduction.

(11) Child-Care Facility. If a density bonus or incentive is requested for a child-care facility in a housing development, reasonable documentation that all of the requirements included in California Government Code Section 65915, subdivision (h) can be met.

(12) Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all the requirements included in California Government Code Section 65915.5 can be met.

(13) Commercial Development Bonus. If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement and the proposed commercial development bonus, as defined in Section 21.86.110, and reasonable documentation that each of the standards included in Subsection 21.86.110(C) has been met.

(14) Fee. Payment of any fee in an amount set by resolution of the City Council for staff time necessary to determine compliance of the Density Bonus Plan with State Density Bonus Law.

26-147 Density Bonus

(a) All calculations are rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density as well as the resulting number of affordable units needed for a given density bonus project.

(b) When calculating the density bonus, the base density shall be the allowed gross density of the property allowed under the applicable zoning code.

(c) If a housing development qualifies for a density bonus under more than one income category, or additionally as a senior citizen housing development as defined in State Density Bonus Law, or as housing intended to serve transitional foster youth, disabled veterans, homeless persons, or lower income students, the applicant shall identify the categories under which the density bonus would be associated and granted. Density bonuses from more than one category can be combined up to the maximum allowed under State Density Bonus law.

(d) The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law.

(e) The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in California Government Code Section 65915, subdivisions (b), (c), and (f). Regardless of the number of affordable units, no housing development shall be entitled to a density bonus of more than what is authorized under State Density Bonus Law.

26-148 Discretionary density bonuses

(a) In providing opportunities for the granting of density bonuses in excess of those specified in section Article IV, Division 3, it is the City's intent to be of further meaningful assistance to promoting the development of housing to meet the diverse housing needs of the community. This notwithstanding, proposals for discretionary density bonuses shall be carefully reviewed and considered and may only be granted where standards set forth under subsection (b) have been determined to be met.

(b) Determination of discretionary density bonuses. Rather than utilizing a specific formula, the determination of whether and at what level to grant a discretionary density bonus shall be based on a case-by-case evaluation of proposed housing developments. The factors to be considered in this evaluation shall include, but are not limited to:

(1) The type and extent of target units being proposed.

(2) That the density bonus is necessary to make the project economically feasible.

(3) That the proposed housing will help fulfill the housing needs of the community as established within the housing element of the General Plan.

(4) That the housing development reflects high standards in the quality of design and provision of amenities.

(5) That the proposed housing development is compatible with the surrounding neighborhood.

(c) A density bonus of greater than thirty-five (35) percent above the otherwise allowable density, but in no case greater than one hundred (100) percent as allowed in each income category of the State Density Bonus Law may be granted at the City's discretion to applicants that agree to provide the following types of housing, provided said housing developments comply with all other provisions of this Division.

(1) Greater than fifty (50) percent of the total dwelling units reserved for qualifying residents (senior citizens); or

(2) Any combination of dwelling units, meeting or exceeding the minimum percentages specified State Density Bonus Law, reserved for and affordable to very low-income households, reserved for and affordable to lower-income households, and reserved for qualifying residents (senior citizens).

(d) A density bonus of greater than thirty-five (35) percent above the otherwise allowable density, but in no case greater than two hundred (200) percent, may be granted at the City's discretion to applicants that agree to provide any combination of dwelling units where all of the units are reserved for and affordable to very low-income households and/or lower-income households.

26-149 Incentives and Concessions

(a) Incentives and concessions area a reduction in site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards, and which results in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:

(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 minimum building separation requirements.
(7) Reduced street standards, such as reduced minimum street widths.
(8) Reduced standards included in the West Covina Multi-Family Objective Design Standards

(b) If an applicant requests a height increase pursuant to AB 2334 (2022), increased maximum building height and/or stories may not be granted as a concession.

(c) The number of incentives or concessions that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.

(d) Nothing in this section requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.

(e) For the purposes of this calculation, each individual deviation from the zoning requirements, rules, or other standards or conditions of the City shall constitute a separate concession. However, a variation in one (1) standard or requirement shall constitute only one (1) concession if, by necessity, the one (1) variation results in the automatic and unavoidable variation in a second standard.

(f) Concessions shall not be provided to a development which obtains its entire density bonus entitlements through a qualifying land dedication.

(g) Findings to deny incentive or concession. The City shall grant the incentive or concession requested by the applicant unless the City makes a written finding based upon substantial evidence of any of the following:

(1) The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units;
(2) The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5, upon public health and 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 without rendering the development unaffordable to low- and moderate-income households; or
(3) The incentive or concession would be contrary to state or federal law.

26-150 Waivers

(a) An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria at the densities or with the concession or incentives permitted under this Division. The applicant may request a meeting with the City.

(b) The City shall not waive or reduce development standards if the waiver or reduction would:

(1) Have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment.

(2) Be contrary to state or federal law.

26-151 Parking Reductions

(a) Except for projects subject to Government Code section 65863.2, in the event an application proposes a parking reduction for a residential development project pursuant to Government Code Section 65915 (p), as it may be modified from time to time, a table showing parking required by the zoning regulations, parking proposed under Government Code Section 65915 (p), as may be modified from time to time and reasonable documentation that the project is eligible for the requested parking reduction.

26-152 Childcare Facility

(a) When an Applicant proposes to construct a Residential Development Project that conforms to the requirements of this Division and includes a Childcare Facility that will be located on the premises of, as part of, or adjacent to, the Residential Development Project, the City shall grant an additional density bonus pursuant to Government Code Section 65915, as it may be modified from time to time.

26-153 Land Donation

(a) If a density bonus is requested for a land donation as per Government Code Section 65915, the applicant shall provide the following:

(1) The location of the land to be dedicated; and

(2) A title report showing proof of site control.

26-154 Commercial Development bonus

(a) In accordance with Government Code Section 65915, as it may be modified from time to time, when an Applicant proposes to construct a commercial development and has entered into a partnered housing agreement approved by the City, the City shall grant a commercial development bonus mutually agreed upon by the developer and the City. The commercial development bonus shall not include a reduction or waiver of fees imposed on the commercial development to provide affordable housing. The requirements for commercial development bonus are as follows, which shall also be described in the partnered housing agreement:

(1) The residential development project shall be located either:

(i) On the site of the commercial development; or

(ii) On a site within the City that is within one-half mile of a major transit stop as defined in Government Code Section 65915, as it may be modified from time to time, and is located within one mile of public amenities, including schools and employment centers.

(2) At least 30 percent of the total units in the residential development project shall be made available at affordable ownership cost or affordable rent for low-income households, or at least 15 percent of the total units in the residential development project shall be made available at affordable ownership cost or affordable rent for very low-income households.

(3) The commercial developer must agree either to directly build the affordable units; donate a commercial development site consistent with State Density Bonus Law, for the affordable units; or make a cash payment to the housing developer for the affordable units.

(4) Any approved partnered housing agreement shall be described in the City's Housing Element annual report as required by Government Code Section 65915, as it may be modified from time to time.

26-155 Design and Quality

(a) The City may not issue building permits for more than 50 percent of the market rate units until it has issued building permits for all the affordable units, and the City may not approve any final inspections or certificates of occupancy for more than 50 percent of the market rate units until it has issued final inspections or certificates of occupancy for all the affordable units.

(b) Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.

(c) Affordable Units shall be built on site and shall be dispersed within the housing development. The number of bedrooms of the affordable units shall be equivalent to the bedroom mix of the non-affordable units of the housing development, except that the developer may include a higher proportion of affordable units with more bedrooms. The design and appearance of the affordable units shall be compatible with the design of the overall housing development.

26-156 Review Procedures

(a) All requests for density bonuses, incentives, parking reductions, waivers, or commercial development bonuses shall be considered and acted upon by the approval body with authority to approve the development within the timelines prescribed by California Government Code Section 65950 et seq., with right of appeal to the City Council, as applicable.

(b) Eligibility for Density Bonus, Incentive(s), Parking Reduction, and/or Waiver(s) for a Housing Development. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of state law as applicable:

(1) The housing development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to very-low and low income households as required by California Government Code Section 65915, subdivision (c)(3).

(2) Any requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of California Government Code Section 65915, subdivision (k)(2).

(3) The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.

(4) The housing development is eligible for any requested parking reductions under California Government Code Section 65915, subdivision (p).

(5) If the density bonus is based all or in part on donation of land, all of the requirements included in California Government Code Section 65915, subdivision (g) have been met.

(6) If the density bonus or incentive is based all or in part on the inclusion of a child-care facility, all of the requirements included in California Government Code Section 65915, subdivision (h) have been met.

(7) If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in California Government Code Section 65915.5 have been met.

(c) If a commercial development bonus is requested for a commercial development, the decision-making body shall make a finding that the development complies with all of the requirements of Subsection 21.86.110(C), that the City has approved the partnered housing agreement, and that the commercial development bonus has been mutually agreed upon by the City and the commercial developer.

(d) The decision-making body shall grant an incentive or concession requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

(1) The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5, or for affordable rents, as defined in California Health and Safety Code Section 50053; or

(2) The proposed incentive or concession would be contrary to state or federal law; or

(3) The proposed incentive or concession would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, 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 that the application for the housing development was deemed complete.

(e) The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

(1) The proposed waiver would be contrary to state or federal law; or

(2) The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or

(3) The proposed waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, 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 that the application for the housing development was deemed complete.

(f) If any density bonus, incentive, concession, parking reduction, waiver, or commercial development bonus is approved pursuant to this chapter, the applicant shall enter into an affordable housing agreement or senior housing agreement with the City pursuant to Section 26-146.

26-157 Density Bonus Housing Agreement and Senior Housing Agreement

(a) Density Bonus Housing Agreement. Except where a density bonus, incentive, waiver, parking reduction, or commercial development bonus is provided for a market-rate senior housing development, the applicant shall enter into an affordable housing agreement with the City, in a form approved by the City Attorney, to be executed by the City Manager, to ensure that the requirements of this section are satisfied. The affordable housing agreement shall guarantee the affordability of the affordable units for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; and shall specify phasing of the affordable units in relation to the market-rate units.

(b) Senior Housing Agreement. Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter a restrictive covenant with the City, running with the land, in a form approved by the City Attorney, to be executed by the City manager, to require that the housing development be operated as "housing for older persons" consistent with state and federal fair housing laws.

(c) The executed affordable housing agreement or senior housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The affordable housing agreement or senior housing agreement shall be binding on all future owners and successors in interest.

(d) The affordable housing agreement shall include, but not be limited to, the following:

(1) The number of density bonus dwelling units granted;

(2) The number and type of affordable dwelling units;

(3) The unit size(s) (square footage) of target dwelling units and the number of bedrooms per target dwelling unit;

(4) The proposed location of the affordable dwelling units;

(5) Schedule for production of affordable dwelling units;

(6) Incentives or concessions or waivers provided by the City;

(7) Where applicable, tenure and conditions governing the initial sale of the affordable units;

(8) Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units for affordable rental dwelling units;

(9) Marketing plan; publication and notification of availability of affordable units;

(10) Compliance with federal and state laws;

(11) Prohibition against discrimination;

(12) Indemnification;

(13) City's right to inspect units and documents;

26-158 Fees and expenses

(a) An administrative fee shall be charged to the applicant for City review of all materials submitted in accordance with this Division for implementation and on-going enforcement of the provisions of this Division.

26-159 Interpretation

(a) If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law.

26-160 Severability

(a) If any provision of this chapter or its application to any person or circumstances is held invalid, the remain-der of the chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected.

DIVISION 4 URBAN DWELLING UNITS [EX. DIVISION 30 OF ARTICLE XII]

26-161 Applicability

(a) The City shall ministerially review a housing development containing no more than two (2) residential units through the Second Floor Review process, if it meets the following requirements:

(1) The parcel is located within a single-family residential zone.

(2) The parcel is not located in any of the following areas and does not fall within any of the following categories:

(i) A historic district or property included on the state historic resources inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a City landmark or historic property or district pursuant to a City ordinance.

(ii) A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(iii) A delineated earthquake fault zone as determined by the state geologist in any official maps published by the state geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the City's building department.

(3) The proposed housing development would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

(ii) Housing that is subject to any form of rent or price control by the City;

(iii) A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within fifteen (15) years before the date of the application; or

(iv) Housing that has been occupied by a tenant in the last three (3) years.

(4) Demolition of an existing unit that has not been occupied by a tenant in the last three (3) years shall not exceed more than twenty-five (25) percent of the existing exterior structural walls.

26-162 Standards and requirements

(a) *Number of* units*:* There shall be no more than two (2) urban dwelling units per lot. Accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and an existing primary residential unit will be counted toward the maximum number of units.

(b) Setbacks:

(1) E*xisting structures.* No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

(2) *Side and rear setback for new structures and additions.* The minimum setback from the side and rear property line is four (4) feet. The proposed residential unit(s) occupying an urban lot subdivision may be constructed directly along the side property line adjoining and attached to the unit within the same urban lot split subdivision, if the construction of an 800-square-foot unit would not be physically possible without the setback reduction.

(3) *Front setback for new structures and additions.* The minimum setback from the front property line is twenty-five (25) feet. The front setback may be reduced to ten (10) feet if the construction of an 800-square-foot unit would not be physically possible without the front setback reduction after the implementation of (b)(2). of this section is incorporated with the project design.

(c) *Maximum size:* The maximum size of an urban dwelling unit shall not exceed eight hundred (800) square feet.

(d) *Minimum size:* The minimum size of an urban dwelling unit shall be five hundred (500) square feet.

(e) *Maximum Height:* An urban dwelling unit, or additions to an existing structure within a proposed urban lot split subdivision shall not be more than one-story and shall not exceed sixteen (16) feet in height. Projects may be exempt from the one-story height limitation and may be constructed up to twenty-five (25) feet in height if the construction of an 800 square-foot unit would not be physically possible without the height increase after the implementation of (b)(2) and (b)(3) of this section is incorporated with the project design.

(1) In cases where an urban dwelling is being added by subdividing an existing structure, the height requirements of this subsection do not apply.

(f) Front yard landscaping and paving/hardscape:

(1) The driveway/pavement/hardscape width in the front yard shall be limited to the width of the garage, or twelve (12) feet if the lot does not have a garage.

(2) Within the front yard, a minimum of fifty (50) percent of the land area shall be maintained with landscaping consisting of live organic plant materials. Paving which incorporates planting cells such as turf block, grass grid, open-cell unit paver, geoblock, or grasscrete may be counted towards the landscaping requirement with the exclusion of the hard surface. Parking on such composite planted paving is not allowed.

(3) A minimum of one (1) 24-inch box-sized tree shall be planted on the front yard. If the urban lot split includes a flag lot, the front yard shall be the side of the lot directly in front of the primary entrance to the urban dwelling unit.

(g) Objective Design Standards

(1) *Additions to existing structures.* Additions to existing structures shall utilize the same exterior materials, color, roof pitch, and architecture of the existing structure on the lot.

(2) New construction. The following standards shall apply to all new construction:

(i) The front elevation shall include the primary entrance to the unit and a roofed porch. The porch may utilize a protruding or recessed design that provides for a roofed porch that is a minimum six (6) feet deep and six (6) feet wide.

(ii) All structures shall have at least two (2) exterior building wall materials. The building wall material option shall be limited to stucco, wood, rock/stone, brick, or decorative hand-painted tile. The building materials utilized shall be continued throughout the exterior of the house on all elevations. Window or door trims shall not be counted towards the material requirement.

(iii) Windows:

a) Treatment on windows shall be incorporated into the window design. Allowable window treatments shall be limited to the following: stucco pop outs, wood trim, pot shelves, shutters, or recessed windows.

1) Recessed windows shall be one (1) inch to two (2) inches from the exterior building wall.

2) The height and width of window shutters shall be proportionate to the height and width of the window utilizing the treatment. The shutters shall be wide and tall enough to completely cover the exterior of each side of the window without exceeding the dimensions of the window by greater than two (2) inches.

b) Second-floor side windows shall be limited to clerestory windows for light and ventilation measured no less than five (5) feet above the interior floor level.

(iv) The roof design shall be limited to gable, dutch-gable, or hipped. Flat-roofs and/or shed roofs are prohibited. For the purposes of this subsection, “flat-roof” shall mean having a roof pitch of less than 2:12.

a) Spanish and/or Mediterranean style urban dwellings shall utilize rounded or “S” roof tiles, or a combination thereof.

(v) The color palette for the urban dwelling shall include a minimum of two (2) colors. The color utilized for the main wall shall be a different color than the color used for the architectural trim (e.g., window/door trim).

(vi) Balconies, second-story decks and/or exterior staircases are prohibited. All staircases shall be located within an enclosed structure.

(h) Residents of urban dwelling units are not eligible for any type of street parking permit.

(i) The applicant shall provide easements for the provision of public services and facilities as required.

(j) No additional accessory structures other than a 20-foot deep and 10-foot wide one-car garage for each urban dwelling unit shall be allowed on lots/parcels developed with an urban dwelling unit. Construction of the one-car garage shall be dependent upon compliance with the maximum building coverage requirements listed within Table 2-4 of Section 26-46.

(k) All lots shall have a minimum street frontage of twelve (12) feet to provide for vehicular access.

(l) Off-street parking shall be limited to one (1) space per unit, except that no parking requirements shall be imposed in either of the following circumstances:

(1) The parcel is located within one-half (½) mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or

(2) There is a car share vehicle located within one (1) block of the parcel.

(m) For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last five (5) years, or if the percolation test has been recertified, within the last ten (10) years, which shows that the system meets acceptable infiltration rates.

26-163 Authority

(a) The City shall not require or deny an application based on any of the following:

(1) The City shall not impose any objective zoning or design review standards that would have the effect of physically precluding the construction of two (2) units on either of the resulting parcels or that would result in a unit size of less than eight hundred (800) square feet.

(2) The City shall not deny an application solely because it proposes adjacent or connected structures, provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.

26-164 Affidavit

(a) An applicant for an urban dwelling shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

(1) That the uses shall be limited to residential uses.

(2) That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one (31) days.

(3) That the maximum number of units to be allowed on the parcels is two (2), including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to chapter 26 (Zoning).

(4) That the site and/or residence of the site is not eligible for any type of street parking permit.

26-165 Building official denial procedure

(a) The City may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse

impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

26-166 Effects on other ordinances

(a) The provisions of this division supersede any contrary provisions in the West Covina Municipal Code to the contrary.

DIVISION 5 MULTI-UNIT DWELLING OBJECTIVE DESIGN STANDARDS *NEW (FROM ADOPTED OBJECTIVE DESIGN STANDARDS)*

26-167 Purpose

The purpose of the West Covina Multi-Family Residential Objective Design Standards is to respond to Senate Bill (SB) 330 and supplement the multi-family residential development standards of the West Covina Municipal Code (WCMC). SB 330, "The Housing Crisis Act of 2019," is a state-wide bill intended to streamline housing development approval processes in California. As a result of SB 330, multifamily residential development projects and/or mixed-use development projects with at least two-thirds of the square footage designated for residential use meeting certain eligibility requirements are subject to specific review processes. State law requires cities to approve eligible housing proposals through ministerial processes based on objective standards that "involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal." The West Covina Multi-Family Residential Objective Design Standards provide clear expectations on the design of new multi-family residential development within the City, outlining objective design standards that allow for predictable development outcomes.

26-168 Applicability

(a) The West Covina Multi-Family Residential Objective Design Standards are minimum design requirements that apply to new multi-family residential and mixed-use development located in the following areas within the City:

  (1) Office and Commercial Zones - OPMU, NMU, RMU, SMU

  (2) Multiple Family Zones - MF-8, MF-15, MF-20, and MF-45

(b) The Multi-Family Residential Objective Design Standards apply to site and building design only. Development standards such as density, building setbacks and heights, open space, and off-street parking requirements are contained in Chapter 26 of the WCMC.

(c) If a multi-family residential development project or a residential mixed-use development project is eligible for SB 330 and complies with all applicable requirements of the WCMC and these Objective Design Standards, then the City shall approve the project through the ministerial process without public hearings.

(d) Multi-family residential development projects and residential mixed-use development projects not covered under SB 330 must also comply with the West Covina Multi-Family Residential Objective Design Standards and applicable design guidelines. The applicable City review procedures would apply to these projects.

(e) The Community Development Director or their designee may allow certain deviations from the design standards on a case-by-case basis, provided the requested deviations meet the intent of the Multi-Family Residential Objective Design Standards and are approved by the Planning Commission.

26-169 Multi-Unit Dwelling Objective Design Standards

New multi-family and mixed-use developments shall be subject to the standards included in Multi-family Objective Design Standards document, Chapter 2- Objective Design Standards.

DIVISION 6 LIVE-WORK UNITS *NEW*

(a) The following commercial / residential activities, conducted wholly within enclosed buildings, shall be permitted provided the commercial/office uses shall occur in conjunction with residential uses and are not standalone uses:

(1) Apparel - custom tailoring and sales of apparel, clothing and other sewing products made on the premises
(2) Artists and craft/sculpture products, sales galleries, and studios
(3) Internet-based commerce (no inventory, no pornography)
(4) Office - creative/tech-based offices and services
(5) Office - professional offices and services
(6) Photographer/photography studios
(7) Residential uses in conjunction with office, retail or other work-related uses as permitted herein for live-work development
(8) Spas and personal care to include nail salons and hair salons (for single patron use only)
(9) Similar uses permitted by the determination of the Community Development Director.

(b) The Community Development Director or their designee may permit any other uses that the Community Development Director or their designee determine to be similar to those listed above, in conformity with the intent of the zone, and not detrimental to public health, safety and welfare, or to other uses permitted in the zone.

(c) The property development standards set forth in Article II, Division 2 of the West Covina Development Code shall apply to all live/work units. The following standards shall also apply to live/work units:

(1) Live/work units include the residential living dwelling and a workspace within one unit of a building for self-employed residents. A live/work unit may be fully residential units.
(2) The workspace component of a live/work unit shall be limited to a maximum of 50 percent of the entire unit area (not including porches and garages), and can only be located on the ground floor.
(3) The property manager will be responsible for controlling hours of business, signage standards, visitor and guest parking, carport area appearances, etc.
(4) Storage of hazardous materials necessary for work activities within a live/work unit may be stored in controlled areas per the California Building Code and the West Covina Fire Department.
(5) The work portion of the unit shall be used by the owner or renter of the residential portion of the unit.
(6) Live/work units are single-tenant spaces that include both residential and commercial/office uses within a single unit, including a business to be conducted solely by the resident. In no instance shall the work portion of the live/work unit be sub-leased.
(7) Noise levels generated by live/workspaces shall conform to the City of West Covina Noise Ordinance.

DIVISION 7 LOW BARRIER NAVIGATION CENTERS *NEW*

(a) *Purpose.* The purpose of this Division is to establish standards for low-barrier navigation centers and to ensure this use in constructed and operated in a manner that is consistent with the requirements and allowances of California Government Code Section 65660 relating to low barrier navigation centers.

(b) *Permit Required.* An application shall be submitted to the Planning Department for the development and operation of a low barrier navigation center. The Community Development Director or their designee shall notify a developer whether the application is complete within thirty (30) days, pursuant to California Government Code Section 65943. Action shall be taken within 60 days of a complete application being filed with the Planning Division.

(c) *Where allowed.* Low barrier navigation centers shall be allowed by right in nonresidential and mixed-use zoning districts that include multi-family residential development.

(d) *Development and Operational Standards.* The following standards shall apply to low barrier navigation centers:

(1) The low barrier navigation center shall offer services that connect people to permanent housing through a service plan that identifies services staffing;

(2) *Coordinated Entry System.* The low barrier navigation center shall be linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing;

(3) The low barrier navigation center shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code; and

(4) *Homeless Management Information System.* It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of the Title 24 of the Code of Federal Regulations.

ARTICLE V.NONCONFORMITIES

DIVISION 1 GENERAL NONCONFORMING PROVISIONS [EX. ARTICLE V]

26-170 Purpose and Intent

This division establishes uniform provisions for the regulations of legal nonconforming land uses, structures and parcels. Within the zoning districts established by this Development Code, there are existing land uses, structures, and parcels that were lawful before the adoption, or amendment of this Development Code, but that would be prohibited, regulated, restricted differently under the terms of this Development Code or future amendments. It is the intent of this Development Code to discourage the long-term continuance of nonconformities, but to permit them to exist under the limited conditions outlined in this Article. This Article is intended to be administered in a manner that encourages the eventual abatement of nonconformities.

26-171 Establishment of Nonconforming Uses, Structures

A nonconforming building, structure or other physical feature is a legally established building, structure or other physical feature which does not meet the standards of the Zoning District in which it is located. It can also be a building, structure or other physical feature for which an administrative use permit, variance or other similar permit is required but for which no such permit has been obtained because the building, structure, or other physical feature was established prior to the application of the existing zoning district due to rezoning, annexation or other change in the regulation of the Development Code. Legally established nonconforming building, structures or other physical features shall be governed by the following regulations:

(a) Nonconforming buildings, structures, or other physical features may be continued indefinitely subject to the provisions of this division.

(b) A nonconforming building, structure, or other physical feature shall not be reconstructed, except as provided for in Division (4) of this Article, expanded, or enlarged unless the new work will be in conformance with the regulations and standards of the Zoning District in which is it located and the new provisions of the ordinance.

(c) A nonconforming building, structure, or physical feature may be remodeled, rehabilitated or structurally altered if the new work does not increase the degree of the non-conformity.

(d) A nonconforming, structure, or physical feature damaged or destroyed by any means except demolition or intentional removal, may be reconstructed to its original condition if the chief building inspector determines that the costs of reconstruction does not exceed fifty percent (50%) of the replacement construction value of the building or structure at the time of damage or destruction as determined by the Building Official. The Building Official shall conduct a review and may limit reconstruction of parts of the project that would create a health or safety issue. The Building Official review shall identify those items that, for reasons of health and safety, shall not be allowed to be reconstructed to the dimensions, footprint, or use as they were prior to the damage, and shall provide for those items the required degree of compliance with the current code. Where the Building Official determines that the costs of reconstruction exceed fifty percent (50%) of the replacement construction value of the building at the time of its destruction of or damage, a nonconforming building, structure or physical feature may be reconstructed to its original or other nonconforming condition only upon the approval of a variance by the Planning Commission pursuant to the provisions of Article VI, Division 5 applied for within one year of damage or deconstruction. The Planning Commission may require as a condition of approval that the building is thereafter devoted to a conforming use. The Planning Commission must make the following findings to approve such a use permit.

    (1) The proposed reconstruction of a nonconforming building, structure or physical feature will not be detrimental to any existing or potential permitted use, building or structure in the area in which the nonconforming use is located.

(2) This finding shall be in addition to those required for the approval of a Variance contained in Article VI, Division 5.

26-172 Continuation and Maintenance

(a) Continuation of Nonconforming Uses and Structures

(1) Except as otherwise provided herein, any structure or use legally established on the effective date of the Development Code, may continue as a nonconforming parcel, structure or use.

(2) Any structure or use legally established prior to the annexation of the property may continue as a nonconforming structure or use, respectfully.

(3) A change in ownership or tenancy without any change in use, occupancy or development shall not affect any of the legal nonconforming rights, privileges, and responsibilities provided under this article.

(b) Maintenance of Nonconforming Uses and Structures

(1) Routine maintenance and repairs may be performed on a nonconforming parcel, use or structure provided such work does not involve structural alterations or any enlargement of the structure subject to the granting on building permits as required by the Building Official.

26-173 Continuation of Nonconformities

(a) Maintenance and Repairs allowed.

(1) A nonconformity (i.e., parcel, sign, structure, or use) may be maintained and continued with customary maintenance and repair without any expansion or enlargement of area, space, or volume, except for improvements and expansions specified in subsections (a), (b) and (c) (Improvements and Expansions Allowed), below. A nonconformity may be maintained provided that no structural alterations shall be made to structural supporting members (i.e., bearing wall, column, beam, girder, rafter, joist), except as required for health and safety as determined by the Building Official.

(b) Improvements and Expansions Allowed.

(1) The addition of one accessory structure related to a conventional single-family dwelling provided that all structures shall comply with all other regulations of the zone (This does not apply to accessory dwelling units);

(2) The addition of animal sheds or shades, hay barns, etc. for agricultural operations where there is no increase in animals, wastewater, or employees;

(3) The continued use and expansion of certain nonconforming communications buildings and structures (including, but not limited to, radio towers, wireless facilities, and antennas) that directly or indirectly provide or support emergency services within the County (including, but not limited to, the broadcast of Emergency Alert System messages or public agency communications) may be allowed subject to the approval of a conditional use permit in compliance with Article VI, Division 4 and the following findings;

(i) That the improvement and/or expansion of the nonconformity is directly or indirectly related to the provision of emergency services within the County and will provide these services for the lifetime of the project;

(ii) That the improvement and/or expansion of the existing nonconforming building or structure will not result in an increase of more than 100 percent of the original floor area of the nonconformity, not including the floor area of any previously approved expansions; and

(iii) That the improvement and/or expansion of the nonconformity would not be detriment to the public health, safety and general welfare.

DIVISION 2 NONCONFORMING PARCELS *NEW*

26-174 Continuation of Nonconformities

The following shall apply to all nonconforming parcels existing at the effective date of this Development Code Ordinance or at the effective date of any subsequently adopted ordinance or regulation, unless said ordinance or regulation expressly provides otherwise.

(a) Any improved nonconforming parcel may not be further developed with any additional structure. Any existing structures on a nonconforming parcel shall be considered a nonconforming structure and be subject to the provisions of this article.

(b) Any lawfully created parcel that becomes nonconforming with regard to parcel area, street frontage, parcel width, parcel depth, or accessibility may continue indefinitely with such nonconformity and may be developed and use as if it were a conforming parcel.

(c) Exemptions to the requirements of this section shall apply to parcels that are:

(1) Public utility parcels so long as said parcels are directly involved in providing public utility services.

(2) A parcel made nonconforming solely by reason of a dedication to or acquisition by the City or other governmental agency, directly or by eminent domain, for a public purpose; or

(3) An undeveloped parcel which was lawfully created but by reason of any subsequently adopted ordinance or regulation does not allow to conform to the provisions of this code applicable to the zone in which the parcel is situated.

DIVISION 3 NONCONFORMING SIGNS *NEW*

26-175 General

The following provisions shall apply to all identification signs, on-site commercial or industrial advertising signs, public or quasi-public directional signs, shopping center identification signs, shopping center directory signs, temporary real estate signs and temporary portable advertising signs in public parks, schools and playgrounds:

(a) No lawful sign existing at the time of the passage of this Development Code shall be enlarged, altered, reconstructed or replaced unless the enlarged, altered, reconstructed sign or replacement sign conforms to all the provisions of this Development Code; provided, however, reasonable repair and maintenance shall be permitted.

(b) The foregoing provisions shall also apply to nonconforming signs in districts hereafter changed or established and any time limit for the suspension of a nonconforming sign shall date from the date of the enactment of this Development Code or any amendment of district boundaries which may make the signs nonconforming.

DIVISION 4 NONCONFORMING STRUCTURES

26-176 Continuation of Legal nonconforming Structures

The following shall apply to all nonconforming structures existing at the effective date of this division, or at the effective date of any subsequently adopted ordinance or regulation unless said ordinance or regulation expressly provides otherwise.

(a) Any nonconforming residential structure in any residential zone may be continued and maintained, except as otherwise provided in this section, provided there is no physical change in the structure except for such repairs and maintenance as may be necessary for the structural integrity and safety of the structure, or as may be required by law, the applicability of which shall be determined by the Community Development Director or their designee, and which do not enlarge the structure, and further provided:

(1) In the event of involuntary destruction of a nonconforming residential structure in a residential zone, the cost of reconstruction at the time of the involuntary destruction does not exceed 50% of the cost of replacing the entire structure, as determined by subsection (d)(6) of this division, except as provided in subsections (a)(2) and (3) below.

(2) In the event of involuntary destruction of a nonconforming residential structure as set out in division (a)(1) above, the structure may be rebuilt if the owner can demonstrate to the satisfaction of the Community Development Director or their designee, the following:

(i) Rebuilding will not enlarge the size of the structure nor increase the extent of non-conformance.

(ii) The rebuilt structure will be appropriate to the site and be compatible with existing structures in the neighborhood; and

(iii) The structure was properly maintained, as required by health, safety and building codes and other titles of this Code and Development Code, immediately prior to the destruction.

(iv) Plans for reconstruction shall be submitted for plan-check within one year from the date of destruction. The property owner shall remain active in pursuing the building permits. The building permits shall be obtained and construction commenced within 6 months of building plan-check approval.

(3) Nonconforming residential structures located in any residential or mixed-use zone involuntarily destroyed in whole or in part shall be exempt from the provisions of this division, except that reconstruction or repair shall not increase the size nor alter the configuration of the nonconforming structure, nor increase the extent of any nonconformity.

(4) In no case shall a nonconforming residential structure located in any residential or mixed-use zone involuntarily destroyed in whole or in part be required to comply with the development standards and other requirements of the zoning designation in which the residential or mixed-use structure is situated.

(5) In no case shall the passage of time, in and of itself, cause the termination of any nonconforming residential structure in any multi-family residential zone, unless the City Council shall make a subsequent determination to the contrary.

(6) Any part of a structure housing a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used nor occupied by any nonconforming use.

(b) Nonconforming nonresidential structures in any residential zone may be continued and maintained, except as otherwise provided in this subsection, and provided there is no physical change to the structure except for such repair and maintenance as may be required for the structural integrity of the structure, or as may be required by law as determined by the Community Development Director or their designee, which do not enlarge the structure; and further provided:

(1) The entire structure does not remain unoccupied for six consecutive months or more.

(2) In the event of involuntary destruction of the structure, the cost of reconstruction does not exceed 50% of the cost of replacing the entire structure, pursuance to subsection (d)(6) of this division.

(3) Any part of the structure occupied by a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used by a nonconforming use.

(4) In addition to the causes of termination set out in subsections (b)(1) and (2) of this division, a nonconforming non-residential structure in any residential zone shall be altered and converted to a conforming structure, or completely removed, when such structure as reached the age of 40 years, computed from the date the structure was constructed.

(5) Plans for reconstruction shall be submitted for plan-check within 6 months from the date of destruction. The property owner shall remain active in pursuing the building permits. The building permits shall be obtained, and construction commenced within 6 months of building plan-check approval.

(c) Nonconforming structures in nonresidential zones may be continued and maintained except as otherwise provided in this subsection, and provided there is no physical change in the structure except for such repairs and maintenance as may be necessary for the structural integrity and safety of the structure, or as may be required by law, the applicability of which shall be determined by the Community Development Director or their designee, and which do not enlarge the structure, and provided that:

(1) Any nonconforming structure in a nonresidential zone shall terminate if the entire structure is unoccupied for six consecutive months.

(2) In the event of involuntary destruction, the nonconforming structure shall terminate if the cost of reconstruction at the time of the involuntary destruction exceeds 50% of the cost of replacing the entire structure, pursuant to division (d)(6) of this section.

(3) Any nonconforming structure shall terminate if there is physical deterioration of the structure requiring more than ordinary repair as may be necessary for structural integrity or safety as determined by the Community Development Director or their designee.

(d) General provisions which shall apply to any nonconforming structure in any zone, unless specifically excluded by other provisions of this subsection, shall include:

(1) Any structure or part of a structure occupied by a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used or occupied by a nonconforming use.

(2) When a single project including, but not limited to, an apartment project, shopping center or mall, consists of two or more separate buildings or structures situated on one or more Parcels, the nonconformity of any single building pursuant to this subsection shall be considered the nonconformity of that entire single project and the entire project shall be governed by the applicable provisions of this subsection.

(3) Any reconstruction, maintenance, repair or alteration authorized or permitted by this subsection to any nonconforming structure must comply with all other applicable requirements of this code at the time such work is performed, and the extent of nonconformity may not be intensified, nor any other changes made in the size or configuration of the structure, except as specifically provided in this subsection.

(4) Any nonconforming structure shall terminate if there is physical change to the structure other than such repairs as may be necessary to maintain the structural integrity or safety of the structure, but do not enlarge, increase the total floor area or alter the structure, and such alterations as may be required by law, the applicability of which shall be determined by the Community Development Director or their designee.

(5) Any nonconforming structure involuntarily destroyed that is permitted to be reconstructed or repaired pursuant to this subsection, shall submit plans for reconstruction for plan-check within 6 months from the date of destruction. The property owner shall remain active in pursuing the building permits. The building permits shall be obtained, and construction commenced within 6 months of building plan-check approval. Otherwise, the legal nonconforming status of the structure shall be lost.

(6) Whenever a determination of the cost of replacing a structure or the cost of reconstruction is required to be made, that determination shall be made by the Community Development Director or their designee, based on a current appraisal of the structure, provided at the owner's expense, by a California licensed and certified appraiser.

(7) Repair or reconstruction of a damaged nonconforming structure shall not extend the specified termination date of the structure, nor of the existing use .

(8) A nonconforming structure may be remodeled provided:

(i) There is no increase in the total size, the height or the useable floor area of the structure;

(ii) There is no increase in the extent of nonconformity; and

(iii) There is no new nonconformity created.

(e) Exemptions to the requirements of this subsection shall apply to structures that are:

(1) Public utility structures so long as said structures are directly involved in providing public utility services; or

(2) A structure made nonconforming solely by reason of a dedication to or acquisition by the City or other government agency, directly or by eminent domain, for a public purpose.

DIVISION 5 NONCONFORMING USES

26-177 Continuation of Legal Nonconforming Uses

The following shall apply to all nonconforming uses existing at the effective date of this subchapter or at the effective date of any subsequently adopted ordinance or regulation, unless said ordinance or regulation expressly provides otherwise.

(a) Any nonconforming use within in a conforming structure may be continued and maintained except as otherwise provided in this subchapter, and further provided:

(1) There is no enlargement, alteration, addition or expansion of any portion of the structure in which the nonconforming use is situated, except for such repair as may be necessary for structural integrity or safety, or such alteration as may be required by law, the applicability of which shall be determined by the Community Development Director or their designee.

(2) There is no addition to, nor intensification of, the nonconforming use.

(3) There is no addition to, nor change to, any other nonconforming use.

(4) The nonconforming use is maintained in compliance with the health and safety codes and other titles of the City code and ordinances.

(5) The nonconforming use shall terminate if it is discontinued for a period of 120 consecutive days or more.

(6) A nonconforming use may be changed to another use if the proposed use is permitted in the zone in which the existing nonconforming use is situated and all requirements of this code in effect at the time of the proposed change in use are satisfied. Once changed, said nonconforming use may not be reestablished.

(7) If the structure in which the nonconforming use is situated is involuntarily destroyed, in whole or in part, causing the involuntary discontinuance of the nonconforming use, the nonconforming use shall terminate if it has not been reestablished within 120 days of completion of repair or reconstruction of the structure in which it was situated.

(b) Any nonconforming use situated within a nonconforming structure may be continued and maintained, so long as it complies with the provisions of subsection A of this section, and as otherwise provided in this subsection, and further provided:

(1) If the nonconforming structure in which the nonconforming use is situated in is involuntarily destroyed, in whole or in part, causing the involuntary discontinuance of the nonconforming use, the nonconforming use shall terminate if it has not been reestablished within 120 days of completion of repair or reconstruction of the structure in which it was situated.

(2) A nonconforming use located in a nonconforming structure may be changed to another use if:

(i) The proposed use is permitted in the zone in which the existing use is situated;

(ii) The proposed use will not require any enlargement nor alteration of the structure occupied by the proposed use; and

(iii) The parking requirements in effect at the time of the change for the proposed use are satisfied.

(3) The change of a nonconforming use situated in a nonconforming structure to a conforming use shall not extend the termination date of the nonconforming structure as provided in this subsection, nor in any subsequently adopted ordinance or regulation.

(4) The nonconforming use shall terminate if it is discontinued for a period of 120 consecutive days or more.

DIVISION 6 ABATEMENT AND EXTENSION OF NONCONFORMING USES, STRUCTURES AND PARCELS

26-178 Purpose and Intent

The abatement or extension of nonconforming uses, structures or parcel process is established to provide a means by which to establish the period within which a nonconforming use, structure or parcel must comply with current regulations of this title, and to allow for the extension of such abatement period.

26-179 Applicability and Permit Requirements

All uses, structures and parcels determined by the Community Development Director or their designee to be nonconforming shall require a hearing before the Planning Commission to establish the appropriate abatement period. Abatement periods may be extended by the Planning Commission. Early termination of a nonconformity may be initiated by order of the Planning Commission or City Council for public health, safety, and welfare purposes. Such actions shall be processed pursuant to standard procedures in this article and Development Code.

26-180 Required Findings

(a) Abatement and Extension

(1) In establishing the amortization period for a nonconforming use, structure or parcel, the Planning Commission shall consider competent financial data such as the depreciation schedule attached to the owner's latest federal income tax return. Findings shall be made as to whether or not the balancing of the public interest and the request by the owner for continuance, alteration, or expansion of the nonconformity requires a deviation from the City's development standards.

(2) To grant an extension to the abatement period for a nonconformity, the Planning Commission shall find that an unreasonable hardship would otherwise be imposed on the property owner if such an extension were not granted.

26-181 Conditions

The Planning Commission may impose conditions to ensure maintenance of an equitable balance of the public interest and the interests of the property owner.

ARTICLE VI. PERMIT PROCESSING PROCEDURES~~PROCEDURE, HEARINGS, NOTICES, FEES, AND CASES~~

DIVISION 1 GENERAL PROVISIONS~~GENERALLY~~

26-182 Application forms and materials~~Form of application and type of required information~~

The Community Development Director or their designee shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Ordinance. The Director shall require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples, contextual drawings, massing diagrams and/or models, site development history information, and other items necessary or relevant (e.g., easements, prior site zoning) to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act. ~~The planning commission shall prescribe the form in which applications are made for changes in zone boundaries or classifications, for variances, conditional use permits, administrative use permits, or approval of precise plans of design. It may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application need be accepted unless it complies with such requirements.~~

26-183 Applications a part of permanent record

Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing, and shall become a part of the permanent official records of the agency to which application is made, and there shall be attached thereto and permanently filed with copies of all notices and actions with certificates or affidavits of posting, mailing or publications pertaining thereto.

26-184 Filing Fees

The City Council shall approve by resolution a Municipal Fee Schedule that establishes fees for permits, appeals, amendments, informational materials, penalties, copying, and other such items. These fees may be amended by the City Council by legislation.

If, pursuant to the guidelines and procedures for evaluating environmental impacts of proposed projects, the Community Development Director or their designee declares that a proposed action is not categorically exempt from the provisions of the California Environmental Quality Act of 1970, the developer shall be required to pay the California Department of Fish and Wildlife and County recording fee established by a resolution of the City Council at the time the application to prepare or process required environmental impact documents is accepted.

26-185 Multiple Applications

(a) Multiple applications needed for the same project (e.g., a precise plan and zone change) must be filed and processed concurrently.

(b) When multiple applications for one (1) project are filed concurrently and subject to different approval authorities, the highest approval authority shall act on all the applications. If the different approval authorities are the Planning Commission and the City Council, the Planning Commission shall make a recommendation on the applications to the City Council.

26-186 Setting Hearings

(a) All proposals for amending zone boundaries or classifications of property uses within such zones, General Plan amendments, conditional use permits, precise plans, amendments and rezones as are defined by this chapter, or the granting of variances (except minor modifications), as provided in this chapter, shall be set by the

secretary of the Planning Commission for public hearing when such hearings are to be held before the Planning Commission, by the clerk of the City Council when such hearings are to be held by it.

(b) All proposals requiring a hearing as provided in this Article shall be considered by the Community Development Director or their designee in a public hearing when such hearings are to be held before. A hearing will only take place if a request for such hearing is made with the Planning Division within the ten (10) day public review period. If such a request is received, a notice shall be mailed in accordance with section 26-187. If no request for hearing is received within the stated time, the Community Development Director or their designee shall have the authority to approve, approve with conditions, or disapprove the proposal without benefit of a hearing. Conversely, the Community Development Director or their designee may elect to not rule on the proposal prior to noticing and transfer the matter directly to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant. All times as set out herein shall be calendar days unless otherwise indicated.

26-187 Notices

Notices of public hearing stating the type of application or nature of proposal, general description of property under consideration, and the time and place at which the public hearing is to be held shall be given in the following manner:

(a) For a reclassification of property from one zone to another, redesignation of a property from one (1) General Plan land use designation to another or for a variance (except minor modifications), conditional use permit, precise plan or special exception (Downtown Plan):

(1) At least thirty (30) days prior to the date of the hearing, a public notice shall be posted at the project site per subsection (e) below.

(2) A notice of public hearing shall be mailed to the applicant or his/her agent, the owner of the property and owners ~~and occupants~~ of all property within a radius of five hundred (500)~~three hundred (300)~~ feet from the property lines of the site under consideration, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing; and

(3) Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

(b) For amendments, supplements or changes to the Development Code that do not reclassify any property from one (1) zone to another but do impose, change, or remove any new regulation on the use or development of property and for amendments to the General Plan text:

(1) At least ten (10) days prior to the date of the hearing, a public notice shall be published in a newspaper having general circulation in the City.

(c) Public Utility Facilities, including Wireless Telecommunications facilities, that require approval by the Planning Commission shall require:

(1) At least thirty (30) days prior to the date of the hearing, a public notice shall be posted at the project site per subsection (f) below.

(2) A notice of public hearing for public utility facilities shall be mailed to the applicant or his/her agent, the owner of the property and owners of all property within a radius of one thousand (1,000) feet from the subject site's property lines, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(d) Public Utility Facilities, including Wireless Telecommunications facilities, that require approval by the City Council shall require:

(1) At least thirty (30) days prior to the date of the hearing, a public notice shall be posted at the project site per subsection (f) below.

(2) A notice of public hearing for public utility facilities shall be mailed to the applicant or his/her agent, the owner of the property and owners of all property within a radius of one thousand (1,000) feet from the subject site's property lines, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(e) For administrative permits (if public notification and public hearing is required per use or by request):

(1) A notice that describes the proposed project and indicates the length of the public review period (including the last date that a request for a public hearing may be given to the planning department) shall be mailed to owners ~~and occupants~~ of surrounding property as indicated below. The public review period shall extend for ten (10) days from the date that the initial notice was mailed. If a request for a hearing is received during the specified time, a notice shall be mailed a minimum of ten (10) days prior to the date of the hearing, indicating the date, time, and location of the scheduled public hearing.

(2) Five-hundred-foot~~Three-hundred-foot~~ noticing radius: Notices shall be mailed to the property owners ~~and occupants~~ of the subject site and owners all properties within a radius of five hundred (500)~~three hundred (300)~~ feet from the property lines of the site under consideration unless otherwise provided for in the sections below.

(3) For secondary driveways notices shall be mailed to the property owners and occupants of the subject site and to the two (2) properties on both sides of the subject site.

(4) For sign exception review, outdoor uses within the outdoor uses overlay zone, and canopy structures notices shall be mailed to the property owners and occupants of the subject site and all properties within a radius of one hundred (100) feet from the property lines of the site under consideration.

(5) For animal keeping approvals as described in Section 26-111 shall require notices to be mailed to all property owners ~~and occupants~~ of the subject site and all property owners or occupants of properties within the overlay zone and any property owners or occupants of properties that are adjacent to the subject site and share a property line for improvements in the lower pad area (the portion of land at the rear of the properties that is at approximately the same elevation as the rear property line and is relatively level).

(6) Public notification is not required for the following applications:

(i) Shopping Cart Containment Review

(ii) Trash Enclosure District Review

(iii) Accessory Massage Use

(iv) Incidental Beer and Wine Service for a Restaurant (Bona Fide Eating Place)

(v) Garage/Storage Shed height increase

(vi) Small Wireless Facilities in the Public Right-of-Way

(f) On-site public notice standards

(1) The following projects require an on-site posting that meet the requirements of Section 26-187 (f) (2) through (5):

(i) Commercial properties- new developments and where new square footage is added (Projects with additions of under 10,000 square feet will be at the discretion of the Community Development Director.

(ii) Residential properties for developments with five (5) or more units

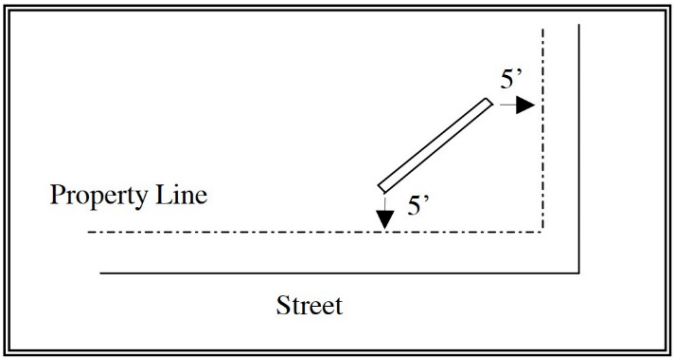
(iii) Freestanding Wireless facilities- any new freestanding wireless towers proposed.

(iv) Tentative Tract Maps

(2) At least thirty (30) days prior to the date of the hearing, a public notice shall be posted at the project site, at the direction of the Planning Department. No public hearing will be scheduled until the notice has been posted on the property. The sign must meet the following standards:

(3) The sign shall be installed within five (5) feet of the property line. If on a corner, the sign should be posted at an angle so long as the sign is five feet from the property line of both streets.

Figure 6-1 On-site Notification Sign on Corner Property *NEW*



(4) The sign shall be a minimum of 3 feet in width by 5 feet in height and may be double sided if installed perpendicular to the street. The sign shall be mounted on 4-inch by 4-inch posts. The bottom of the sign shall be at least 2 feet, but no more than 3 feet above the ground level. The required text and format are shown below. The "Public Hearing Notice" text shall be at least 3.5-inches and the remaining text shall be at least 1.25-inches in height.

(5) The banner area at the top of the Notice shall be in red (with letters in white) and all other text shall be printed in red.

Figure 6-2 On-site Notification Sign Example*NEW*

PUBLIC HEARING NOTICE

CASE NO:
APPLICANT:
PROJECT DESCRIPTION:

A request to

HEARING BODY:

HEARING DATE/TIME:

HEARING LOCATION: **West Covina City Hall, Council Chambers, 1444 West Garvey Avenue South**

FOR MORE INFORMATION CONTACT:
City of West Covina Planning Department
City Hall, Room 208
(626) 939-8422

(6) The sign must contain a general explanation of the proposed project, the applicant's identification and contact information as provided on the application submitted to the City, and contact information for the approval authority.

26-188 Establishment of public hearing rules for conduct

Each hearing body may establish its own rules governing the conduct of public hearings.

26-189 Hearings may be continued without recourse to public notice

If, for any reason, testimony on any case set for public hearing cannot be completed on the day set for such hearing, the person presiding at such public hearing may, before adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued, and no further notice shall be required.

26-190 Permanent files shall include summary of testimony

A summary of all pertinent testimony at the public hearing held in connection with an application filed pursuant to this chapter, and the names of persons testifying shall be recorded and made a part of the permanent files of the case, but a failure to observe requirements of this section shall not affect the validity of any action.

26-191 Planning Commission decision and findings

The Planning Commission, following the termination of the public hearing, shall:

(a) Announce its decision to approve or deny the application by resolution which shall clearly state the facts and reasons for the decision rendered and any conditions or limitations imposed.

(b) Within thirty (30) days after adoption of said resolution, whether the application is approved or denied, notify the applicant by mailing a copy of the resolution to the address on the application and to any other person who has filed a written request for such notification.

(c) Keep all reports as permanent record in the files of the Planning Division.

26-192 Effective date of Planning Commission decision

(a) All decisions of the Planning Commission except recommendations ~~for general plan amendments, recommendations regarding zoning amendments and recommendations regarding zone changes~~ to the City Council (e.g. for General Plan amendments) shall become final and effective after the expiration of the appeal period as set forth in section 26-193, below.

(b) Recommendations ~~regarding zoning amendments or zone changes~~to the City Council shall be transmitted to the City Council who shall conduct a duly advertised public hearing on the matter~~within forty-five (45) days following receipt of the resolution~~.

(c) ~~Recommendations approving or denying general plan amendments shall be transmitted to the city council who shall conduct a duly advertised public hearing on the matter.~~

26-193 Appeal procedure

(a) Appeals may be submitted by anyone, must be in writing, must include specific reasons for the appeal, and must be accompanied by the fee set by City Council resolution.

(b) Decisions of the Community Development Director or their designee or Planning Commission subcommittee for design may be appealed to the Planning Commission. The decision of the Planning Commission on the appeal is final, unless after written request is made to the City Council, the City Council approves the request for appeal to the City Council.

(c) Decisions of the Planning Commission may be appealed to the City Council, except as provided in subsection (b).

(d) A timely appeal suspends and sets aside the decision of the lower authority.

(1) Appeals of the Community Development Director or their designee decisions must be submitted to the Planning Division no more than ten (10) calendar days after approval of a written decision, unless otherwise provided in this code.

~~(2) Appeals of the planning director decisions regarding administrative use permits and sign administrative reviews must be submitted to the Planning Division no more than ten (10) calendar days after approval of a written decision, unless otherwise provided in this code.~~

(3) Appeals of Planning Commission decisions and written requests for an appeal hearing by the City Council must be submitted to the city clerk no more than ten (10) calendar days after adoption of a resolution of approval or denial.

(4) The appeal period commences on the day after approval of a written decision and ends at the close of the business day on the tenth calendar day, including the day of commencement. If the tenth day falls on a day that the City is closed to for business, the period is extended to until the close of the business day of the next day the City is open for business.

(e) Once an appeal has been properly and timely filed and notice of the hearing has been mailed or published, the appeal may not be withdrawn without the consent of the body to which the appeal has been made.

(f) The City Council or Planning Commission, as the case may be, shall conduct a public hearing on the appeal within ~~forty-five (45)~~ sixty (60) days from the filing of the appeal or approval of a request for an appeal hearing or as otherwise specified by the City Council or Planning Commission, or agreed upon by the appealing party. Notice of the public hearing shall be given as provided in section 26-187.

(g) When considering an appeal, the City Council or Planning Commission shall hear the appeal as a de novo hearing. The City Council or Planning Commission may approve, deny or modify the matter appealed.

26-194 Referral back to Planning Commission

(a) The City Council may, because of making substantial changes, or because of a desire for additional information, or due to the submission of significant new material or evidence, refer the matter back to the Planning Commission for further study and report. At the time of referral, the City Council shall specify a time period within which the Planning Commission is required to report back to the City Council. If so referred, the Planning Commission secretary shall state to the City Council the date upon which said matter will appear on the Planning Commission agenda, whereupon said date shall immediately be publicly announced by the City Council.

(b) The Planning Commission report to the City Council shall be considered in public hearing before the City Council after renotifying in exactly the same manner as the original appeal.

26-195 Planning Commission Failure to Report

Failure of the Planning Commission to report back to the City Council within the time period specified by the City Council shall be deemed an approval by the Planning Commission of City Council changes or actions.

26-196 City Council Call-Up Procedures

Notwithstanding any appeal procedures or any other procedures provided by law, the City Council by four-fifths vote may call for the review of the following decisions of the Planning Commission at the City Council meeting immediately following the Planning Commission's meeting where the decision was made:

(a) Any conditional use permit for commercial projects;

(b) Any tentative tract map approval;

(c) Any variance approval;

If called-up for review by the City Council, the item will be heard de novo at a future City Council meeting. If the City Council does not vote, the decision of the Planning Commission shall be final. All provisions for notice and hearing applicable to the Planning Commission for that type of decision shall apply to the City Council in conducting its review; provided, however, that if an appeal from a decision has been properly filed, the matter shall be conducted as an appeal subject to all applicable requirements for such appeals, rather than a review subject to this section.

26-197 City Council decision and findings

The City Council, following the termination of the public hearing shall:

(a) Announce its decision to approve, modify or deny the application or appeal by resolution or ordinance which shall clearly state the facts and reasons for the decision rendered and any conditions or limitations imposed.

(b) Within ~~ten(10)~~thirty (30) days after the City Council adopts the resolution or ordinance stating whether the application is approved or denied a copy of the resolution or ordinance shall be mailed to the applicant at the address shown on the application and to any other person who has filed a written request for such notification.

26-198 Decision of the City Council

(a) Action by the City Council on an application or appeal shall be by majority vote of a quorum of the City Council and shall be final and conclusive. Any ordinance or resolution of the City Council shall require three (3) affirmative votes of the City Council.

(b) If a City Council vote on an application result in a tie, or if the City Council does not take action on the application, such tie vote or lack of action shall constitute a denial of the application.

(c) If a City Council vote on an appeal results in a tie, or if the City Council does not take action on the appeal, the decision of the Planning Commission shall stand.

26-199 Refiling projects

A denied project may not be resubmitted to the City for review and approval in substantially the same form for at least one (1) year from the date of denial.

Table 6-1 Authority for Land Use and Zoning Decisions *NEW*

Type of Permit	Procedure Section	Community Development Director	Planning Commission	City Council
Reasonable Accommodation	Article VI Division 2	Decision	Appeal	
Precise Plan	Article VI Division 3	Recommendation	Decision	Appeal
Conditional Use Permit (private property)	Article VI Division 4	Recommendation	Decision	Appeal
Conditional Use Permit (public property)	Article VI Division 4	Recommendation	–	Decision
Variances	Article VI Division 5	Recommendation	Decision	Appeal
Administrative Permit	Article VI Division 6	Decision*	Appeal	
Minor Modification	Article VI Division 7	Decision *	Appeal	
Film Permit	Article VI Division 8	Decision	Appeal	Appeal
Second Unit Review (ADU)	Article VI Division 9	Decision	–	–
Preservation, Protection, & Removal of Trees	Article VI Division 10	Decision*	Appeal	Appeal
* If associated with a development application, the decision body of the development applications shall determine the decision. If the subject project is located in the Public Right-of-Way, then City Council is the decision body for the appeal.				

DIVISION 2 REASONABLE ACCOMMODATION [EX. DIVISION 13 OF ARTICLE VI]

26-200 Purpose

(a) The purpose of this Division is to establish a formal procedure for individuals with disabilities and their representatives to request reasonable accommodation, as provided by the federal Fair Housing Act, the Americans with Disabilities Act, and California's Fair Employment and Housing Act (the "Acts").

(b) *Reasonable accommodation* means providing a modification to the application of City rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

26-201 Applicability

A request for reasonable accommodation allows an individual, his or her representative, or a developer or provider of housing, to seek relief from any City rule, policy, practice, or service, including but not limited to land use regulations and procedures found in Chapter 26 (Zoning) of the Municipal Code, that may be necessary to ensure equal access to housing for an individual with a disability.

26-202 Procedures

(a) Requests for reasonable accommodation shall be in writing on an application provided by the planning department, or in another manner deemed acceptable to the Community Development Director or their designee.

(b) If the project for which a request for reasonable accommodation is being made also requires some other approval, permit or entitlement under this chapter, the applicant shall file the request together with the application for such approval, permit or entitlement.

(c) In addition to any other information that is required under this chapter, an applicant for reasonable accommodation shall provide the following information:

(1) Applicant's name, address and telephone number;

(2) Address of the property for which the request is being made;

(3) The current actual use of the property;

(4) The ordinance, resolution, Municipal Code section, policy, rule, or other City provision for which modification is requested;

(5) A description of why the modification is reasonably necessary to make the specific housing available to the person(s), including information establishing that the applicant is disabled under applicable laws; and

(6) Such other relevant and permissible information as may be requested by the director of planning and development or his or her designee.

26-203 Review Authority

(a) Community Development Director review. The Community Development Director or their designee shall, within twenty (20) days of the application deemed as complete, grant, grant with conditions, or deny an application/request for reasonable accommodation.

(b) Other reviewing authority. If the application for reasonable accommodation is submitted for concurrent review with another application for approval, permit or entitlement under this chapter, the decision to grant, grant with modifications, or deny the application shall be made by the authority taking action on such other application. The decision to grant, grant with modification, or deny the request for reasonable accommodation shall be made in accordance with section Article VI, Division 2.

26-204 Criteria for consideration

(a) The following factors shall be considered in making a determination regarding the reasonableness of any request for reasonable accommodation under this Division:

(1) The need for the requested modification, including alternatives that may provide an equivalent level of benefit;

(2) The physical attributes of and any proposed changes to the subject property and structures;

(3) Whether the requested modification would impose an undue financial or administrative burden on the City;

(4) Whether the requested modification would constitute a fundamental alteration of the City's General Plan, applicable specific plan, zoning or subdivision program;

(5) Whether the requested modification would result in a concentration of uses otherwise not allowed in a residential neighborhood to the substantial detriment of the residential character of that neighborhood;

(6) Whether the requested modification is being provided primarily to benefit one (1) or more persons with a disability;

(7) Whether the requested modification is necessary for therapeutic benefit to the person(s) with a disability;

(8) Whether the requested modification would result in a substantial increase in traffic or insufficient parking;

(9) Whether the requested modification would significantly deprive any neighboring property owners of the use and enjoyment of their own properties;

(10) Whether there are preferable and/or feasible alternatives to the requested accommodation that may provide an equivalent level of benefit;

(11) Whether proposed changes to property or structures are compatible with surrounding development or create potential impact(s) on surrounding uses;

(12) Whether the findings of section 26-205(b) exist; and

(13) Any other factor that may have a bearing on the request.

26-205 Decision and findings

(a) An application for reasonable accommodation may be granted, granted with modifications, granted with conditions, or denied. Any such decision shall be in writing supported with findings and conclusions addressing the criteria set forth in section 26-204.

(b) A written decision granting an application for reasonable accommodation shall, in addition to the findings described in subdivision (a) of this section, include the following findings:

(1) That the dwelling, which is the subject of the request for reasonable accommodation, will be used by an individual with a disability protected under the Acts;

(2) That the requested modification is necessary to make the dwelling available to an individual with a disability protected under the Acts;

(3) That the requested modification would not impose an undue financial burden on the City;

(4) That the requested accommodation would not require a fundamental alteration in the nature of the City's overall land use and zoning; and

(5) That the accommodation will not result in a direct threat to the health and safety of other persons or physical damage to the property of others.

26-206 Conditions of Approval

(a) In granting a request for reasonable accommodation, the Community Development Director or their designee or other reviewing authority may impose conditions of approval deemed reasonable and necessary to ensure that the modifications will comply with the required findings found in section 26-205(b). Conditions of approval for reasonable accommodation request may, where appropriate, provide for any or all of the following:

(1) Inspection of the affected premises by the City to verify compliance with this Division and any conditions of approval;

(2) Removal of the permitted improvements by the applicant where removal would not constitute an unreasonable financial burden, if the need for which the accommodation was granted no longer exists;

(3) Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists; and

(4) Prior to the issuance of any permits pertaining to an approved reasonable accommodation, the Community Development Director or their designee may require the applicant to record a covenant in the county recorder's office acknowledging and agreeing to comply with terms and conditions established in the decision. The covenant shall be required only if the Community Development Director or their designee finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been approved.

26-207 Compliance with existing regulations

In order to be eligible for consideration for a reasonable accommodation, the property must be in compliance with the then existing laws and regulations applicable to the property except that which is the subject of the reasonable accommodation request. If the non-compliance is through no fault of the applicant, the director may waive this requirement. However, such a waiver shall not preclude the City from requiring that the existing violations be corrected in accordance with the City Code and all applicable rules and regulations.

26-208 Service of written decision and appeals

(a) The written decision described in section 26-205 shall be served on the applicant and shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below.

(b) Any decision on a request for reasonable accommodation may be appealed in the manner described in section 26-193.

26-209 Duration of Reasonable Accommodation

A grant of reasonable accommodation approved pursuant to this Division may continue to be used and maintained by an individual with a disability for the duration of his or her occupancy. Within sixty (60) days of the termination of such occupancy, the subject modification shall be removed unless the Community Development Director or their designee has determined that the conditions for reasonable accommodation may remain as provided in section 26-203.

DIVISION 3 PRECISE PLAN [EX. DIVISION 2 OF ARTICLE VI]

26-210 When required.

(a) A precise plan shall be approved or conditionally approved by the Community Development Director or Planning Commission, as set forth herein or in the sections applicable to the application at issue, before the issuance of any building permit for the new construction or expansion of an existing use in any zone as indicated in Article II of this Chapter. No person shall commence any use for which a conditional use permit is required or any use in any zone not permitted by right in either the R-A or R-1 zone, and no building permit shall be issued for any structure to be used for or in conjunction with any such use, until a precise plan covering the parcel or parcels

to be used shall be approved and adopted as herein provided. ~~No person shall commence any use for which a conditional use permit is required or any use in any zone not permitted by right in either the R-A or R-1 zone, and no building permit shall be issued for any structure to be used for or in conjunction with any such use, until a precise plan of design covering the parcel or parcels to be used shall be approved and adopted as herein provided.~~

(b) Notwithstanding any provision of the Uniform Building Code, no grading permit shall be issued for the grading or excavation of any land, until a precise plan, or other related actions covering the property proposed to be graded or excavated has been approved and adopted as herein provided. This subsection (b) shall not apply to the grading or excavation required in connection with:

(1) ~~The construction of a swimming pool on property in the R-A or R-1 zone, or~~

(2) The movement of less than fifty (50) cubic yards of earth, or

(3) The grading of any parcel of property outside of the hillside overlay zone so as to improve the land for emergency drainage purposes.

26-211 Contents

The precise plan required by this Division shall specify and include:

(a) The location, size, height, and type of all structures including signs, architectural lighting, walls and fences.

(b) The location, size and dimensions of all yards and setbacks and all spaces between structures.

(c) The plan of the proposed parking area for the development to which the parking is accessory. The plan shall be drawn to an engineering scale of sufficient size to clearly indicate the proposed development including location, size, shape, design, curb cuts, lighting, drainage, paving, parking stalls, landscaping, and other features and appurtenances of the proposed parking lot.

(d) The location, dimensions, and method of improvement of all property to be dedicated to the public or to public utilities.

(e) Examples of proposed architectural treatment in the form of perspectives and elevations, lighting, and such other data as may be required by the Planning Commission or Community Development Director or their designee in evaluating the proposed development shall be required and become an integral part of such a submittal.

(f) The general location, area and type of landscaping in multi- family zones, OPMU, NMU, SMU, or for any use specifically permitted in said zones, or for any use for which a conditional use permit is required.

(g) General nature of the proposed use.

26-212 Approval or rejection

(a) Any precise plan required by this Division may be rejected, approved, modified, and approved, or approved subject to conditions. Any such precise plan of design after approval, may be amended, in the same manner as a precise plan of design is first approved hereunder.

(b) For eligible SB35 projects, the Community Development Director shall approve or deny the ministerial Precise Plan based on the West Covina Multi-Family Objective Design Standards (2022) adopted by the City. Within 30 days of such action, the Community Development Director shall prepare a report to the Planning Commission, providing a description of the project and the nature of the approval. Any such Precise Plan approved under SB35 shall be valid for a period of three (3) years, with one (1) additional extension of time in a one-year increment. The Community Development Director or their designee may approve a one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready, such as, but not limited to, the filing of a building permit application.

26-213 Required Findings for a precise plan

(a) The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.

(b) The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provisions of the Municipal Code.

(c) Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

(d) The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation.

(e) ~~The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.~~ The architecture, site layout, location, shape, bulk and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.

26-214 Approval subject to condition

A precise plan of design may be approved subject to the granting of a change of zone, a conditional use permit, a variance or the approval of a final subdivision map, and the Planning Commission or City Council may require such a precise plan to be submitted prior to the granting or recommending of a zone change, variance or conditional use permit.

26-215 Compliance required

No person shall violate or fail to comply with any approved precise plan of design or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved precise plan of design for the parcel or parcels on which such structure is to be located. In the event any such permit is issued; it shall be null and void and have no further effect.

26-216 Continuation of existing plans

Any precise plan previously approved and in effect, shall remain in effect regardless of any changes to zoning regulations subsequently adopted unless the precise plans are made null and void or amended at the time of adoption.

26-217 Distinction from other precise plans

The precise plans of design referred to herein are not to be confused with or considered to be precise plans as referred to in the Government Code of the state.

26-218 Street frontage requirements.

No building or other structure to be used for any business or commercial purpose shall hereafter be erected unless the frontage of the lot, or parcel of land upon which such building or structure is erected, abuts on one (1) side of a public street between two (2) intersecting streets and unless the front of such building or structure shall abut on and face such public street; provided, however, that, when practical difficulties or unnecessary hardships result through the strict and literal interpretation and enforcement of the provisions hereof, the Planning Commission or City Council may, upon the adoption of a precise plan of design for the development of a particular lot or parcel of land and upon such conditions as it may establish, expressly vary or waive the requirements of this section.

26-219 Failure to act on a precise plan.

(a) Failure to take any action on an approved precise plan within two (2) years of its effective date will cause such precise plan to expire without further action by the City ~~(unless extended by action of the planning commission) will cause such precise plan to expire without further action by the city.~~unless granted an extension of time by the Community Development Director if no changes to the zoning code were made, or by action of the Planning Commission. In the event construction work is involved, such work must actually commence within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that construction has ceased or no other action of substantial character has been taken after building permits are issued and/or related construction has commenced, the Community Development Director or their designee may give notice of intent to modify the precise plan, or to revoke the precise plan pursuant to the procedures set forth Division 12 of this Article.

(b) Extension of time in one-year increments, up to a maximum of two (2) additional years, may be granted from the original date of expiration of the precise plan by the Community Development Director (unless the Planning Commission or City Council specifically requested to review any extension of time in the original conditions of approval)~~Planning Commission~~ when extenuating circumstances can be clearly shown by the applicant. The request for same shall be submitted to the Planning Division~~Commission~~ in writing prior to the expiration date and shall clearly state the reasons why construction has not commenced or been continued. The Planning Commission may impose new conditions on the precise plan, based on changed circumstances, code amendments or oversights disclosed in review of the plan.

26-220 Amendment to a precise plan.

(a) For major revisions – the Planning Commission may grant an amendment to the approved precise plan only after all procedures as set forth for the original application are met except that the request for such amendment must be on the electronic application for a precise plan of design.

(b) For minor revisions – the Community Development Director or their designee may approve minor revisions to an approved precise plan which do not adversely affect the public interest or the interest of owners of neighboring properties, substantially alter the plan, or affect any other condition of approval. The minor revisions may only be approved by a Minor Modification as set forth in Division 7 of this Article.

DIVISION 4 CONDITIONAL USE PERMIT [EX. DIVISION 3 OF ARTICLE VI]

26-221 Purpose

The City recognizes that certain types of land use, due to the nature of the use, require special individual review. Such review is required to determine whether the proposed use, or the location of the use, is compatible with surrounding uses or can be made compatible through the imposition of development conditions. The conditional use permit is established to facilitate such review.

26-222 Conditional Use Permits Reviewed by Planning Commission

(a) Planning Commission may grant conditional use permits for projects located within all land-use zones.

(b) A conditional use permit may be granted for~~Because there are~~ uses that possess unique characteristics and which are impractical to include in a specific zone as a matter of right~~, a conditional use permit may be granted for such uses.~~

(c) Notwithstanding any other provisions of this chapter, the Planning Commission, after application therefore and hearing, after notice in the manner provided in Division 1 of this article, may authorize the conditional uses included herein if it finds the proposed location of any such uses will not be detrimental to adjacent property or to the public welfare; and that the uses are essential or desirable to the public convenience and welfare.

26-223 Conditional Use Permits Reviewed by the City Council

(a) The City Council may grant conditional use permits for projects located within the public right-of-way, or City owned properties.

(b) A conditional use permit may be granted for public right-of-way uses that possess unique characteristics and which are impractical to allow as a matter of right.

(c) Notwithstanding any other provisions of this chapter, the Community Development Director of their designee, after application therefor and hearing, after notice in the manner provided in Division 1 of this article, may render a recommendation for City Council consideration.

(d) The City Council, after notice in the manner provided in Division 1 of this article, may consider the Community Development Director or their designee's recommendation and may authorize the public right-of-way conditional uses upon determining that the findings required by Section 19-300 have been met.

26-224 Required findings for conditional use permit

(a) Prior to the granting of a conditional use permit for projects located within all land-use zones it shall be found:

(1) That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.

(2) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

(3) That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.

(4) That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.

(5) That the granting of such conditional use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.

(b) Prior to the granting of a conditional use permit for projects located within the public right-of-way it shall be found that the findings required by Section 19-300 have been met.

26-225 Approval or rejection of conditional use permit

Any application for a conditional use permit may be rejected, approved, modified and approved, or approved subject to conditions.

26-226 Existing regulations

As part of a conditional use permit approval, the Planning Commission may require development standards stricter than the regulations of this Code (e.g., less sign area, less building coverage, lower density, increased parking, increased fence or wall height, etc.) when such restrictions will alleviate potential impacts to surrounding properties or achieve greater aesthetic or functional integration and compatibility with neighboring developments.

26-227 Amendment to a conditional use permit

(a) The Planning Commission may grant an amendment to a conditional use permit only after all procedures as set forth for an original application are met except that the request for such amendment may be in letter form in lieu of being placed on the official form of application for a conditional use permit.

(b) The Community Development Director or their designee may approve a minor modification to a conditional use permit which does not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan for such use, and so long as said slight modification would not affect any other condition of approval. The minor modification may only be approved as set forth in Division 7 of this Article.

26-228 Failure to take action on a conditional use permit

(a) Failure to take any action on a conditional use permit within two (2) years of its effective date (unless extended by action ~~of the Planning Commission~~) will cause such conditional use permit to expire without further action by the City. In the event construction work is involved, such work must actually commence within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that there has been no construction or other action of substantial character taken or if the applicant is not diligently proceeding, the Community Development Director or their designee may give notice of intent to modify the conditional use permit, or to revoke the conditional use permit pursuant to the procedures set forth in Division 12 of this Article.

(b) Extension of time in one-year increments, up to a maximum of two (2) additional years, may be granted from the original date of expiration of the conditional use permit by the ~~planning commission~~ community development director (unless the Planning Commission or City Council specifically requested to review any extension of time in the original conditions of approval) when extenuating circumstances can be clearly shown by the applicant. The request for same shall be submitted to the Planning ~~Commission~~Division in writing prior to the expiration date and shall clearly state the reasons why construction has not commenced or been continued. Extensions of time may only be granted if no amendments to the zoning code, zoning map, or General Plan are made that are applicable to the project. If the project was originally approved with a subdivision, the extension of time provisions within Article 8 (Subdivision regulations) shall apply.

(c) In the event that the use for which a conditional use permit has been granted is discontinued for a period of six (6) months, the conditional use permit shall be reviewed by the Planning Commission at the property owner's written request via the submittal of the prescribed form, application materials, and corresponding fee. The Planning Commission may opt to move forward with the revocation procedures or impose additional conditions of approval.

26-229 Revocation

Revocation of conditional use permits shall be conducted in accordance with the procedures contained in Division 12 of this Article.

26-230 Compliance required

No person shall violate or fail to comply with any approved conditional use permit or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved conditional use permit for the parcel or parcels on which such structure is to be located. In the event any such permit is issued, it shall be null and void and have no further effect.

DIVISION 5 VARIANCE [EX. DIVISION 4 OF ARTICLE VI]

26-231 Purpose

The City recognizes that certain properties, due to their unique shape, size, location or other physical condition cannot be developed in strict conformance with the regulations of this title. The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone in which such property is situated. The variance

procedure is established to provide guidelines and regulations for the granting of relief from certain provisions of this title. However, in no case may a variance be granted to permit a use otherwise not permitted in a zone district.

26-232 Planning Commission may grant variance

When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this chapter result through the strict and literal interpretation and enforcement of the provisions hereof, the Planning Commission shall have authority, as an administrative act, subject to the provisions of this article, to grant, upon such conditions as it may determine, such variances from the provisions of this chapter as may be in harmony with its general purpose and intent, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

26-233 Required findings for variances

Before any variance may be granted, it shall be found:

(a) There are special circumstances (which may include, but are not limited to, size, shape, topography, location, or surroundings) applicable to the property which are not applicable to other property in the property's vicinity under identical zoning classification.

(b) As a result of the special circumstances, the strict application of the Development Code deprives the property of meaningful privileges enjoyed by other property in the vicinity and under identical zoning classification.

(c) Such variance is necessary to allow the property in question to have the same substantial property right possessed by other property in the same vicinity and zone.

(d) The granting of such variance will not be materially detrimental to the public welfare or materially injurious to residents or owners of nearby properties.

(e) That the granting of such variance shall be consistent with the adopted General Plan and any applicable specific plans.

(f) The variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

26-234 Initiation of variances

Variances may be initiated by:

(a) The verified application of one (1) or more owners of the subject property or by a purchaser or lessee thereof with consent of any such owner which application sets forth fully the grounds for and the facts deemed to justify the granting of the variance.

(b) Action of the City Council.

(c) Action of the Planning Commission.

26-235 Approval or Rejection of Variances

Any variance application under this Division may be rejected, approved, modified, and approved, or approved subject to conditions by the Planning Commission.

26-236 Failure to Act on Variance

(a) Variances approved in conjunction with cases which are dependent on the variance (precise plans, parcel or tract maps, conditional use permits, etc.) shall expire on the same expiration date as the case. Approval of a time extension for such cases shall constitute the approval of a time extension of the variance on which the case is dependent.

(b) A variance not in conjunction with other cases shall expire without further action by the City if no action is taken on it within two (2) years from date of the resolution granting the variance. If construction work is involved, such work must be actually commenced within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that construction has ceased or no other action of substantial character has been taken after building permits are issued and/or related construction has commenced, the Community Development Director or their designee may give notice of intent to modify the variance, or to revoke the variance pursuant to the procedures set forth Division 12 of this Article.

(c) Extension of time up to a maximum of two (2) additional years may be granted from the original date of expiration of the variance by the Planning Commission or City Council when extenuating circumstances can be clearly shown by the applicant. The request for the extension shall be submitted to the Planning Commission in writing prior to the expiration date and shall clearly state the reasons why such variance has not been utilized.

(d) In the event the use for which the variance has been granted is discontinued for a period of six (6) consecutive months, the variance approval shall become null and void.

DIVISION 6 ADMINISTRATIVE PERMIT [EX. DIVISION 5 OF ARTICLE VI]

26-237 Purpose

An administrative permit is intended to allow for specified activities and uses, as identified in the various zoning districts, whose effect on the surrounding area cannot be determined before being proposed for a particular location. Applications for administrative permits shall be reviewed for compatibility, configuration, design, location, and potential impacts of the proposed use, and suitability of the use to the site and surrounding area.

26-238 Community Development Director or their designee may grant administrative permit

(a) ~~An administrative use permit may be required for certain uses or structures that possess unique characteristics and which should only be approved with benefit of public notice.~~For administrative permits that do not require public notification the administrative permit may be granted by the Community Development Director or designee at the receipt of a complete application as indicated by Table 1 Authority for Land Use and Zoning Decisions. For administrative permits that require public hearings the following process is required:

(1) After an application is received and ~~public notice~~notification is provided in the manner stated in Division 1 of this article, the Community Development Director or their designee shall be authorized to approve, approve with conditions, or disapprove an application for an administrative permit. If a request for a public hearing is received during the public review period, an administrative hearing before the Community Development Director or their designee shall be required. If no request for hearing is received within the specified time, the Community Development Director or their designee shall have the authority to take action on the application without benefit of a public hearing. The approval of ~~an~~all administrative permit~~s~~ shall be based on the findings as required by the code section pertaining to the requested use or the following:

(i) That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general wellbeing of the neighborhood or community;

(ii) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;

(iii) That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith;

(iv) That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets;

(v) That the granting of such administrative permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.

(b) The Community Development Director or their designee may elect to not rule on a request for an administrative permit and transfer the matter directly to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant. In such event, notice of the public hearing shall be provided in accordance with the procedure for administrative permits as stated in section 26-187 of this article.

26-239 Amendment to an administrative permit

(a) The Community Development Director or their designee may grant an amendment to an administrative permit after all procedures as set forth for an original application are met, except that the request for such amendment may be in letter form in-lieu of the required application form.

(b) The Community Development Director or their designee may approve minor revisions to an administrative permit which do not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan for such use. The minor revisions may only be approved by a minor site plan review or minor modification as set forth in Division 7 of this Article.

26-240 Failure to act on an administrative permit

(a) An administrative permit approved in conjunction with a development entitlement that is dependent thereon (such as a precise plan, parcel or tract map, conditional use permit, etc.) shall expire on the same expiration date as the development entitlement. Approval of a time extension for such development entitlement shall constitute the approval of a time extension for the administrative permit on which the development entitlement is dependent.

(b) Failure to take any action on an administrative permit within ~~two (2)~~one (1) year of its effective date (unless extended by action of the Community Development Director) will cause such administrative permit to expire without further action by the City. In the event construction work is involved, such work must actually commence within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that construction has ceased or no other action of substantial character has been taken after building permits are issued and/or related construction has commenced, the Community Development Director or their designee may give notice of intent to modify the administrative permit, or to revoke the administrative permit pursuant to the procedures set forth Division 12 of this Article.

(c) ~~Extension of time in one-year increments, up to two (2) additional years~~One (1) one-year extension of time may be granted from the original date of expiration of the administrative permit by the Community Development Director when extenuating circumstances can be clearly shown by the applicant. The request shall be submitted to the Planning Division in writing prior to the expiration date and shall clearly state the reasons why construction has not commenced or been continued. The Community Development Director may impose new conditions on the administrative permit, based on changed circumstances, code amendments or oversights disclosed in review of the plan.

(d) In the event that the use for which an administrative permit has been granted is discontinued for a period of six (6) months, the administrative permit shall become null and void.

26-241 Revocation

Revocation of administrative permits shall be conducted in accordance with the procedures contained in Division 12 of this Article.

26-242 Compliance required

No person shall violate or fail to comply with any approved administrative permit or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved administrative permit for the parcel or parcels on which such structure is to be located. In the event any such permit is issued, it shall be null and void and have no further effect.

26-243 Community Development Director or their designee may grant administrative review approval

(a) An administrative review is required for certain uses that possess unique characteristics and which should only be approved with the benefit of Community Development Director or their designee review.

(b) After an application is received, the Community Development Director or their designee shall be authorized to approve, approve with conditions, or disapprove an application for an administrative review permit.

(c) The Community Development Director or their designee may elect to not rule on a request for administrative review approval and transfer the matter directly to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant. In such event, notice of the public hearing shall be provided in accordance with the procedure for administrative permits as stated in Section 26-187 of this Article.

(d) The decision of the Community Development, their designee or Planning Commission, as the case may be, shall be final unless appealed within ten (10) days as set out in Section 26-193 of this chapter. If the tenth day falls on a day when City Hall is not open the appeal may be made on the next business day. The notice requirements for an appeal shall be as in Section 26-187 of this Chapter.

26-244 Amendment to administrative review by Community Development Director or their designee

(a) The Community Development Director or their designee may grant an amendment to an administrative review approval after all procedures as set forth for an original application are met, except that the request for such amendment may be in letter form in lieu of the required application form.

(b) The Community Development Director or their designee may approve in writing minor modifications to an administrative review approval when he or she determines that such modifications do not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan for such use.

26-245 Failure to Utilize Administrative Review Approval by Community Development Director or their Designee

(a) An administrative review approval approved in conjunction with a development entitlement that is dependent thereon (such as a precise plan, parcel or tract map, conditional use permit, etc.) shall expire on the same expiration date as the development entitlement. Approval of a time extension for such development entitlement shall constitute the approval of a time extension for the administrative review approval on which the development entitlement is dependent.

(b) Failure to utilize an administrative review approval within one (1) year of its effective date (unless approved in conjunction with other development entitlements or extended by action of the Community Development Director or their designee) will automatically invalidate such administrative review approval.

(c) Extensions of time up to a maximum of one (1) year may be granted from the date of expiration of the administrative review approval by the Community Development Director or their designee when extenuating circumstances can be clearly shown by the applicant. The request for the extension shall be submitted to the

Community Development Director or their designee in writing prior to the expiration date and shall clearly state the reasons why the administrative review approval has not been utilized. In considering a request for an extension of time, the Community Development Directory or their designee may approve, modify, add conditions, or deny the request. The Community Development Director or their designee may act on an application to extend an administrative review approval without providing public notice thereof. The decision of the Community Development Director or their designee may be appealed to the Planning Commission in accordance with the procedures set forth in section 26-193 of this Chapter.

(d) In the event that the use for which an administrative review approval has been granted is discontinued for a period of six (6) months, the administrative approval shall become null and void.

26-246 Revocation

Revocation of administrative review approval shall be conducted in accordance with the procedures contained in Division 12 of this Article.

26-247 Compliance required

No person shall violate or fail to comply with any approved administrative review approval or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved administrative review approval for the parcel or parcels on which such structure is to be located. In the event any such permit is issued, it shall be null and void and have no further effect.

DIVISION 7 MINOR MODIFICATION [EX. DIVISION 14 AND PORTIONS OF DIVISION 4 OF ARTICLE VI – COMBINED MINOR SITE PLAN REVIEW, MINOR MODIFICATION, AND SLIGHT MODIFICATION]

26-248 Purpose

A minor modification is required for minor revisions to approved projects or for minor deviations from height and setback regulations.

26-249 Community Development Director or their designee may grant minor modification

(a) The Community Development Director or their designee shall be authorized to approve, approve with conditions, or disapprove an application for a minor modification, for the following minor revisions:

(1) Deviation of up to twenty (20) percent of any regulation pertaining to heights and setbacks contained in this chapter. Deviations requested from height and setbacks shall be required to meet the findings in section 26-233.

(2) Revisions that are insignificant site plan changes that do not significantly alter the number of parking spaces or amount of landscaping.

(3) Structural revisions that do not alter the footprint of the building or change the size or shape of the building.

(4) Color or material modifications that are similar or within a similar color palette to that approved.

(5) The addition of fencing, mechanical equipment, or similar site plan modifications not reviewed as part of the case file.

(6) Revisions due to maintenance issues such as replacement of exterior materials.

(7) The collocation of antenna apparatus on existing wireless antenna structures.

(8) Similar types of improvements as those listed above.

(b) An application for revisions or modifications not listed in subsection (b) above shall require an amendment to the original discretionary application.

26-250 Existing regulations

As part of a minor modification approval, the Community Development Director or their designee may require development standards stricter than the minimum standards of this Code (e.g., less sign area, less building coverage, lower density, increased parking, increased fence or wall height, etc.) when such restrictions will mitigate potential impacts to surrounding properties or achieve greater aesthetic or functional integration and compatibility with neighboring developments.

26-251 Failure to act on a minor modification

(a) Minor modifications approved in conjunction with cases which are dependent on the minor modification (precise plans, parcel or tract maps, conditional use permits, etc.) shall expire on the same expiration date as the case. Approval of a time extension for such cases shall constitute the approval of a time extension of the variance on which the case is dependent.~~An approved minor modification shall be valid until the expiration of the underlying precise plan, variance, conditional use permit, or administrative permit.~~

(b) A minor modification not in conjunction with other cases shall expire without further action by the City if no action is taken on it within two (2) years from date of the resolution or approval granting the minor modification. If construction work is involved, such work must be actually commenced within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that construction has ceased or no other action of substantial character has been taken after building permits are issued and/or related construction has commenced, the Community Development Director or their designee may give notice of intent to modify the minor modification, or to revoke the minor modification pursuant to the procedures set forth Division 12 of this Article. ~~Failure to act on an approved minor site plan review within one (1) year of its effective date will automatically invalidate such minor site plan review unless the planning director grants an extension as set forth in subsection (b) below.~~

(c) Extensions of time up to a maximum of one (1) additional year may be granted from the date of expiration of an approved minor modification by the Community Development Director or their designee when extenuating circumstances can be clearly shown by the applicant. The request for the extension shall be submitted to the Community Development Director or their designee in writing prior to the expiration date and shall clearly state the reasons why the minor modification has not been acted upon. In considering a request for an extension of time, the Community Development Director or their designee may approve, modify, add conditions, or deny the request. The Community Development Director or their designee may not approve an extension if such approval would be in conflict with the General Plan or zoning code.

26-252 Compliance required

No person shall violate or fail to comply with any approved minor modification or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved minor modification for the parcel or parcels on which such structure is to be located. In the event any such permit is issued, it shall be null and void and have no further effect.

DIVISION 8 FILM PERMIT [EX. DIVISION 6 "MOTION PICTURE FILMING"]

26-253 Purpose~~and applicability~~

This Division establishes special regulations for filming within the City. Property in any zone, unless otherwise specified in filming guidelines pursuant to Section 26-254(d), or provisions listed in section 26-61(c)(1)(iii), may be used as a location for filming, including without limitation filming of motion pictures, videotaping, or use of similar technology subject to approval of a film permit or major production permit pursuant to this article.

26-254 General provisions

(a) Permit exemptions. The provisions of this section shall not apply to:

(1) The filming or video taping of motion pictures solely for private use.

(2) The filming or taping of motion pictures or still photography for use in a criminal investigation or civil, judicial, or administrative proceedings.

(3) Filming, televising, or taping by reporters or cameramen in the employ of newspaper, news service, or similar entity engaged in journalism.

(4) A motion picture, television or commercial photography studio operating at an established or fixed place of business in the City with an approved conditional use permit.

(b) No permit fee shall be required for projects which qualify under section 501(c)(3) of the Internal Revenue Code, generally including student films. However, permits shall be required as in this Division, and any necessary police, fire, or other city personnel shall be at the applicant's own expense.

(c) Filming guidelines. The Planning Commission may adopt, by resolution, guidelines to be applied in granting permits and setting conditions under this section.

(d) General filming conditions.

(1) No gunfire, explosions, aircraft, sirens, public address systems, bull horns, or other noise-creating devices shall be used.

(2) No film permits shall be issued for property upon which there are any outstanding uncorrected violations of Chapters 7 (Buildings and Building Regulations), 10 (Fire Prevention and Protection) or 26 (Zoning) of the West Covina Municipal Code, or of the California building or fire codes as adopted by the City.

(e) Application requirements.

(1) Payment of appropriate fees and deposits, as set by resolution of the City Council.

(2) Completed application forms as prescribed by the Community Development Director or their designee.

(3) Documentation of minimum liability insurance, and certificate of insurance identifying the City as additional insured for the purposes of filming, in the amount set by resolution of the City Council.

(4) Prior written permission of the property owner on the appropriate City form, or equivalent written permission as acceptable to the Community Development Director or their designee.

(5) A site plan showing crew and equipment areas, all parking locations, set locations and orientations (including lighting and camera locations), all drawn in sufficient detail for the City to evaluate the intensity of use and potential impacts.

(6) A complete written description of all scenes to be shot under the permit.

26-255 Ministerial film permit

(a) Applicability. A ministerial film permit may be approved by the Community Development Director or their designee without a hearing upon receipt of an application with proof of notification of all adjacent neighbors and all occupants of properties within the same street block as the filming location for the following filming activity:

(1) In single- and multi-family residential zones, filming for up to five (5) days, not including any setup and dismantling, with a minimum of sixty (60) days in between each time period, on any one (1) property.

(2) In all other zoning districts, filming of up to five (5) days, not including any setup and dismantling, with a minimum of sixty (60) days in between each time period, on any one (1) property or shopping center.

(3) All filming, including any setup and dismantling, shall be done between the hours of 7:00 a.m. and 9:00 p.m. in residential zones, and between the hours of 6:00 a.m. and 11:00 p.m. in all other zoning districts.

Film permit activities may extend outside these hours if the Community Development Director or their designee finds that there will be no adverse impacts to nearby residents or business owners.

(4) Filming which involves no exceptions to the general filming conditions in section 26-254 (e) above.

(b) Conditions. The Community Development Director or their designee may impose conditions on short-term film permits for protection of the public, including without limitation the following:

(1) Written notification of affected and/or nearby property owners and tenants.

(2) Attendance during setup, filming, and/or clean-up by uniformed police officers or firefighters, at the applicant's sole cost and expense.

(3) Measures to mitigate the impact of proposed activities on affected residents and/or business owners.

(c) Revocation. A film permit may be revoked in writing by the Community Development Director or their designee effective immediately for violation of the terms of the permit. Only the applicant may appeal the Community Development Director or their designee's decision, which appeal shall otherwise be per the provisions of section 26-226.

26-256 Discretionary film permit ~~Major production permit~~

(a) Applicability. A discretionary film permit shall be required for all non-exempt filming that is not eligible for a ministerial film permit, including without limitation filming which would in any way exceed the "general conditions" listed in section 26-254 above, or when night or early-morning activities or any other aspect of the filming may, in the opinion of the Community Development Director or their designee, negatively affect nearby residents or business owners.

(b) Procedures. Upon receipt of a complete application, the Community Development Director or their designee shall set a date and time for a public hearing. The applicant shall provide mailing labels for all properties designated by the Community Development Director or their designee. The hearing notice shall indicate that any interested person may request, in writing, that a hearing be held on the date set in advance by the Community Development Director or their designee; and that if no hearing is requested, the decision may, at the discretion of the Community Development Director or their designee, be made without a hearing. Public notices shall be placed in the United States mail at least ten (10) days prior to the public hearing. The Community Development Director or their designee may also elect at any time to defer the matter to the Planning Commission.

(c) Findings. The following findings must be made for approval of a major production permit:

(1) The proposed filming will be located and conducted in a manner consistent with the General Plan, municipal code, and the provisions of this article; and

(2) Approval of the application will not be materially detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.

(3) Actions have been and will be taken by the applicant to minimize the impact of the proposed activities on any others in the vicinity.

(d) Effective date and duration. A major production permit shall be effective for the dates specified by the permit, not to exceed ninety (90) days. However, if filming ceases for a period of more than seven (7) days or is delayed in beginning for more than seven (7) days, a permit may be extended by the Community Development Director or their designee up to three (3) times without notice and hearings, for a time equal to any such cessation in filming, subject to making the findings required for approval of the permit. Otherwise, the permit shall lapse if not used within the approved time.

(e) Change in conditions. The Community Development Director or their designee may require changes in the terms or conditions of a major production permit at any time while it is in effect, if needed to ensure that the filming may continue to operate consistent with the required findings.

(f) Revocation and appeal. A major production permit may be revoked by the Community Development Director or their designee effective immediately for violation of any conditions of the permit. Appeals shall be as per section 26-256.

DIVISION 9 SECOND UNIT REVIEW (ACCESSORY DWELLING UNIT AND URBAN DWELLING UNIT) [EX. DIVISION 15 OF ARTICLE VI]

26-257 Process

(a) A second unit review is the procedure used by the City to verify that a proposed accessory dwelling unit, junior accessory dwelling unit, and urban dwelling unit pursuant to Article IV Division 2 of this Chapter and complies with the applicable development standards.

(b) The Community Development Director or their designee shall issue a second unit review approval letter after determining that the request complies with all zoning code provisions applicable to the project. The approval letter shall be considered the same as a zoning clearance.

(c) The Community Development Director or their designee shall provide the applicant an incomplete/correction letter if the application is incomplete or if corrections are needed in order for the application and plans to comply with zoning code standards.

(d) Building permits shall not be issued without a second unit review approval letter.

(e) The Planning Division must approve or deem the application to create an accessory dwelling unit, junior accessory dwelling unit, or urban dwelling unit incomplete within 60 days from the date that the Planning Division received a completed application. If the Planning Division has not approved or denied the completed application within 60 days, the application is deemed approved unless either:

(1) The applicant requests a delay, in which the 60-day time period is tolled for the period of the requested delay, or

(2) When an application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, the City may delay acting on the application for the accessory dwelling unit or junior accessory dwelling unit until the City acts on the permit application to create a new single-family or multi-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit will be considered ministerially without discretionary review or a hearing.

(f) *Denial of application.* If the application to create an accessory dwelling unit, junior accessory dwelling unit, or urban dwelling unit is denied or deemed incomplete, the City must provide the applicant with comments that include, among other things, a list of all defective or deficient items and a description of how the application may be remedied by the applicant. A notice of the denial or incomplete application and corresponding comments must be provided to the applicant within the 60-day time period established by this subsection 26-257.

DIVISION 10 PRESERVATION, PROTECTION AND REMOVAL OF TREES [EX. DIVISION 9 OF ARTICLE VI]

26-258 Purpose

The purpose of this Division is to provide protection for the trees of this City that are of historic, aesthetic or environmental importance. This section seeks to preserve the cultural and historic heritage that the City's trees represent; to maintain the scenic beauty of the City; and, by the conservation of energy, the abatement of soil and slope erosion, and the enhancement of air quality, to improve the environment of the City. These purposes will be accomplished by:

(a) Identifying significant trees and heritage trees and establishing procedures to encourage their preservation;

(b) Including consideration of existing trees and their protection in the review and implementation of development proposals;

(c) Requiring permits for the removal of significant trees, heritage trees, and trees on public property except in emergencies; and

(d) Requiring replacement planting when significant trees, heritage trees, and trees on public property are removed.

26-259 Definitions

As used in this Division:

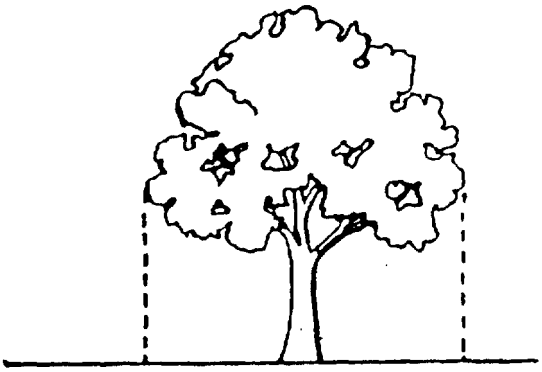
(a) *Arborist* shall mean a person who is a California Certified Arborist; a person accredited by the International Society of Arboriculture in California.

(b) *Caliper* shall mean the maximum diameter of the trunk of a tree measured at four-and-a-half (4.5) feet above the natural grade. In the case of multi-trunked trees, "caliper" shall mean the sum of the calipers of each individual trunk measured at four-and-a-half (4.5) above grade.

(c) *Development activity* means the work done pursuant to a development proposal approved by the City.

(d) *Development application* is any application for a construction permit, precise plan of design, conditional use permit, variance, tentative subdivision map or a similar approval for the development of property.

(e) *Dripline* shall mean an imaginary line on the ground, at the furthest extension of the canopy around the circumference of the tree. Typically, the dripline is not a perfect circle.



(f) (*Heritage tree* shall mean any tree(s) identified as such by Planning Commission resolution upon the commission finding that the tree or group of trees:

(1) Is of historical value because of its association with a place, building, natural feature, or an event of local, regional, or national historic significance;

(2) Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site, or historic district;

(3) Is representative of a significant period of the City's development; or

(4) Is designated for protection or conservation in a specific plan, conditional use permit, precise plan of design, tract or parcel map or similar development approval.

(g) *Heritage tree* shall also mean any native Southern California black walnut tree species (Juglans californica).

(1) This definition shall not affect those Southern California black walnut trees located on R-1 and R-A lots created by any subdivision approved and recorded prior to the effective date of the ordinance enacting this subsection or any parking lot where the City approved the planting of Southern California black walnut trees as part of an approved landscape plan.

(2) Any Southern California black walnut tree located on those O-S (Open Space) lots created under the density transfer standards outlined in section 26-59, shall further be protected under the guidelines contained in this section.

(h) *Multi-trunked tree* shall mean a tree with a Division of its trunk at less than four-and-a-half (4.5) feet above natural grade.

(i) *Permit* means a tree removal and/or relocation permit and pruning of any tree in the Oak family.

(j) *Protection* shall mean the safeguarding of trees through proper maintenance, pruning, treatment, fertilizing, feeding, and any other necessary means (standards of California Certified Arborists).

(k) *Public tree* means any tree planted in or upon any street, park, parkway or public place in the City.

(l) *Removal* means the uprooting, cutting, or severing of the main trunk of the tree or any act which causes, or may be reasonably expected to cause a tree to die or to be seriously damaged. These acts include, but are not limited to, damaging the root system by machinery, storage of materials within the dripline, soil compaction within the dripline, substantially changing the grade around the root system or trunk, excessive pruning, paving with concrete, asphalt, or other inadequate irrigation; or by attachment of signs or artificial material piercing the bark of the tree by means of nails, spikes or other piercing objects.

(m) *Significant tree* is a tree located on private and/or public property that meets one (1) or more of the following requirements:

(1) is located in the front yard of a lot or parcel and has a caliper of one (1) foot or more;

(2) is located in the street-side yard of a corner lot and has a caliper of one (1) foot or more;

(3) is located anywhere on a lot, has a caliper of six (6) inches, or more, and is one of the following species:

Common Name	Genus/Species
Oak (any oak tree native to California, including, but not limited to:	
Valley Oak	Quercus lobata
California Live Oak	Quercus agrifolia
Canyon Oak	Quercus chrysolepis
Scrub Oak	Quercus dumoso
Mesa Oak	Quercus engelmanii
Interior Live Oak	Quercus wislezenii
California Sycamore	Platanus racemosa
American Sycamore	Platanus occidentalis

26-260 Permit Required

(a) No person, firm or corporation shall remove, relocate, or destroy any significant tree on private or public property within City limits (including an applicant for a building permit) without first obtaining a tree permit from the Community Development Director or their designee. Any significant tree located in or on public property requires a tree permit approval from the Public Services Department.

(b) No person, firm or corporation shall remove, relocate, or destroy any heritage tree on private or public property within City limits (including an applicant for a building permit) without first obtaining a tree permit from the Planning Commission and/or the Public Services Department. The required mailing labels for the five-hundred-foot (500) property owner notification shall be supplied by the applicant.

(c) No person shall prune or trim more than ~~ten (10) percent~~twenty (20) percent of live foliage or limbs from any oak tree as defined in this article, or cause the same to be done, unless tree permit is first obtained from the Planning Division (on private property, or from the Public Services Department (public property).

(d) Pursuant to Chapter 24 of the West Covina Municipal Code no unauthorized person shall remove, destroy, prune, or trim any portion of any tree located in or on public property. In addition, any tree with a caliper of one (1) foot or larger located on public property requires a tree permit approval from the Public Services Department.

(e) No tree permit shall be issued for the removal of any heritage tree or significant tree on any lot associated with a development application, unless all discretionary approvals have been obtained from the City.

(f) No tree permit shall be issued to remove any Oak (Quercus) which is greater than three (3) feet in caliper if the purpose of the removal is to change the landscape design or for a driveway approach.

26-261 Exceptions to Permit Requirements

No permit shall be required for:

(a) Emergency or routine trimming or pruning of trees located on private or public property to protect or maintain overhead public utility lines, existing subsurface water, sewer or utility lines.

(b) Emergency removal of damaged parts of a tree which has sustained an injured trunk, broken limbs, or uprooting as a result of storm damage or other natural disaster or catastrophe, which create a hazard to life or property.

(c) When a written determination has been made by the Public Services Department and/or city arborist, after visual inspection and scientific evaluation, that the tree is so diseased or damaged that it is no longer viable or is a threat to other protected plant species.

(d) Trees planted, grown, and/or held for sale by licensed nurseries and/or tree farms or the removal or transplanting of such trees pursuant to the operation of a license nursery and/or tree farms.

(e) Trees within existing or proposed public rights-of-way where their removal or relocation is necessary to obtain adequate line-of-sight distances as required by the city engineer or poses a threat to public health, safety, and welfare.

(f) Trees which, in the estimation of the city engineer, will cause damage to existing public improvements.

26-262 Application and Fees

An application for a tree permit shall be filed with the Planning Division (located on private property) and/or Public Services (located on public property). The application shall be on the forms prescribed by the City and shall be accompanied by the fee established by City Council.

26-263 Permit Procedure

(a) Private property. Where an application for a tree permit is filed on private property the following procedure is hereby established:

(1) Upon receipt of the application, the Community Development Director or their designee shall investigate the site and evaluate the request. The decision to issue or deny the permit and any conditions of the permit shall be based on the following criteria:

(i) The condition of the tree(s) with respect to disease, damage, danger of collapse of all or any portion of the tree(s), proximity to an existing or proposed primary structure, and interference with utility services, age or remaining life span and whether or not the tree acts as a host for a plant which is parasitic to other species of trees which are in danger of being infested.

(ii) Where, upon taking into consideration the size, shape, topography and existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner (i.e., prohibit the construction of a primary structure or deny a property right possessed by other property in the same vicinity and zone).

(iii) The number, species, size, and location of existing trees in the area and the effect of the requested action in terms of providing shade, protection from wind, air-pollution reduction, historic value and scenic beauty upon the health, safety, aesthetics, and general welfare of the area or neighborhood.

(iv) The topography of the lot or parcel and the effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow of surface water.

(v) Whether or not such tree(s) is required to be preserved by any precise plan or other approved plans on record.

(2) Subsequent to investigation:

(i) Significant trees: The Community Development Director or their designee may approve, conditionally approve, or deny the tree permit.

(ii) Heritage trees: The Planning Commission may approve, conditionally approve, or deny the removal application (in case of pruning, the Community Development Director or their designee may approve, conditionally approve, or deny the application).

(3) Any conditions deemed necessary to implement this regulation, include, but are not limited to:

(i) Replacement of the removed or cut down tree(s) with a tree(s) of comparable species, size, and condition as determined by the Community Development Director or their designee in the case of significant trees and the Planning Commission in the case of heritage trees.

(ii) The relocating of the tree(s) on-site or off-site provided that the owner or applicant submit a report from an arborist describing the relocation method and shall provide the City with a five (5) year survival guarantee. Should the tree(s) not survive the survival period, replacement shall occur in accordance with section 26-263.

(iii) Payment of the proper restitution value of the tree(s), or donation of a boxed tree(s) to the City or other public agency to be used elsewhere in the community should a suitable replacement location of the tree(s) not be possible on-site or off-site.

(4) Associated with a development application. Where an application for a tree permit is associated with a development application that requires a public hearing, the following procedure is hereby established:

(i) Upon receipt of the application, the Community Development Director or their designee or designee shall investigate the site and evaluate the application on the basis of the following criteria:

a) The condition of the tree(s) with respect to disease, damage, danger of collapse of all or any portion of the tree(s), proximity to an existing or proposed primary structure, and interference with utility services, age, or remaining life span and whether or not the tree acts as a host for a plant which is parasitic to other species of trees which are in danger of being infested.

b) The number, species, size, and location of existing trees in the area and the effect of the requested action in terms of providing shade, protection from wind, air-pollution reduction, historic value and scenic beauty upon the health, safety, aesthetics, and general welfare of the area or neighborhood.

c) Whether or not the removal of the tree(s) is necessary to construct required improvements within the public street right-of-way or within a flood-control or utility right-of-way.

d) Whether or not the tree(s) could be preserved by pruning and proper maintenance or relocation rather than removal.

e) The necessity to remove the tree(s) in order to construct improvements which would allow economic enjoyment of the property.

f) Whether or not such tree(s) constitutes a significant natural resource of the City, or is designated as a heritage tree.

(3) The Community Development Director or their designee, or designee, shall complete the site investigation and make a report to the Planning Commission. The Planning Commission shall review the tree permit and said report at the same time as the development application, and shall conduct a public hearing when required. Said permit shall be considered concurrently with the development application.

(5) Permit notification. The public hearing notification required by section 26-187 shall include a description of the tree permit request.

(6) The Planning Commission shall approve, conditionally approve, or deny the application to remove or relocate any significant tree(s) or any heritage tree(s). The Planning Commission may impose conditions deemed necessary, including, but not limited to:

(i) Replacement of the removed tree(s) with a tree(s) of comparable species, size and condition as determined by the Planning Commission.

(ii) The relocating of the tree(s) on-site or off-site provided that the owner or applicant shall retain an arborist who shall submit a report to the Community Development Director or their designee which describes the relocation method, whether location is favorable to the survival of the tree and shall provide the City with a five (5) year survival guarantee. Said arborist shall supervise all pruning and relocation procedures. Should the tree(s) not survive the survival period, replacement shall occur in accordance with section 26-263. A bond shall be posted with the City to ensure conformance with this regulation.

(b) Public property trees. The provisions outlined in Chapter 24, Article II, of the West Covina Municipal Code shall be observed except in the case when significant trees, heritage trees, or any tree with a caliper of one (1) foot or larger located on public property, is affected. In these cases, a tree permit application is necessary and the following additional procedures are hereby established:

(1) Significant trees: A tree permit for any significant tree is subject to the Public Services Department. The decision to issue or deny the permit is subject to the criterium and condition outlined in section 26-263(a)(1).

(2) City trees: A tree permit for any public tree which has a caliper of one (1) foot or more, is subject to approval from Public Services Department. The decision to issue or deny the permit is subject to the criterium outlined in section 26-263(a)(1) and conditions deemed necessary as per section 26-263(a)(2).

(3) Heritage trees: A tree permit, and mailing labels for the ~~one hundred foot~~ five hundred foot (500) radius property-owner notification requirement, for any heritage tree is subject to the approval by the City Council. The decision to issue or deny the permit is subject to the criterium outlined in section 26-263(a)(1) and any conditions deemed necessary as per section 26-263(a)(2).

(c) Appeal procedure. Appeals may be filed per the requirements of section 26-193 of this chapter.

(d) Approval period. Tree-removal permits shall be effective following the appeal period and shall be valid for a period of ninety (90) days, subject to extension. Where the tree permit is associated with a development application, the tree permit shall expire on the same expiration date as the said development application.

26-264 Protection of Trees During Development Activity

The following protective measures shall be exercised by all individuals, developers, and contractors working near preserved trees. All construction shall preserve and protect the health of trees to remain, relocated trees, and new trees planted to replace those removed in accordance with the following:

(a) No grading, construction, or construction-related activities shall occur within the dripline of a significant tree or a heritage tree. Construction-related activities include, but are not limited to, the storage of materials, grade changes, or attachment of wires to or around tree trunks, stems or limbs.

(b) Significant trees and heritage trees shall be shielded from damage during construction with an appropriate construction barrier, such as chain link and steel stake fence enclosing the entire dripline area. All exposed roots

shall be inside the fence or barrier. The fence or barrier shall have a minimum height of six (6) feet measured from the grade. In all cases where a fence or barrier is to be used around a protected tree, the fence or barrier shall be installed prior to commencement of any development activity on the site and shall remain in place throughout all phases of construction. Fences may not be removed without obtaining written authorization from the Community Development Director or their designee.

(c) No structure or impervious paving shall be located within the dripline or within a six (6) foot radius of the trunk perimeter, whichever is greater, of any significant tree or heritage tree, unless approved as part of a tree permit. A tree with a caliper of thirty (30) inches or more shall require additional space as determined by the Community Development Director or their designee, Public Services Department, or city arborist.

(d) Branches that could be injured by vehicles or that interfere with the development activity may be pruned to the satisfaction of the Community Development Director or their designee, Public Services Department, or city arborist.

(e) No compaction of the soil within the dripline of any tree shall be undertaken, unless approved as part of a tree permit.

(f) No construction, including structures and walls, that disrupts the root system shall be permitted, unless approved as part of a tree permit. As a guideline, no cutting of roots should occur within a distance equal to three and one-half (3½) times the trunk diameter, as measured at ground level. Actual setback may vary to meet the needs of individual tree species as determined by the Community Development Director or their designee, Public Services Department, or city arborist. Where some root removal is necessary, the tree crown may require thinning to prevent wind damage.

(g) The required landscape and irrigation plan shall be tailored per the needs of retained trees, as specified by a tree arborist. Trees of the oak family must be on a separate irrigation timer, or as specified by a tree arborist.

(h) The Community Development Director or their designee may impose additional measures determined necessary to preserve and protect the health of trees to remain, relocated trees, and new trees planted to replace those removed.

26-265 Penalties

(a) Violation of any section of this Division shall constitute a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not to exceed six (6) months, or both such fine and imprisonment. Each tree removed in violation of this Division shall constitute a separate offense.

(b) Violators may also be required to replace the tree(s) with a tree(s) of comparable size, type and condition as determined by the Community Development Director or their designee and in appropriate cases, the Public Works Director.

(c) In addition to the penalties imposed by subsections, (a) and (b) above, any person who destroys, removes or damages a significant tree or a heritage tree without a permit in circumstances in which a permit application has been denied, or would have been denied, shall be liable to the city for a civil penalty in an amount equal to the tree's full restitution value.

(d) A building permit shall be deemed invalid or held by an official notice to stop work until either subsection (a) and/or (b) is effected.

DIVISION 11 ENVIRONMENTAL ASSESSMENT GUIDELINES AND PROCEDURES [EX. DIVISION 7 OF ARTICLE VI]

26-266 To be in accordance with City standards

Environmental assessment guidelines and procedures for the evaluation of the environmental impact of proposed public or private projects shall be established by a resolution of the City Council.

DIVISION 12 REVOCATION PROCEDURES

26-267 Applicability

The provisions of Division 12 shall apply to the revocation of Conditional Use Permits, Administrative Permits, Variances, or Minor Modifications. Revocation shall include amendment or modification of a permit which may result from a revocation proceeding.

26-268 Revocation hearing body

(a) The Planning Commission shall hear revocation proceedings for all permits and approvals issued by the Community Development Director or their designee.

(b) The Planning Commission shall hear revocation proceedings for all permits and approvals issued by the Planning Commission, either in its initial hearing capacity, or on appeal to the Planning Commission.

(c) The City Council shall hear revocation proceedings for all permits and approvals issued by the City Council, either in its initial hearing capacity, or on appeal to the City Council.

26-269 Grounds for revocation

The hearing body may revoke, amend or suspend a Conditional Use Permit, Administrative Permits, Variances, or Minor Modifications ("permit") upon finding that:

(a) The use is detrimental to the public health, safety or welfare or is a nuisance; or

(b) The permit was obtained by fraud; or

(c) The use has not been exercised prior to the expiration date of the permit; or

(d) The use has ceased or been suspended for a period of six (6) months or more; or

(e) The conditions of approval have not been complied with; or

(f) The required findings for the permit have been violated; or

(g) The use is not being operated in the manner or for the purpose contemplated by the approval of the permit.

(h) The development entitlement dependent thereon has been revoked or suspended.

(i) The use is being operated in violation of any federal, state or local law which results in detriment to the public health, safety or welfare.

26-270 Initiation of Revocation Processing

Revocation proceedings may be initiated by a majority vote of a quorum of the City Council or the Planning Commission or by the Community Development Director or their designee.

26-271 Notice of Hearing

Notice of a revocation hearing for a conditional use permit or variance shall be given as follows:

(a) At least ten (10) days prior to the date of the hearing, a public notice shall be posted on-site of subject property; and

(1) Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

(2) A notice of public hearing shall be mailed to the permittee or his/her agent, the owner of the property and owners ~~and occupants~~ of all property within a radius of ~~one hundred (100)~~five hundred (500) feet of the exterior boundaries of the property under consideration, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(3) The cost of noticing shall be paid by the City.

(b) Notice of a revocation hearing for an administrative review shall be given as follows:

(1) A notice of public hearing shall be mailed to the permittee or his/her agent, the owner of the property and owners ~~and occupants~~ of all property within a radius of ~~one hundred (100)~~five hundred (500) feet of the exterior boundaries of the property under consideration, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(2) The cost of noticing shall be paid by the City.

(c) Notice of a revocation hearing for an administrative permit shall be given as follows:

(1) Notices shall be mailed to the permittee, property owners ~~and occupants~~ of the subject site, and all owners of properties within a radius of ~~one hundred (100)~~five hundred (500) feet of the exterior boundaries of the subject site. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(2) The cost of noticing shall be paid by the City.

26-272 Contents of hearing notice

The notice of revocation hearing shall be in writing and shall contain at least the following information:

(a) The street address and general description of the property or premises for which the permit has been issued. A map may be included.

(b) The name of the permit holder.

(c) A description of the type of permit and a general description of the activities approved by the permit.

(d) A statement that the hearing will consider revocation of the permit, or in the alternative alteration or modification of the permit and/or the conditions of the permit.

(e) The date, time, and location of the hearing.

(f) The grounds for the revocation of the permit.

(g) A statement that the permittee may represent himself/herself/themselves, or be represented by legal counsel or any other person of his/her choice.

(h) A statement that the permittee may present evidence, testimony, and witnesses in defense of the revocation of the permit.

26-273 Conduct of the hearing

(a) Revocation hearings shall be noticed public hearings open to public participation.

(b) The hearing body shall act as an independent arbiter in the conduct of the hearing, procedures, presentation of evidence, review of evidence and issuing a decision. The chairperson/mayor shall make determinations on procedure, witnesses, and evidence. The chairperson/mayor may be assisted by a member of the city attorney's office or other counsel who has not participated in the preparation or presentation of the cause for revocation of the permit.

(c) The city staff, city attorney or other city representative shall first present the evidence for the cause for revocation. After the city presentation is complete, the permittee may present evidence in opposition to revocation. After the city representative and the permittee have completed their presentations, members of the public may speak for or against the revocation. The order and timing of presentations may be altered by the hearing body in the interests of an orderly, timely and fair hearing or for the reasonable convenience of the witnesses or parties. The hearing board may continue the hearing from time-to-time without further public notice.

(d) Formal rules of evidence need not be followed. All witnesses shall be sworn or unsworn at the discretion of the hearing body.

(e) Cross-examination of witnesses is not required unless, in the discretion of the hearing body, cross-examination is necessary to provide a fair hearing and due process of law. Cross-examination of members of the public who speak shall not be allowed unless the hearing body determines that cross-examination is necessary to avoid a prejudicial denial of due process.

(f) Documents should be identified and labeled in an orderly fashion when submitted to the hearing board.

(g) The hearing board shall tape record the oral proceedings before the hearing board. The tape recordings shall be maintained for thirty (30) days after the time for any appeal has expired. If a timely appeal is not filed, the tape recordings may be destroyed.

(h) All documents, testimony, and other evidence presented to and accepted by the hearing board shall constitute the administrative record upon which the hearing board shall make its decision. The administrative record shall include evidence submitted to the hearing board but not accepted by the hearing board.

(i) The representatives of the cause for revocation shall be allowed to present final argument to the hearing board followed by final argument by the representative for the permittee. Rebuttal argument or re-rebuttal argument shall only be allowed at the discretion of the hearing board.

26-274 Decision of the hearing board.

(a) At the conclusion of the hearing, or at any time thereafter, the hearing board shall deliberate the merits of the cause for revocation. Deliberations of the hearing board shall be conducted at a meeting open to the public, but need not be conducted at a noticed public hearing. Deliberations shall be solely among the hearing board members unless the hearing board invites other persons to participate.

(b) The hearing board may revoke the permit, amend, alter, or modify the permit or impose new or additional conditions, all as reasonably related to mitigation or elimination of the grounds asserted for the revocation.

(c) The decision of the hearing board shall be in writing, supported by findings, and approved by the hearing board within thirty (30) days of the close of the hearing, or at the next regular meeting of the hearing board immediately following such thirty (30) day period.

(d) Upon approval of the decision by the hearing board, the decision shall be sent to the permittee by mail, fax or email.

26-275 Appeal of hearing board decision

(a) Appeals from decisions of the Planning Commission sitting as the revocation hearing board may be submitted to the city clerk by any interested party within ten (10) days of approval of the written decision of the hearing board. If the tenth day falls on a day when City Hall is not open the appeal may be made on the next business day. Decisions of the City Council sitting as the revocation hearing board are not appealable.

(b) The appeal must be in writing, must include specific reasons for the appeal, and must be accompanied by the fee set by City Council resolution for such appeal. Such an appeal suspends and sets aside the decision of the lower authority.

(c) Within five (5) working days of the receipt of the appeal the city clerk shall estimate the cost of preparation of the administrative record and send written notice to the appealing party that they must deposit one-half of the estimated cost of preparation of the administrative record with the city clerk within ten (10) calendar days of the mailing date of the notice. Failure of the appealing party to timely deposit such one-half of the estimated cost shall be a waiver and termination of the appeal.

(d) The cost of preparation of the administrative record shall include costs of preparation and duplication of all documentary and tangible evidence and the transcription of the oral portion of the hearing. The transcription of the oral portion of the hearing shall be performed by an independent professional transcription service chosen by the city clerk.

(e) Upon the completion of the preparation of the administrative record, including the transcription of the oral proceedings, the city clerk shall determine the actual costs of preparing the administrative record. Upon such determination of costs the city clerk shall send written notification of the actual costs of the preparation of the administrative record to the appealing party. The notice shall advise the appealing party that it must pay one-half of the actual costs of preparation of the administrative record within ten calendar days of sending of the notification, and that if such payment is not timely received by the city clerk, the appeal will be deemed waived and terminated. If the deposit of the estimated cost of preparation of the administrative record meets or exceeds the actual cost, payment will be deemed to have been timely made, and any overage will be refunded to the appealing party.

(f) Upon receipt of the required payment from the appealing party the city clerk shall send written notice of the time and place of the review of the appeal by the City Council to the appealing party and the City's representative. The appeal shall be heard by the City Council within forty (40) calendar days of the payment of the required fees, or such additional minimal time as needed to meet the schedule of available City Council meetings. The notice shall contain:

  (1) The time and location of the City Council meeting at which the appeal will be reviewed.

  (2) The name of the appealing party and the name of the permittee.

  (3) The address of the property, if any is involved in the appeal.

  (4) A statement that the appealing party may present written or oral argument to the City Council based on the administrative record. Written arguments must be filed with the city clerk and received by the other parties to the appeal at least fifteen (15) calendar days prior to the date of the City Council meeting. Written rebuttal arguments by any party to the appeal must be filed with the city clerk and delivered to all other parties to the appeal at least seven (7) calendar days prior to the date of the City Council meeting. Oral argument and rebuttal argument may be presented at the City Council meeting.

(g) The City Council shall determine the appeal based on their review of the administrative record. The review shall occur at a regularly noticed City Council meeting and shall not require a noticed public hearing. The appealing party shall be given the opportunity to present written or oral arguments to the City Council. The City's representative shall be given the opportunity to present written or oral rebuttal argument to the City Council.

(h) If the appealing party is not the permittee or there is more than one (1) appealing party, the following rules shall apply:

(1) The appealing party, the permittee and the City shall be referred to as "parties to the appeal."

(2) Each party to the appeal shall pay their proportionate share of the cost of preparation of the administrative record. If the appealing party does not timely pay their proportionate share of such costs, the appeal shall be waived and terminated. If any other party to the appeal does not timely pay their share of such costs, the non-paying party shall not be entitled to participate in the appeal process, but shall remain liable to the City for their share of the costs of preparation of the administrative record.

(3) (All notices shall be sent to all parties to the appeal.

(4) Arguments may be presented by the appealing party, and rebuttal arguments may be presented by any other parties to the appeal. All written arguments and rebuttal arguments shall be delivered to all other parties to the appeal.

26-276 Decision of the City Council on appeal.

(a) At the conclusion of the meeting, or at any time thereafter, the City Council shall deliberate the merits of the cause for the appeal. Deliberations of the City Council shall be conducted at a meeting open to the public, but need not be conducted at a noticed public hearing. Deliberations shall be solely among the City Council members, unless the City Council invites other persons to participate.

(b) The City Council may revoke the permit, amend, alter, or modify the permit or impose new or additional conditions, all as reasonably related to mitigation or elimination of the grounds asserted for the revocation.

(c) The decision of the City Council shall be in writing, supported by findings, and approved by the City Council within thirty (30) days of the close of the meeting, or at the next regular meeting of the City Council immediately following such thirty (30) day period.

(d) Upon approval of the decision by the City Council, the decision shall be sent to the permittee by mail, fax or email.

26-277 Termination of proceedings.

(a) The Community Development Director or their designee may recommend to the hearing body termination of the revocation proceedings anytime during the hearing process or the appeal process if the Community Development Director or their designee determines that:

(1) The grounds for the revocation have been satisfactorily corrected by the permittee.

(2) The permittee has voluntarily ceased the use for which the permit was issued.

(3) The permittee has ceased the activity which was the grounds for the revocation and provided a written relinquishment of the permit to the Community Development Director or their designee.

(4) The permittee has reached a written settlement agreement with the city which will protect public health, safety, and welfare.

(5) There exists other good cause for termination of the revocation proceedings.

(b) After due consideration of the recommendation of the Community Development Director or their designee, the hearing body may approve the termination of the revocation proceedings by a majority vote of a quorum of the hearing body.

(c) The hearing body may, on its own initiative, and for good cause, terminate any revocation proceedings by a majority vote of a quorum of the hearing body.

DIVISION 13 PLANNING COMMISSION SUBCOMMITTEE FOR DESIGN REVIEW [EX. SECTION 26-418]

26-278 Purpose.

(a) The purpose of design review of single-family residences is to ensure quality development, promote orderly development of the City, conserve property values, preserve the architectural character of an area, and to promote harmonious design that is complimentary to adjacent properties.

26-279 Subcommittee created.

(a) A subcommittee of the planning commission shall be established consisting of two (2) members of the planning commission to be appointed by the chair of the planning commission. An alternate subcommittee member shall be appointed by the chair to serve in the event that one (1) of the two (2) members is absent.

26-280 Meetings.

(a) The subcommittee shall meet regularly in open meeting at a time to be determined by the subcommittee.

26-281 Review Required.

(a) No building permit shall be issued for the following types of improvements to single-family residences prior to subcommittee review:

(1) New construction of single-family residences.
(2) Structural additions or modifications on the front elevation of a residence.
(3) New second-story additions to one-story residences.
(4) New second-story additions to two-story houses.
(5) New balconies.
(6) Any modifications that is readily visible from a public right-of-way.

26-282 Review Authority.

(a) The subcommittee may approve, conditionally approve, forward the project to the planning commission, or disapprove applications.

26-283 Basis for Approval.

(a) The subcommittee shall consider the following criteria:

(1) New development, or alterations of existing development should utilize building materials, color schemes, roof style, and architecture that is visually harmonious with the subject property and surrounding neighborhood.
(2) Vertical and horizontal articulation of building facades should be used to avoid long, uninterrupted exterior walls on residences. All structures should have relief to create an interesting blend and enhance the architecture.
(3) Roof lines should be reasonably compatible with the design and scale of surrounding structures. Vertical and horizontal roof articulation is encouraged to avoid long monotonous, flat sections of roof.
(4) The scale and mass of the building should relate to surrounding structures. The height and bulk of the building should be in scale with buildings on surrounding sites and should not visually dominate their sites or call undue attention to themselves.

(5) The buildings should include a variety of materials and colors. Materials shall be consistently applied and should be chosen to be harmonious with surrounding structures. Piecemeal embellishments and inconsistent materials and architecture should be avoided.

26-284 Notice of Action.

(a) The planning director shall notify the applicant of the decision of the subcommittee within ten (10) days of the decision. The notification shall be in writing and state the reasons for approval, conditional approval, denial or transfer to the planning commission.

26-285 Appeal.

(a) Any decision by the subcommittee may be appealed by the applicant to the planning commission. A written appeal shall be filed with the planning director within ten (10) days after a written decision is mailed to the applicant.

26-286 Expiration.

(a) Building permits to construct improvements approved by the subcommittee shall be issued within one (1) year of the date of approval or the approval will automatically expire.

ARTICLE VII. DEVELOPMENT CODE ADMINISTRATION

DIVISION 1 AMENDMENTS ~~AND RECLASSIFICATION~~ [EX. DIVISION 2 OF ARTICLE IV]

26-287 Purpose

(a) The purpose of this Article is to set forth the general provisions established by the City of West Covina for the administration of the Development Code and the implementation of the General Plan.

(b) Whenever the public necessity, convenience, general welfare, or good zoning practice require, the council may amend, supplement, or change the regulations, zone boundaries, or classifications of property, now or hereafter established by this chapter.

(c) Amendments, supplements or changes to this chapter and/or the official zoning map which:

(1) Change any property from one zone to another; or

(2) Add, modify, or remove any regulations pertaining to the use or development of property shall be initiated and adopted in accordance with the procedures stated in this article.

26-288 Initiation

(a) Amendments of this chapter and/or the official zoning map that change any property from one zone to another may be initiated by:

(1) The verified application of one (1) or more owners of property proposed to be changed or reclassified, or by a purchaser or lessee with consent of the owner.

(2) Resolution of the City Council.

(3) Resolution of the Planning Commission.

(b) Amendments, supplements, or changes to this chapter other than the change of property from one zone to another may be initiated by:

(1) Applicant.

(2) Resolution of the City Council.

(3) Resolution of the Planning Commission.

26-289 Application

(a) A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Community Development Director or their designee accompanied by the required fee. The Community Development Director or their designee may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

(b) The Community Development Director or their designee may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Ordinance to be processed simultaneously with the proposed zoning amendment.

(c) A General Plan Amendment application shall be submitted for concurrent processing for Zoning Amendments that are not in conformance with the General Plan.

26-290 Noticing and Public Hearing Procedures

Notice and hearings regarding an application for an amendment shall be provided in compliance with Article 6 Division 1.

26-291 Planning Commission Action

(a) The Planning Commission shall conduct a public hearing in conformance with Article VI Division 1.

(b) Following the public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. Such recommendation shall include the reasons for the recommendation, and the findings related to the criteria for zoning amendments in section 26-293 (Findings) and shall be transmitted to the City Council.

26-292 City Council Action

(a) After receiving the report from the Planning Commission or a written request from an interested party pursuant to Article VI Division 1, the City Council shall hold a duly-noticed public hearing. At least 10 days before the date of the public hearing, the Planning Division shall provide notice consistent with Article VI Division 1. The notice shall include a summary of the Planning Commission recommendation.

(b) After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment.

26-293 Findings

An amendment to the Zoning Map, or this Chapter may be approved only if all of the following findings can be made in a positive manner, as applicable to the type of amendment. It is the responsibility of the applicant to establish evidence in support of the required findings.

(a) Mandatory Findings required for all Development Code Amendments:

(1) The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan, and, in the case of a Zoning Code amendment, will not create any inconsistencies with this Chapter.

(2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

(3) The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

(b) Additional Findings for Zoning Map Amendments:

(1) The site(s) is/are physically suitable (including access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development.

DIVISION 2 ADMINISTRATION AND ENFORCEMENT *NEW*

26-294 Community Development Director

The Community Development Director or their designee shall be the official responsible for the enforcement of this Chapter. The Community Development Director or their designee may serve notice requiring the removal of any structure or use in violation of this title to the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. The Community Development Director or their designee may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this title, and the City Attorney is hereby authorized to institute appropriate actions to that end. The Community Development Director or their designee may call upon the chief of police and his authorized agents to assist in the enforcement of this title.

26-295 Fees [EX. Section 26-202]

(a) Filing fees shall be paid as established by a resolution of City Council.

(1) If, pursuant to the guidelines and procedures for evaluating environmental impacts of proposed projects, the Community Development Director or their designee declares that a proposed action is not categorically exempt from the provisions of the California Environmental Quality Act of 1970, the applicant shall hire and directly pay for the City's CEQA consultant who shall pay the required environmental impact report filing fee as established by a resolution of the City Council at the time the application to prepare or process required environmental impact documents is accepted.

ARTICLE VIII. SUBDIVISION REGULATIONS [RELOCATED FROM EX. CHAPTER 20 OF THE WEST COVINA MUNICIPAL CODE]

DIVISION 1 AUTHORITY

26-296 Subdivision Map Act

Pursuant to the provisions of Title 7, Division 2 (commencing with section 66410) of the Government Code, State of California, hereinafter referred to as the "Subdivision Map Act," and in addition to any other regulations provided by law, the regulations hereinafter contained in this chapter shall apply to all subdivisions, parts of subdivisions, and divisions of land hereafter, made wholly or partially, within the West Covina City limits, and to the preparation of subdivision maps thereof and other maps provided for by the Subdivision Map Act. Provisions for grading and erosion control are contained in Chapter 9 of the West Covina Municipal Code.

DIVISION 2 GENERAL PROVISIONS

26-297 Definitions

Definitions related to this Article can be found in Article I Division 4.

26-298 Application

The regulations set forth in this Article shall apply to all subdivisions or parts thereof within the City of West Covina and to the preparation of subdivision maps thereof and to other maps or certificates provided for by the Subdivision Map Act. Each such subdivision and each part thereof lying within the City of West Covina shall be made and each such map or certificate shall be prepared and presented for approval as hereafter provided for and required.

26-299 Deviations

Whenever any parcel of land is of such size, design, or shape, or subject to such title limitations of records, or is subject to such topographical conditions or such dominating drainage problems that it is impossible, or impractical in the particular case to conform fully to the provisions of this chapter, the city engineer may recommend such deviation as may be necessary or expedient to the proper development of the subject property as allowed by state law. In each case of deviation, the city engineer shall transmit to the Planning Commission with the tentative map a written report setting forth each deviation recommended and the reasons therefor.

26-300 Conformance to City Standards

A subdivision or division of land shall conform to the following City standards and requirements:

(b) All adopted General Plan elements and specific area plans.

(c) The master plan of streets.

(d) Standard Specifications for Public Works Construction.

(e) City engineer's standard drawings.

(f) Any applicable City ordinances and resolutions.

(g) Lot standards as contained in the West Covina Municipal Code.

(1) Frontage on street. All lots in the subdivision shall have a minimum twenty (20) feet of frontage on a street except that on other than R-1 and/or R-A zoned land an alternate minimum twenty (20) feet wide permanent access easement may be utilized subject to approval of the planning commission and/or City Council. Documents necessary to implement an approved permanent access easement shall be subject to

review and approval of the City Attorney and shall be recorded concurrently with the final map or parcel map.

(2) Lot dimensions. Lot dimensions shall conform to the standards of development as contained in chapter 26 of the West Covina Municipal Code or other official plans adopted pursuant to law. Irregularly shaped lots shall be subject to individual approval by the City.

(3) Jurisdictional boundary lines. No lot shall be divided by a county, City or school district boundary line.

(4) Lot side lines. Lot side lines shall be approximately at right angles or radial to the street center line.

(5) Use of flag lots. The standards in this subsection shall only apply to residential flag lots. Residential flag lots may be permitted through a parcel map or tentative subdivision map when they comply with the standards in this section, in addition to any other applicable City standards:

(i) Limitation on number of residential flag lots. Flag lots shall not be approved where alternative designs are feasible. To avoid an over- concentration of residential flag lots in any one neighborhood, residential flag lots shall not be allowed where approval of a proposed subdivision would result in flag lots comprising greater than one (1) or ten (10) percent of the number of lots in the immediate neighborhood (whichever is greater). Lots in the immediate neighborhood shall be defined as all lots which would be created by a proposed subdivision plus all residentially-zoned lots lying wholly or partially within 300 feet of the proposed subdivision.

(ii) Where a subdivision proposes more than one flag lot a flag lot shall not be located adjacent to another flag lot

(iii) Flag lots must have a minimum of twenty (20) feet of frontage on a street. The lot(s) located between the primary portion of the flag lot and the street shall have the minimum feasible depth required to comply with the requirements of chapter 26 of the West Covina Municipal Code. The accessway serving an infill residential flag lot shall not be included when calculating the required area of that lot.

(6) Cul-de-sacs. Minimum street frontage of thirty-three (33) feet.

(h) Any subdivision that results in a lot without direct access to and from a public street shall dedicate a separate parcel as a private street maintained by the Homeowners Association. Private streets shall comply with all applicable standards listed in Chapter 19 Article VIII of the West Covina Municipal Code.

26-301 Information Package for Prospective Purchases of Subdivided Land

In addition to the subdivision report prepared by the state real estate commissioner, the owner, their agent or the subdivider of a residential subdivision containing five (5) or more single-family residences or condominium units shall prepare or cause to be prepared a package of information for distribution to prospective purchasers of homes or units in the subdivision containing the following information:

(a) The zoning applicable to the property being subdivided and to contiguous property.

(b) The text of the land use element of the City's General Plan which is applicable to the subdivision and to contiguous property.

(c) The location of existing and proposed schools which the children of purchasers of property within the subdivision may be expected to attend.

(d) A copy of any conditions, covenants and restrictions which are applicable to property within the subdivision.

(e) Any additional information deemed necessary or appropriate to fully inform prospective purchasers of property within the tract of the conditions which exist within the tract and within contiguous areas.

(f) The owner, his agent or the subdivider shall submit the proposed package of information to the director of planning of the City of West Covina for approval as to form and content. The Community Development Director or their designee may require amendments or the addition of information to the package. A copy of the package as finally approved shall be filed with the director of planning prior to its distribution.

(g) Sales agents of the owner or the subdivider shall deliver a copy of the package of information to each prospective buyer of property within the subdivision, and prior to accepting a deposit on any such property the sales agent shall require the prospective buyer to sign a receipt acknowledging that a copy of the package of information has been delivered to him. The recipient shall contain the sales agent's name, the owner or developer's name, the lot and tract number, the date of the delivery of the information package, and the purchaser's printed name and signature.

(h) Within ten (10) days after the close of escrow on the initial sale of any residence or condominium in the tract, the owner, the developer, or his agent shall file a copy of the receipt for the package of information with the Community Development Director or their designee of the City of West Covina.

(i) The provisions of this section shall be applicable to the initial sale of residences or condominium units in existing tracts or developments, as well as to all tracts or developments hereafter approved within the City of West Covina.

(j) The provisions of this section shall not require the furnishing of any information to a prospective purchaser of property which is contained in the subdivision report prepared by the state real estate commissioner.

(k) The failure of any owner, subdivider or sales agent to obtain the approval of the Community Development Director or their designee of the information package before selling property within the tract or the failure to deliver the package of information and to obtain a receipt therefor from prospective buyers of property shall constitute a misdemeanor punishable in the manner and to the extent provided by law.

26-302 Surveys

The procedure and practice of all survey work done on any division of land, whether for preparation of a final map or parcel map, shall conform to the standards and details set forth in Chapter 15, Division 3, of the Business and Professions Code, the Land Surveyor's Act. The allowable error of closure on any portion of a final map or parcel map shall be a minimum of 1/10,000.

In the event that the county engineer, county road commissioner, the state highway engineer, or any city engineer shall have established the center line of any street or alley in or adjoining a division of land, the final map or parcel map shall show such center line, together with reference to a field book or map showing such center line and the monuments which determine its position. If determined by ties, that fact shall be stated upon the final map or parcel map. Monuments shall be found, set or reset for final maps and parcel maps at least at the following locations, except no additional monuments need to be set for parcel maps prepared from record data:

(a) At all angle points and beginnings and ends of curves on the exterior boundaries of the subdivision or division of land.

(b) At all angle points and beginnings and ends of curves on the exterior boundaries of any and all land dedicated or offered for dedication in fee simple for park or open space purposes.

(c) At the intersections of center lines of streets and at all angle points and beginnings and ends of curves on street center lines.

(d) For each center line intersection monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the city engineer a set of notes showing clearly the ties between such monument and at least four (4) durable distinctive reference points or monuments. Such reference points or monuments may be leads and tacks in sidewalks, or two-inch iron pipe set back of the curb line and below the surface of the ground, or such substitute therefor approved by the city engineer as appears likely not to be disturbed. The set of center line tie notes shall be filed with the city engineer within three (3) months of the date required for setting monuments as shown by certification on the final map.

(e) Such set of notes shall be of such quality, form and completeness and shall be on paper of such quality and size as may be necessary to conform to the standardized office records of the city engineer. All such notes shall be indexed and maintained by the city engineer as a part of the permanent records of the city engineer's office.

(f) Whenever the city engineer has established the center line of a street or alley, such data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated.

(g) City boundaries crossing or adjoining the subdivision or division of land shall be clearly designated and tied in on the final map.

(h) All boundary monuments shall be set prior to recordation of the final map unless extensive grading operations or improvement work makes it impractical to set monuments. If the setting of boundary monuments is deferred, field notes showing the boundary survey and a bond shall be submitted with the final map for checking and guaranteeing that the boundary monuments will be installed. Interior street center line monuments may be set subsequent to recordation of the final map. The final map shall show which monuments are in place and which are to be set. Prior to approval of the final map by the City Council, the subdivider shall submit a written agreement in which he agrees that the monuments so deferred will be set within a specified time, and that the required notes will be furnished within a specified time.

(i) At least one (1) exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the final map is recorded.

26-303 Standards for Completing and Accepting Public Improvements

Required public improvements shall be constructed in accordance with the following:

(a) The West Covina Municipal Code.

(b) The Standard Specifications for Public Works Construction.

(c) The standards of the city engineer as approved by resolution of the City Council.

(d) Where applicable the California Building, California Plumbing, California Mechanical Codes as amended and adopted by the City.

Upon completion of the improvements, inspection by the City, and recommendation of the city engineer, the improvements shall be presented for acceptance by the City Council. Upon acceptance by the City Council the subdivider will be relieved of maintenance responsibility, and the City and/or other appropriate public agencies will assume maintenance of the improvements.

In the case of public open spaces requiring landscaping, irrigation and/or lighting, the subdivider is responsible for a minimum one-year maintenance period after satisfactory completion of the improvements and before acceptance by the City Council. The maintenance period shall be extended for additional periods of time corresponding to any periods of deficient maintenance as determined by the City. Upon completion of the maintenance period and any extensions thereof, inspection by the City, and recommendation of the city engineer, the improvements shall be presented for acceptance by the City Council. Upon acceptance by the City Council the subdivider will be relieved of maintenance responsibility, and the City and/or other appropriate public agencies will assume maintenance of the improvements.

26-304 Waiver of Disapproval of Maps

No map shall be disapproved when the failure of the map is solely a result of a technical and inadvertent error which, in the determination of the Planning Commission for tentative maps and the City Council for final maps, does not materially affect the validity of the map. Upon such a finding, disapproval of the map shall be waived.

26-305 Assignment of Responsibilities to Advisory Agency

The Planning Commission shall have the following responsibilities in addition to those otherwise assigned responsibilities:

(a) Make findings that tentative maps, together with the provisions for their design and improvement, are consistent with the General Plan and/or any specific plans of the City.

(b) Make findings justifying approval or denial of tentative maps as such findings are specified in the Subdivision Map Act.

(c) Make findings for tentative maps relating to the waste discharge from proposed subdivisions and the requirements prescribed by a California regional water quality control board as such findings are specified in the Subdivision Map Act.

26-306 Appeal of Findings of Advisory Agency

Any interested person can appeal the findings specified in section 26-305 (Assignment of Responsibilities to Advisory Agency) to the City Council in the manner prescribed in the Subdivision Map Act. Appeals shall be accompanied by the fee as set from time to time by resolution of the City Council.

26-307 Dedication or Irrevocable Offers of Dedication

The Planning Commission shall determine the requirements, if any, for dedications or irrevocable offers of dedication concurrent with its approval or conditional approval of tentative maps. Irrevocable offers of dedication shall not be limited in any manner except as specified in the Subdivision Map Act as to the time or time periods in which the City may accept, reject, terminate, or abandon the offer of dedication. Required dedications or irrevocable offers of dedication shall be by certificate on the final or parcel maps unless the city engineer finds such procedure to be impractical, in which case, separate instruments may be processed by the city engineer through the City Council for recordation.

The Planning Commission may require dedications or irrevocable offers of dedications for the following purposes as prescribed in the Subdivision Map Act:

(a) Streets, alleys, waivers of direct access rights and abutter's rights, drainage, water, sewerage, bicycle paths, equestrian trails, access easements, public utility easements, and such other public easements as may be deemed necessary by the Planning Commission.

(b) Local transit facilities as prescribed in and restricted by the Subdivision Map Act.

(c) Parks and recreation as prescribed in this chapter and as prescribed in and restricted by the Subdivision Map Act.

26-308 Reservation of Real Property for Public Use

The Planning Commission shall determine the requirements, if any, for reservations of real property in a subdivision for parks, recreational facilities, fire stations, libraries and/or other public uses concurrent with its approval or conditional approval of tentative maps. Such reservations, if any, shall be imposed in accordance with the provisions of the Subdivision Map Act.

26-309 Parks and Recreation

(a) Dedications for parks and recreation shall be 3.2 acres per one thousand (1,000) residents of the subdivision. The number of residents of the subdivision for purposes of this section shall be the product of the average household size in the City as disclosed by the most recent available federal census and the number of housing units in the subdivision.

(b) The land dedicated for parks and recreation shall:

(1) Be in a location and configuration approved by the Planning Commission.

(2) Be rough graded, including drainage devices, in accordance with a grading plan approved by the recreation and parks director, Community Development Director or their designee and city engineer.

(3) Be fully usable for parks and recreation purposes with the majority of the on-site area being graded at two (2) percent and with areas of grades exceeding twenty (20) percent not being included in the computation of the area required to be dedicated.

(4) Have all public utilities stubbed out to the site and have all connection charges paid including annexation to the county sanitation district.

(5) Have all public works improvements installed adjacent to the site.

(c) In such instances where dedication is not required, in total or in part for subdivision, an in-lieu fee shall be paid. The fee shall be equivalent to the value of the land which would have been dedicated if dedication were required. The value shall be the fair market value of the land if it were to be sold immediately after completion of the full improvements in the subdivision. Fair market value shall be determined in accordance with the following:

(1) The fair market value as determined by the city engineer and the Community Development Director or their designee based upon the average anticipated sale prices of the fully improved lots, excluding buildings, in the subdivision; or

(2) If the subdivider objects to such evaluation, he may at his expense obtain an appraisal of the property by a qualified real estate appraiser approved by each party, which appraisal may be accepted by both if found reasonable; or

(3) The City Council may determine the fair market value.

26-310 Park Fees

(a) Every person who constructs a multiple-family residential development or multiple single-family residential lots shall pay a fee as set forth in section 26-309 (Parks and Recreation) for the purpose of providing park and recreational facilities to serve future residents of such development.

(b) This section shall apply to all undeveloped multiple-family residential property and to all approved precise plans and/or conditional use permits which have not commenced construction prior to the effective date of this section.

26-311 Required Improvements

The Planning Commission, concurrent with its approval or conditional approval of the tentative map, shall require the following improvements constructed to the satisfaction of the city engineer unless specific findings are made that construction of said improvements are unnecessary and impractical:

(a) Construction of subdivision streets in accordance with the master plan of streets, standard specifications for public works construction, and the city engineer's standard drawings, including but not limited to asphalt concrete or portland cement concrete pavement, aggregate base, portland cement concrete curbs and gutters, portland cement concrete sidewalks, surface drainage facilities, and portland cement concrete driveway approaches.

(b) Construction of half of the adjoining portions of exterior streets in accordance with the master plan of streets, Standard Specifications for Public Works Construction, and the city engineer's standard drawings, except that the minimum width constructed shall be twenty (20) feet, in the same manner as subdivision streets.

(c) Construction of landscaped and irrigated street median islands.

(d) Installation of street lighting in accordance with plans and specifications approved by the city engineer or his duly authorized representative.

(e) Installation of street trees and of tree wells.

(f) Irrigation, landscaping and lighting in open space areas and irrigation and landscaping on slopes in accordance with plans and specifications approved by the Community Development Director or their designee.

(g) Installation of traffic signals at subdivision street intersections where needed as determined by a traffic and engineering study in accordance with plans and specifications approved by the city engineer.

(h) Payment of a fair share cost of traffic signals at adjoining exterior street intersections or adjoining exterior street and subdivision street intersections as determined by the city engineer. The fair share cost is to be computed by the city engineer based upon the estimated construction cost of the traffic signal, preliminary and construction engineering, materials testing, and contingencies not exceeding twenty (20) percent of estimated construction cost.

(i) Construction of adequate sewerage, water and drainage systems in accordance with the standards of the City of West Covina, Los Angeles County Flood Control District, Los Angeles County sanitation districts, and local domestic water purveyor to the satisfaction of the city engineer.

(j) Installation of public utilities, including mail boxes and cable television trenching, conduit, pull boxes, pedestals and easements.

(k) Construction of private streets in accordance with City of West Covina standards to the satisfaction of the city engineer.

(l) Installation of traffic signing and street name signing in accordance with standards of the City of West Covina to the satisfaction of the city engineer.

(m) Installation and/or construction of such other improvements which the Planning Commission finds necessary and practical for the general use of the lot owners and/or to ensure conformity to or implementation of the General Plan and applicable specific plans

26-312 Additional Improvements

The Planning Commission concurrent with its approval or conditional approval of the tentative tract map and the Community Development Director concurrent with the approval or conditional approval of a tentative parcel map shall require the payment of fees or the submittal of an agreement with approved security for planned drainage facilities as shown on the City's side drainage report, master plan of drainage, or other drainage study as it finds necessary and practical. Such fees or agreements shall be applied and administered in accordance with the provisions of the Subdivision Map Act.

The Planning Commission also shall require that any required improvements shall contain supplemental size, capacity or number for the benefit of property not within the subdivision as the Planning Commission finds necessary and practical. Such improvements shall be required to be dedicated to the public as the Planning Commission shall determine.

26-313 Preliminary Soils Report

A preliminary soils report, prepared by a civil engineer or soils engineer registered in the State of California, and based upon adequate test borings, shall be required for all subdivisions unless waived by the Planning Commission upon finding that no preliminary soil analysis is necessary due to the knowledge that the City has as to the soils qualities of the soils of the subdivision.

If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the subdivider shall have performed a soils investigation of each lot in any problem area in the subdivision as may be recommended by the preparer of the preliminary soils report and/or as required by the city engineer or City Building Official.

26-314 Agreements and Security

A subdivider may enter into an agreement with the city, provided the performance of the agreement is guaranteed by security as indicated in the Subdivision Map Act, in lieu of constructing required improvements prior to approval of final or parcel maps. Deferral of improvements on parcel maps shall include a covenant and a note on the final

parcel map that includes an estimated construction cost. The agreement shall be on the form provided by the city engineer or such other form as is approved by the city attorney. The period in which the construction is to be completed is one (1) year from the date of execution of said agreement or prior to occupancy of any structure in the subdivision, whichever is sooner, or for such other period of time found to be practical and approved by the city engineer. The completion time hereinbefore mentioned may be extended by the city engineer as necessary to ensure orderly and satisfactory completion of required improvements. In no event may said completion be extended for more than four (4) years beyond the initial completion date. The city engineer is authorized to execute such agreements on behalf of the City.

26-315 Release of Security

The initial and subsequent security furnished by the subdivider may be released in the following manners upon authorization by the City Council:

(a) Completion of all required improvements to the satisfaction of the city engineer.

(b) Completion of a portion of the required improvements to the satisfaction of the city engineer and the furnishing of new security by the subdivider for the remaining portion of the required improvements. This procedure will only be initiated at the discretion of the city engineer, and the new security shall include an estimated amount for any repairs of the previously completed improvements concurrent with the completion of the remainder of the improvements.

(c) The furnishing of new security by the subdivider to replace the initial security.

(d) The furnishing of new security by other person or persons, including assessment districts, which replaces in whole or part the initial security. If replacement is partial, the subdivider shall furnish new security for the portion not replaced.

(e) Such other arrangement or condition at the discretion of and with the approval of the city engineer may be considered by and authorized by the City Council.

26-316 On-site improvements security

Before approval of a development requiring onsite improvements, the applicant shall enter into a written agreement with the City to construct or install within twelve (12) months of approval all such required improvements as set forth in section 26-314 et seq (Agreements and Security). of this Code, which requires security for the agreement. On-site improvements shall include, but not be limited to landscaping, lighting, paving, curbs and drainage devices. Failure to perform under the agreement may lead to revocation of the permit, forfeiture of the security, or any other remedies available to the City.

26-317 Street Names

The names of streets to appear on final and parcel maps shall be designated by the city engineer and Community Development Director or their designees. Subdividers may submit suggested names for the city engineer's and Community Development Director or their designee's consideration. The city engineer and Community Development Director or their designee shall consider continuity or establishment of naming patterns, phonetic similarity to previously named streets, objectionable or improper connotation, subdivider's desires, and other factors the city engineer and Community Development Director or their designee find relevant or practical.

26-318 Improvements and Dedications with Remainder Parcels

When a subdivision is of a portion of any previously existing lot or lots, the remaining portion or portions of the previously existing lot or lots are remainder parcels and shall be subject to required improvements and dedications as determined by the Planning Commission in the same manner as if the remainder parcels were included in the subdivision, including the provisions in this chapter for agreements and security.

26-319 Application of Chapter to Current Maps

Parcel maps and final maps which have been approved by the City Council shall not be affected by the adoption of this chapter or amendments thereto. Tentative maps which have been approved or conditionally approved by the advisory agency or appeal board shall not be affected by the adoption of this chapter or amendments thereto except as follows:

(a) The parcel maps and final maps for approved or conditionally approved tentative maps shall conform to the current requirements for parcel maps and final maps at the time of City Council approval.

(b) At the time of consideration by the advisory agency of a request to extend the expiration time for a tentative map, such tentative map shall conform to the current requirements for tentative maps; and the advisory agency or City Council may revise or add conditions of approval in accordance with the current requirements for tentative maps.

DIVISION 3 TENTATIVE TRACT MAPS

26-320 Processing Fee

The fee for processing a tentative tract map shall be as established from time to time by resolution of the City Council.

26-321 Filing

The tentative tract map shall be filed with the secretary of the Planning Commission.

26-322 Notice of Hearings

(a) In addition to the requirements of the Subdivision Map Act, mailed notices shall be sent to owners of property located within five hundred (500)~~three hundred (300)~~ feet of the boundaries of the tentative tract map. The person filing the tentative map shall concurrently submit a sketch in sufficient detail and to scale of the property configurations within five hundred (500) ~~three hundred (300)~~ feet of the boundaries of the tentative map and a list of property owners and their addresses. Said list shall be keyed numerically or alphabetically to said sketch. The property owners shall be as shown on the last Los Angeles County Assessor's tax roll preceding the filing of the tentative map

(b) An on-site notice shall also be posted on the site of the subdivision. The on-site notice shall follow the standards and requirements listed in Article VI Division 1.

26-323 Submittals of Tentative Tract Maps

To provide the City with sufficient information in a readily usable format for consideration of the tentative tract maps' compliance with the Subdivision Map Act and this chapter, the following requirements for submittals of tentative maps are established:

(a) Tentative tract map information. Each tentative map shall contain the following information:

(1) Tract number of parcel map number obtained from the county engineer.

(2) Name, address and signature of the owner whose property is proposed to be subdivided and the name, address and signature of the subdivider.

(3) Name, address, signature and number of the registered civil engineer, or licensed surveyor, who prepared the tentative map.

(4) North arrow, scale, boundary lines, date.

(5) The location, width and proposed names of all streets within the boundaries of the proposed subdivision or division of land and their approximate grades.

(6) Location and width of alleys.

(7) Name, location and width of all adjoining highways, streets or ways.

(8) Lot lines and approximate dimensions, areas and numbers of each lot.

(9) Lot lines and approximate dimensions, and areas of remainder parcels.

(10) Approximate location, width and directions of flow of all watercourses; the approximate locations of all areas subject to inundation from floods; and location of structures, irrigation ditches and other permanent physical features.

(11) Approximate contours at sufficient intervals to determine existing topography and all proposed grading.

(12) Approximate location and outline to scale of existing buildings and permanent structures.

(13) Approximate location of each area covered by trees with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of the proposed public rights-of-way and private streets.

(14) Description of the exterior boundaries of the subdivision or division of land (or legal description of the property comprising the subdivision or division of land).

(15) Width and location of all existing or proposed public or private easements.

(16) Classification of lots as to intended use.

(17) Approximate radii of all curves.

(18) Proposed public areas, if any.

(19) For a division of land consisting of a condominium project, as defined in section 1350 of the Civil Code, a community apartment project, as defined in section 11004 of the Business and Professions Code, the tentative map shall show the general location of all buildings to be erected or maintained and the means of access to such buildings.

(20) A vicinity map showing the location of the division in relation to the nearest existing cross streets. If it is impossible or impracticable to place upon the tentative map any matter required by this section, such information shall be submitted with the map.

(b) Scale of tentative tract map. Each tentative tract map shall be drawn to scale as to clearly show the details of the plan thereon. Such scale shall be no smaller than a scale of one (1) inch to fifty (50) feet. A smaller scale may be used if previously approved by the city engineer.

(c) Reports and statements. The tentative tract map shall show or be accompanied by reports and written statements from the subdivider giving essential information regarding the following matters:

(1) Source of water supply.

(2) Type of street improvements and utilities which the subdivider proposed to install.

(3) Proposed method of sewage disposal.

(4) Proposed storm drains or other means of drainage (grade and size).

(5) Water Quality Requirements or a preliminary Standard Urban Stormwater Mitigation Plan (SUSMP) and drainage study.

(6) Protective covenants to be recorded.

(7) Proposed tree planting.

(8) The existing zoning and, if a zone change is proposed, the requested zoning for all real property within the division of land.

(9) A written statement by the registered civil engineer or land surveyor as to whether or not he will set boundary monuments prior to filing the final parcel map with the county recorder.

(10) Proposed intent, if any, to file multiple final maps.

26-324 Required Findings for Tentative Tract Maps

The following findings are required for approval of a tentative tract map:

(a) The proposed map is consistent with the General Plan and any applicable adopted specific plans.

(b) The design or improvement of the proposed subdivision is consistent with the General Plan and applicable adopted specific plans.

(c) The site is physically suitable for the type of development.

(d) The site is physically suitable for the proposed density of development.

(e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife or their habitat.

(f) Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems.

(g) The design of the subdivision or the type of improvements will either (i) not conflict with recorded or adjudged easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; or (ii) alternate easements, for access or for use, will be provided, and these will be substantially equivalent to ones previously acquired by the public.

26-325 Amendment to a Tentative Tract Map

The Community Development Director or their designee may approve an application for minor modification to an approved tentative map without notice or public hearing. A modification is considered minor when, in the determination of the Community Development Director or their designee, it is consistent with the intent of the original map approval, does not violate any provision of this Code, and does not constitute a substantial change to the map or the conditions of approval. A minor modification may only be implemented with the approval of a minor modification as set forth in Article VI, Division 7 of Chapter 26.

DIVISION 4 VESTING TENTATIVE MAPS

26-326 Added Requirements

Any person requesting approval of a Vesting Tentative Map pursuant to the provisions of the Subdivision Map Act shall comply with and be subject to the applicable provisions of the Subdivision Map Act and this chapter as it specifically applies to tentative maps and shall also comply with and be subject to the additional provisions of this article.

26-327 Submittals of Vesting Tentative Maps

A vesting tentative map shall be processed and filed in the same form and with the same content as provided tentative maps except that the words “Vesting Tentative Map” shall be conspicuously printed on the face thereon. In addition to the information and material required for tentative maps, the following submittals are also required prior to approval of a vesting tentative map:

(a) Plans for all public works improvements to be constructed as a condition of the subdivision prepared by a registered civil engineer in accordance with City standards and approved by the city engineer.

(b) Plans for all site development including but not limited to grading, drainage facilities and miscellaneous structures prepared by a registered civil engineer in accordance with City standards and approved by the city engineer. Such plans shall be supported by geological and/or soils engineer’s reports as required by chapter 9 of this Code.

(c) Plans for all structures approved by the Building Official.

(d) Plans for all irrigation and landscaping approved by the Community Development Director or their designee.

(e) Plot plan showing details of the entire development and all improvements to be constructed in the subdivision.

26-328 Amendments to Vesting Tentative Maps

After approval or conditional approval of a vesting tentative map, amendments can be made only by following procedures for the original approval or conditional approval. Approvals or permits which depart from the vesting tentative map may only be granted based upon an amendment to the vesting tentative map. No amendments shall be granted so as to modify or delete any public improvements and site development requirements and condition, including, but not limited to, grading, drainage facilities and miscellaneous structures, approved in the first instance by the Planning Commission.

26-329 Application of Fees

The applicable fees associated with the vesting tentative map and the development thereof shall be paid at the then current rate as the various applications, filings, plan checks, permits, etc., are accomplished.

26-330 Added Fee for Vesting Tentative Map

In addition to any other fees associated with the vesting tentative map and the development therefor there shall paid to the City a fee as established from time-to-time by resolution of the City Council to reimburse the City on a pro rata basis for the costs associated with establishing and adopting the procedure for vesting tentative maps.

26-331 Initial Time period of Rights

The rights conferred by a vesting tentative map shall last for an initial time period of one (1) year after the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

DIVISION 5 FINAL MAPS

26-332 Processing Fee

The fee for processing a final map shall be as established from time to time by resolution of the City Council. In addition, the fee for checking the final map shall be as established by the agency performing the checking; and such fee shall be paid directly to that agency.

26-333 Additional Survey Requirements

The required survey for a final map shall be a field survey made in conformity with the Land Surveyors' Act done within one (1) year preceding the approval of the final map. A closure shall be done on the survey, and a copy of the closure shall be provided the city engineer and the agency checking the final map.

26-334 Additional Map Requirements

Upon recordation of the final map, a reproducible copy of the map on mylar or other material approved by the city engineer and one (1) blueline or blackline print shall be filed with the city engineer. The copy and print shall have the recorder's stamp and recording information clearly shown thereon.

26-335 Additional Certification and Acknowledgements

The final map shall contain a certificate for execution by the city treasurer stating that any and all special assessments, if any, levied against land included in the map have been paid in full.

26-336 Additional Monuments

Monuments for final maps shall be set, found or reset at all angle points and beginnings and ends of curves on the exterior boundary of the subdivision; at all angle points and beginnings and ends of curves on the exterior boundaries of any and all land dedicated or offered for dedication for parks or open spaces; and on the center line of all interior and exterior streets at intersections, tract boundaries, the beginnings and ends of curves, angle points, and the radius center of cul-de-sac.

26-337 Center Line Ties

The engineer or surveyor under whose supervision center line monuments have been set, found or reset shall file with the city engineer a set of notes and corner records, conforming to the size and quality of the city engineer's standardized office records, showing clearly the ties between each monument and at least four (4) durable, distinctive reference points or monuments subject to the approval of the city engineer.

26-338 Multiple Final Maps

In the event of the filing of multiple final maps relating to an approved or conditionally approved tentative map, the following conditions shall apply:

(a) The map shall be submitted to the Planning Commission for review and conditioning as the commission may find warranted to provide adequate traffic circulation, proportional development of any open spaces, proportional dedication of any parks, adequate drainage facilities, adequate fire protection, adequate water facilities and adequate sewerage facilities.

(b) The final map may be required to include the construction of improvements and dedications outside the boundaries of the final map but inside the boundaries of the tentative map.

DIVISION 6 TENTATIVE PARCEL MAPS

26-339 Tentative Parcel Map Required

A tentative parcel map in accordance with this chapter and the Subdivision Map Act is required for each parcel map.

26-340 Improvements and Dedications Required

Improvements and dedications in accordance with this chapter and the Subdivision Map Act are required for parcel maps.

26-341 Agreements

Required improvements will be completed prior to recordation of the final tentative parcel map, or an agreement in the format provided by the city engineer secured by appropriate security shall be executed prior to recordation to guarantee the improvements. The time of completion of the improvements shall be prior to occupancy of any new structure constructed on any parcel included in the tentative parcel map. This section precludes the satisfaction of improvement requirements by certificate on the tentative parcel map.

26-342 Waivers

The requirement for a tentative parcel map in accordance with this chapter and the Subdivision Map Act may be waived by the Community Development Director or their designee after submittal of a plot map of the proposed division which shall contain a detailed survey of all affected parcels. The content of the plot map shall be determined by the city engineer. Additionally the applicant shall submit a request for waiver in the format provided by Community Development Director or their designee. The preparation and recordation of a final parcel map is still required.

The Community Development Director or their designee must make the following findings to approve a waiver of a tentative parcel map:

(a) The proposed division complies with the Subdivision Map Act and this chapter as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.

(b) All fees, dedications or combinations of such fees or dedications which would normally be required of the proposed division of land have been paid or made.

(c) The fire protection for the proposed division of land is adequate as determined by the city fire chief.

(d) A field survey has been completed and all monuments and center line ties which would normally be required of the proposed division of land have been set, found, or reset within the year preceding the approval of the waiver.

26-343 Processing Fee

The fee for processing a parcel map shall be as established from time to time by resolution of the City Council. The fee for processing a request for waiver of a parcel map shall be the same as the fee for processing the tentative map submitted with the request for waiver. In addition, the fee for checking the parcel map shall be as established by the agency performing the checking, and such fee shall be paid directly to that agency.

26-344 Processing Procedure

The procedure for processing, approval, conditional approval or disapproval and filing of tentative parcel maps and modifications thereof shall be as provided in this chapter and the Subdivision Map Act for processing, approval, conditional approval, or disapproval and filing of tentative maps and final maps and modifications thereof.

26-345 Additional Map Requirements

The tentative parcel map shall include any additional map requirements as this chapter may require of final maps.

26-346 Owners Consent

Where a subdivider does not have a record title ownership in the property to be divided, the persons with record title ownership shall sign a certificate on the parcel map consenting to the subdivision.

26-347 Expiration of Approval or Conditional Approval of Tentative Parcel Map

(a) An approved or conditionally approved tentative parcel map shall expire twenty-four (24) months after its approval or conditional approval or such other period as may be set by section 66452.6 of the Government Code or any successor law. Failure to file a final map prior to the expiration of a tentative parcel map will automatically void the tentative parcel map.

(b) A subdivider may apply for up to three (3) two-year extensions of time of the tentative parcel map expiration. Such application must be filed prior to the expiration of the tentative parcel map and must clearly state the reasons why the final map has not been recorded. An application for an extension may be granted by the Planning Commission only after first finding all of the following:

  (1) There have been no changes to the provisions of the General Plan, any applicable specific plan, or this chapter applicable to the project since the approval of the tentative parcel or tract map;

  (2) There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this chapter apply to the project; and

(3) There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

(c) The community development director may impose new conditions on the tentative parcel map, based on changed circumstances, code amendments, or oversights disclosed in review of the application for extension of the tentative parcel map.

DIVISION 7 REVERSIONS TO ACREAGE

26-348 Parcel Maps

A parcel map may be filed pursuant to the provisions of the Subdivision Map Act for the purpose of reverting to acreage land previously subdivided and consisting of four (4) or less contiguous parcels under the same ownership. The filing of the map shall constitute legal reversion to acreage of the land affected thereby and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels not divided by streets into one (1) parcel. A certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

26-349 Processing fee

The processing fee for processing a reversion to acreage shall be equivalent to the processing fee for a parcel map as established from time to time by resolution of the City Council.

26-350 Dedications

Dedications or offers of dedication of land for streets, highways, or easements necessary for public health and safety or a prerequisite to the orderly development of the surrounding area shall be required as a condition of reverting to acreage land previously subdivided.

DIVISION 8 LOT LINE ADJUSTMENTS

26-351 Lot Line Adjustment Procedure

Any person requesting approval of a lot line adjustment shall submit to the city engineer the following:

(a) A detailed sketch to scale of not less than one (1) inch equals fifty (50) feet of the existing and proposed lot lines for each of the parcels. Existing building structures shall be delineated on the sketch with dimensions shown to the lot line being adjusted. Lot areas before and after the proposed lot line adjustment shall be indicated on the sketch. Legal descriptions of the existing and proposed parcels shall be filed with the detailed sketch.

(b) A notarized written request for the proposed lot line adjustment from all property owners involved and parties of interest.

(c) The fee for processing as set from time to time by resolution of the City Council.

(d) For lot line adjustments between five (5) or more existing adjoining parcels , after review and determination by the city engineer and Community Development Director or their designee that the proposed lot line adjustment is in conformance with the General Plan, applicable specific plans, the Subdivision Map Act and this chapter, the city engineer will submit the proposed lot line adjustment to the City Council for approval by resolution, and recordation thereof with the county recorder.

(e) For lot line adjustments between four (4) or less existing adjoining parcels, after review and determination by the city engineer and Community Development Director or their designee that the proposed lot line adjustment

is in conformance with the General Plan, applicable specific plans, the Subdivision Map Act and this chapter, the city engineer will submit the proposed lot line adjustment for recordation thereof with the county recorder.

DIVISION 9 LOT MERGER *NEW*

26-352 Lot Merger applicability

Pursuant to the provisions of California Government Code Section 66499.20.3, a merger and certificate of merger of existing adjoining parcels of real property under common ownership may be authorized by the city engineer and filed for record by the County Recorder only where the city engineer makes all of the following findings:

(a) The merger will not affect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any approvals of divisions of real property or lot line adjustments;

(b) The boundaries of the parcels to be merged are well-defined in existing recorded documents or filed maps and were legally created or have certificates of compliance issued on them;

(c) The merger will not alter the exterior boundary of the parcels to be merged;

(d) The document used to effect the merger contains an accurate description of the exterior boundaries of the resulting parcel;

(e) All parties having any record title interest in the real property affected have consented to the merger upon a form and in a manner approved by the city engineer, excepting all those interests that are excepted from the requirement to consent to the preparation and recordation of Final Maps under the provisions of California Government Code Section 66436 and according to the terms, provisions, reservations and restrictions provided therein for such consent;

(f) All necessary fees and requirements, including a fee for recording the document have been provided;

26-353 Concurrent filing of record of survey

Where a record of survey is deemed to be necessary by the city engineer or the applicant in order to monument and define the boundaries of the merged parcel, such record of survey, otherwise in compliance with all requirements, may be filed at the same time as the merger and certificate of merger.

26-354 Merger of parcels

The filing of the merger and certificate of merger for record shall constitute a merger of the separate parcels into one parcel for the purpose of the Subdivision Map Act and local ordinances enacted pursuant thereto, and the parcels shall thereafter be treated in all respects as a single parcel.

26-355 Recording of merger without approval prohibited

No person shall record a document merging separate legal parcels into a single legal parcel for the purposes of the Subdivision Map Act and local Ordinances enacted pursuant thereto except in conformity with the provisions of this Chapter.

DIVISION 10 CERTIFICATE OF COMPLIANCE *NEW*

26-356 Certificate of compliance

(a) Any owner of real property or a vendee of such person pursuant to a contract of sale of such real property may request in writing that the city engineer make a determination whether such real property complies with applicable provisions of the Subdivision Map Act and City ordinances enacted pursuant thereto, or that such real property does not comply with the provisions, and the city engineer shall so notify the owner thereof setting

forth the particulars of such compliance or noncompliance. If the subject real property is found to be in compliance with the Subdivision Map Act and city ordinances enacted pursuant thereto, the city engineer shall cause a certification of compliance relative to such real property to be filed for record with the county recorder.

(b) If the subject real property is found not to be in compliance with the Subdivision Map Act and city ordinances enacted pursuant thereto, the city engineer may issue a notice of violation or a conditional certificate of compliance. When issuing a conditional certificate of compliance, the city engineer may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or city ordinances enacted pursuant thereto. Upon making such a determination and establishing such conditions, the city engineer shall cause a conditional certification of compliance setting forth such conditions to be filed for record with the county recorder, fulfillment and implementation of the conditions shall be required prior to the subsequent issuance of a permit or grant of approval for development of the property, but compliance with such conditions shall not be required until such time as a building permit or granting permit is issued by the city.

(c) A certificate of compliance shall be used for the following purposes:

(1) For the recordation of a waiver of a parcel map.

(2) To determine compliance with the Subdivision Map Act and of the City of West Covina Subdivision Regulations, upon the application of any person owning real property or a vendee of that person pursuant to a contract sale.

(3) To establish a violation of or correction of a violation of the Subdivision Map Act and of City of West Covina Subdivision Regulations.

DIVISION 11 PARCEL MAPS FOR URBAN LOT SPLITS

26-357 Purpose and Definitions

The purpose of this Article is to allow and appropriately regulate urban lot splits in accordance with Government Code Section 66411.7. For purposes of this article, the following definition shall apply:

Urban lot split means a lot split of a single-family residential lot into two (2) parcels that meets the requirements of this article.

26-358 Ministerial approval

The City shall ministerially approve a parcel map for a lot split that meets the following requirements or as required by State Law:

(a) The parcel is located within a single-family residential (R-1) zone.

(b) The parcel map divides an existing parcel to create no more than two (2) new parcels of approximately equal lot area, provided that one (1) parcel shall not be smaller than forty (40) percent of the lot area of the original parcel.

(c) Both newly created parcels are no smaller than one thousand two hundred (1,200) square feet.

(d) The parcel is not located in any of the following areas and does not fall within any of the following categories:

(1) A historic district or property included on the state historic resources inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a City landmark or historic property or district pursuant to a City ordinance.

(2) A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(3) A delineated earthquake fault zone as determined by the state geologist in any official maps published by the state geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the City's building division.

(e) The proposed lot split would not require demolition or alteration of any of the following types of housing:

(1) Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

(2) Housing that is subject to any form of rent or price control by the City;

(3) A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within fifteen (15) years before the date of the application; or

(4) Housing that has been occupied by a tenant in the last three (3) years.

(f) The lot split does not create more than two (2) units on a parcel, including any accessory dwelling units or junior accessory dwelling units.

26-359 Standards and requirements

The following requirements shall apply:

(a) The lot split conforms to all applicable objective requirements of the Subdivision Map Act and The City of West Covina Subdivision Standards, except as the same are modified by this section.

(b) Setbacks:

(1) Existing structures. No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

(2) Side and rear setback for new structures and additions. The minimum setback from the side and rear property line is four (4) feet. The proposed residential unit(s) occupying an urban lot subdivision may be constructed directly along the side property line adjoining and attached to the unit within the same urban lot split subdivision, if the construction of an 800-square-foot unit would not be physically possible without the setback reduction.

(3) Front setback for new structures and additions. The minimum setback from the front property line is twenty-five (25) feet.

(i) The front setback may be reduced if the construction of an 800-square-foot unit would not be physically possible without the front setback reduction after the implementation of (2)b. of this section is incorporated with the project design.

(c) The applicant shall provide easements for the provision of public services and facilities as required.

(d) All lots shall have a minimum street frontage of twelve (12) feet to provide for vehicular access.

(e) Walls facing any modified setback and walls for any new structure shall meet the fire-rating and opening requirements in the California Building Code.

(f) Only structures that comply with the requirements of urban dwellings, as set forth in Article IV, Division 4 shall be allowed on lots created by this process.

26-360 Limitations

The City shall not require or deny an application based on any of the following:

(a) The City shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.

(b) The City shall not impose any objective subdivision standards that would have the effect of physically precluding the construction of two (2) units on either of the resulting parcels or that would result in a unit size of less than eight hundred (800) square feet.

(c) The City shall not require the correction of nonconforming zoning provisions as a condition for the lot split.

(d) The City shall not deny an application solely because it proposes adjacent or connected structure provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.

26-361 Affidavit

An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

(a) That the applicant intends to occupy one (1) of the housing units as their principal residence for a minimum of three (3) years from the date of approval. This requirement does not apply when the applicant is a "community land trust" or a "qualified nonprofit corporation" as the same are defined in the Revenue and Taxation Code.

(b) That the uses shall be limited to residential uses.

(c) That any rental of any unit created by the lot split shall be for a minimum of thirty-one (31) days.

(d) That the site is not eligible for any street parking permits.

(e) That the maximum number of units to be allowed on the parcels is two (2), including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to Article IV, Division 4 (Urban Dwelling Units) of this Code.

26-362 Building official Denial

The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

26-363 Inapplicability of article

This article shall not apply to:

(a) Any parcel which has been established pursuant to a lot split in accordance with this article; or

(b) Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this article. For purposes of this section, "acting in concert" shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the owner, buyer or seller (if transferred within the previous three (3) years) of an adjacent lot.

DIVISION 12 CONDOMINIUM CONVERSION *NEW*

26-364 Conversion to Condominium

(a) Any building or structure proposed to be converted from residential rental housing to a condominium shall require a Conditional Use Permit and shall be found by the Planning Commission to be in substantial

conformance with Section 66427.1 (Subdivision Map Act) and the West Covina General Plan and applicable sections of the Municipal Code.

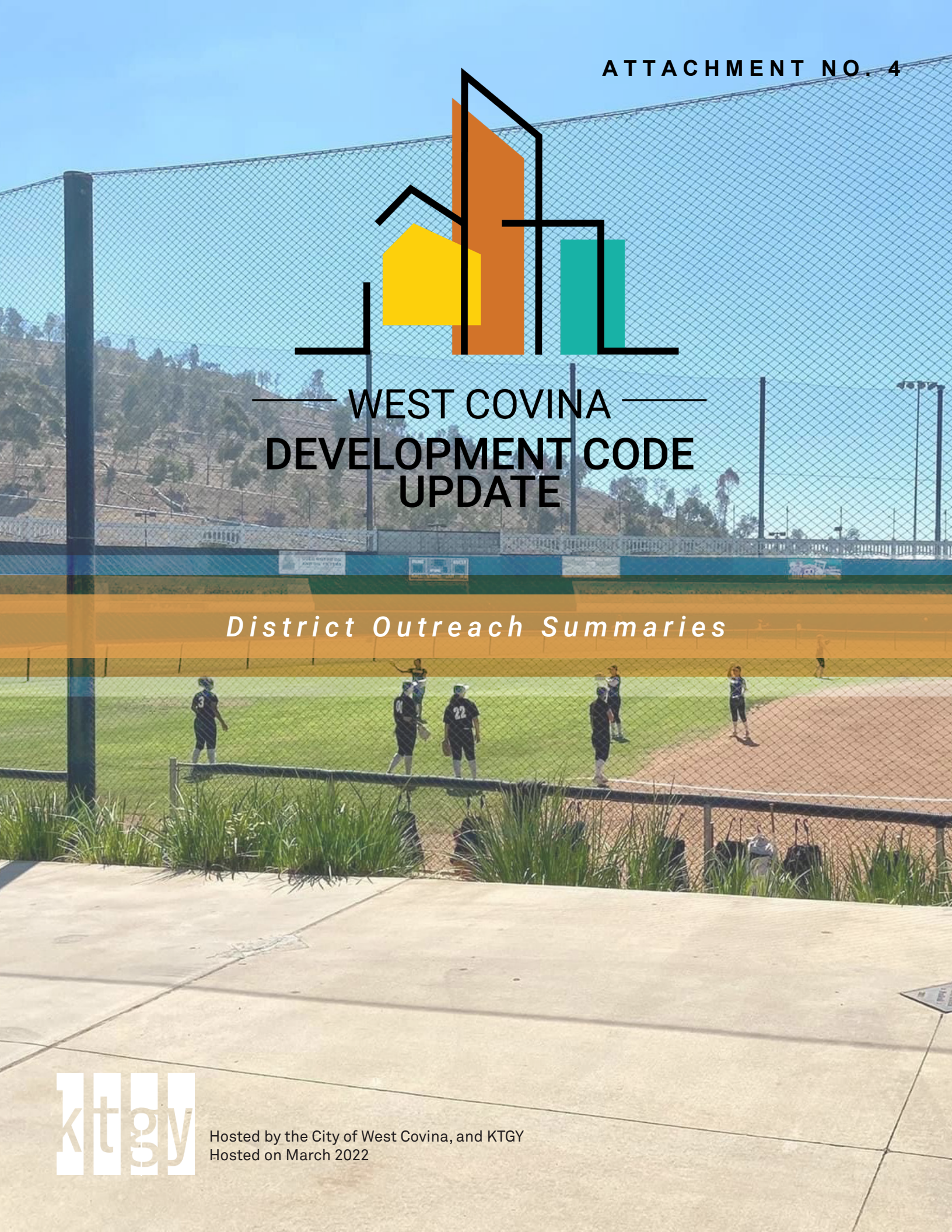
(b) The structural, electrical, fire, and life safety systems of the structure either are, or are proposed to be prior to the sale of the units, in a condition of good repair and maintenance, including such alterations or repairs as are required by the Building Official.

26-365 Notice to occupying tenants

All tenants occupying a unit shall be given written notice of the proposed conversion pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) and a nontransferable right of first refusal to purchase the occupied unit at the same or at better terms than those offered to the general public. Such right of first refusal shall be effective for a period of not less than 90 days from the date at which such units are offered for sale to the public, as described in Section 66427.1. The tenant may waive any such right by executing a written notice to that effect or by terminating his or her tenancy and vacating the unit without acting on the right.

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ATTACHMENT NO. 4



WEST COVINA
DEVELOPMENT CODE UPDATE

District Outreach Summaries

Hosted by the City of West Covina, and KTGY
Hosted on March 2022



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LIST OF PARTICIPANTS 19

PROJECT FLYER

WEST COVINA
DEVELOPMENT CODE
UPDATE



WEBSITE DATA

28

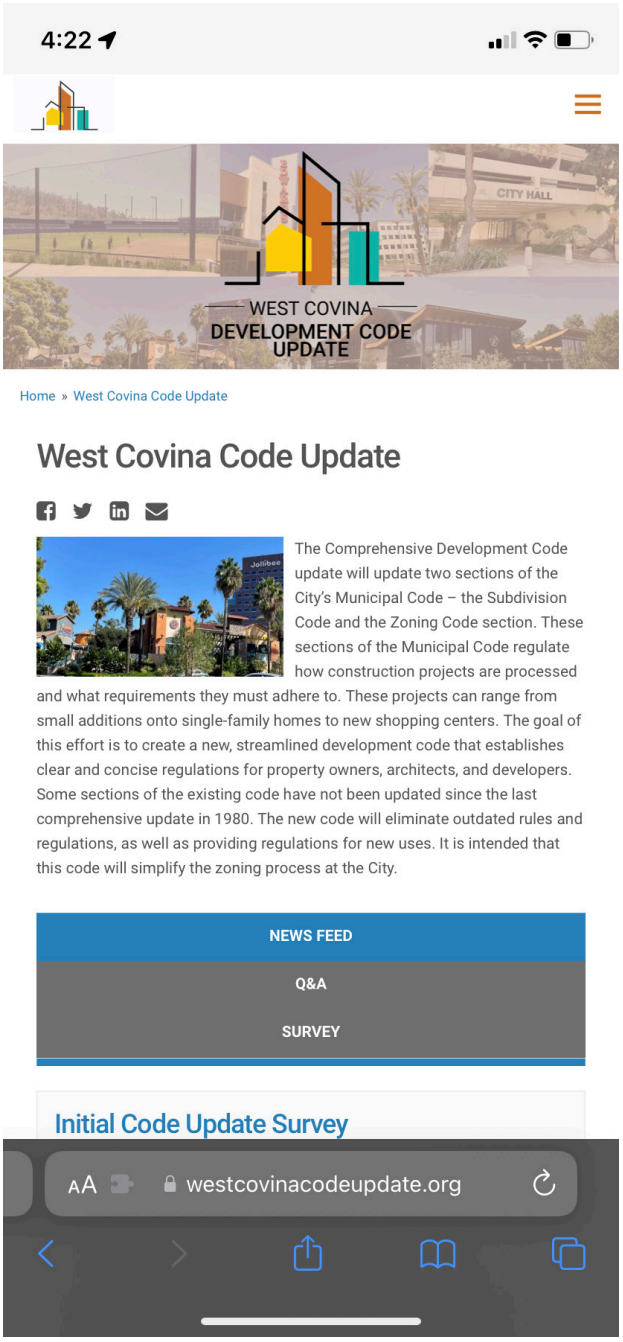
Registered Participants

1

Survey's Launched

2

Participants That Took Survey



556

Total Site Visits

66

Site Visits in Last 30 Days (Apr. 11, 2022)

149

Most Site Visits in Week (leading up to 1st & 2nd Session)

SESSION PHOTOS



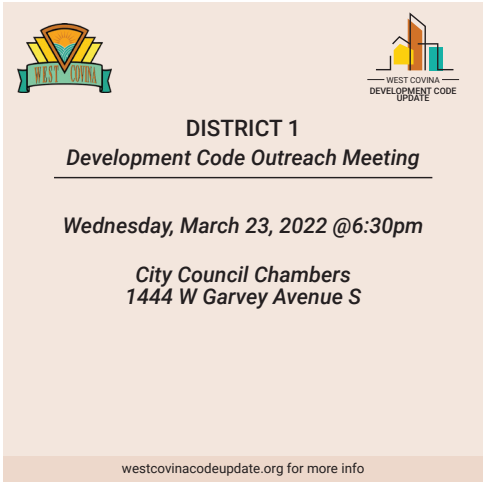


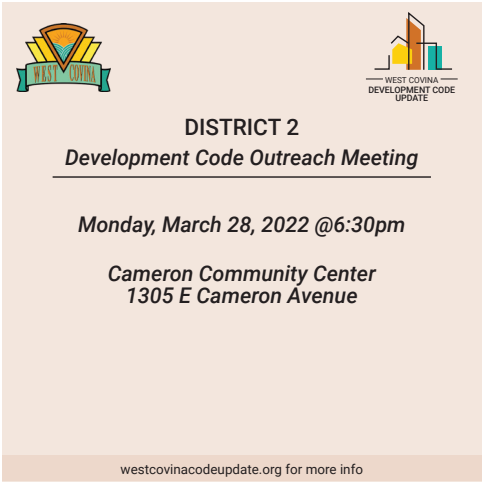
SESSION PHOTOS

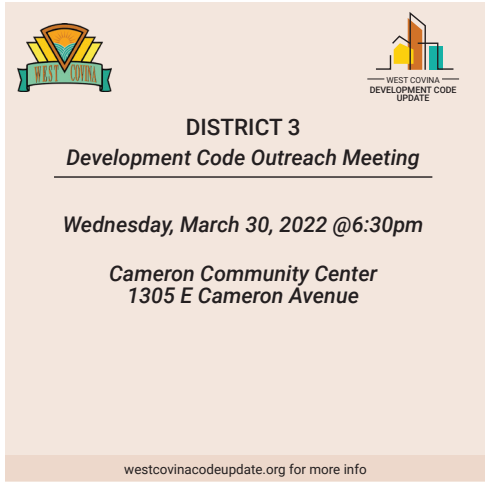


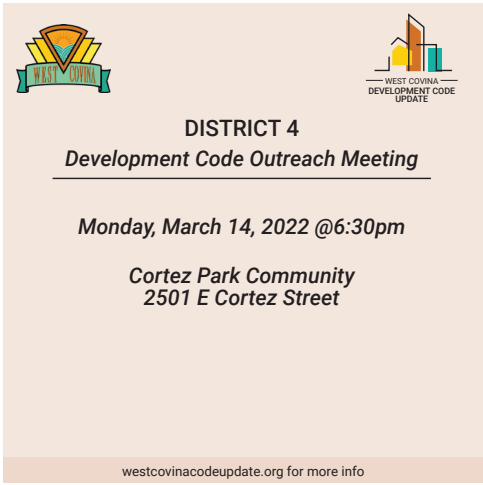
SOCIAL MEDIA

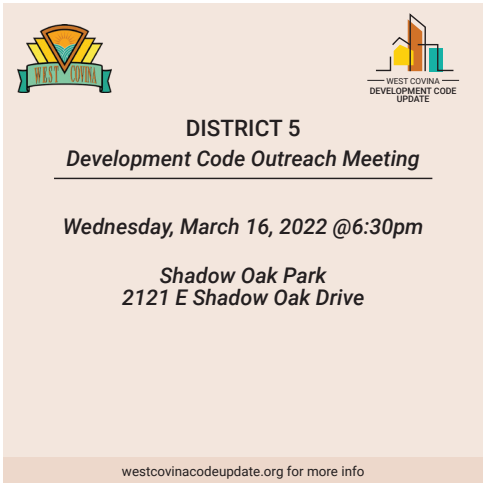




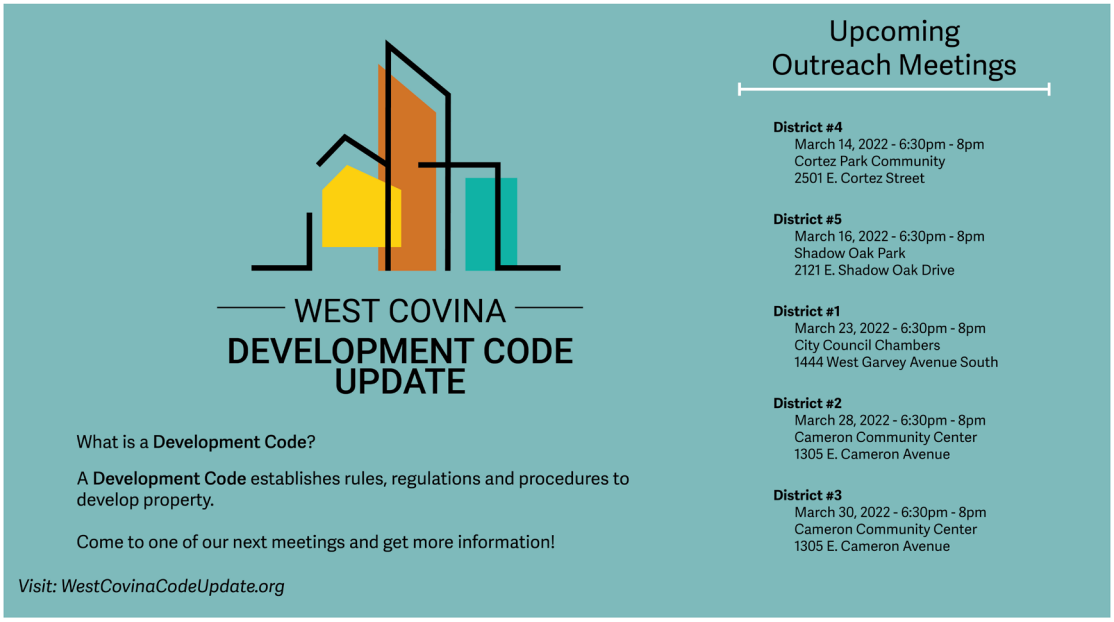


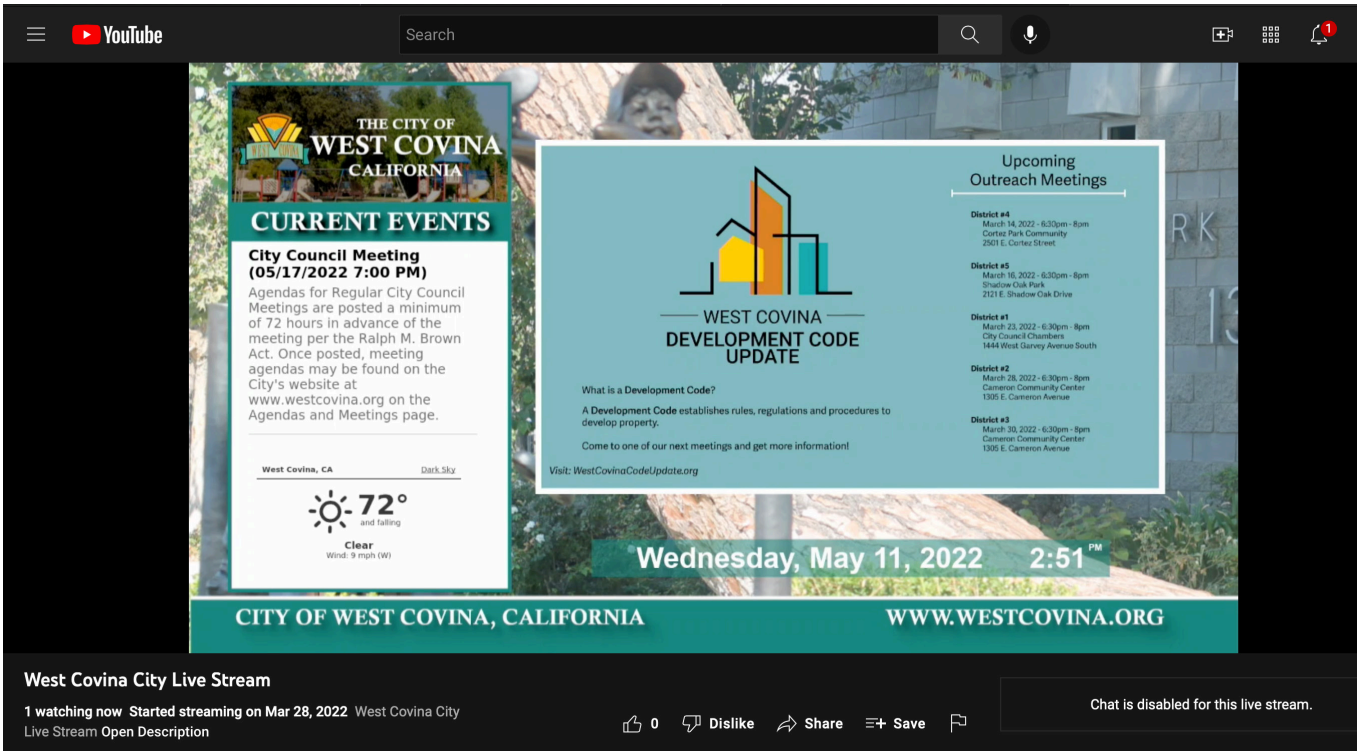






YOUTUBE LIVE





OUTREACH DATA COLLECTION



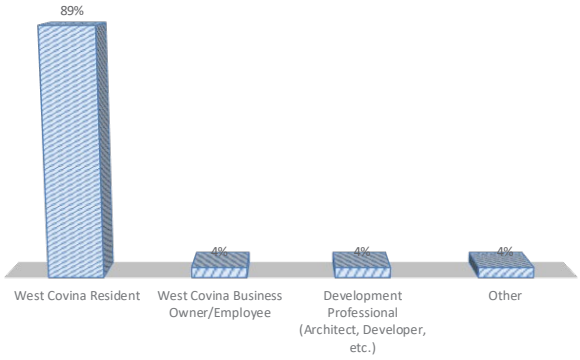
Turning Point remote used to interact with presentations

Turning Point technology allows audience members to interact with the presentation by answering prepared multiple choice questions designed to gauge the preferences of participants. This data is shown live as it is collected during the presentation and is also saved for later analysis by team members, and helps in the plan development process.

PRESENTATION RESPONSE DATA

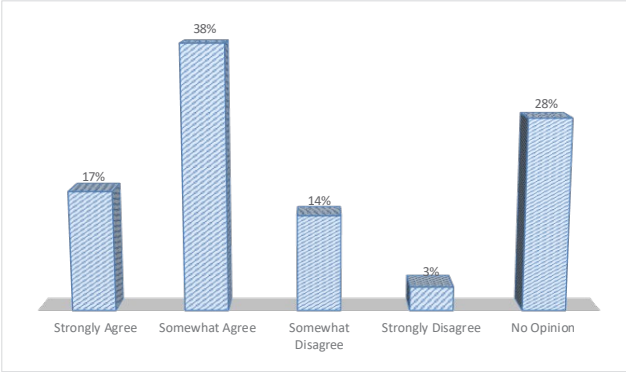
1. I am a...?

	Responses	
	Percent	Count
West Covina Resident	89	24
West Covina Business Owner/Employee	4	1
Development Professional	4	1
Other	4	1



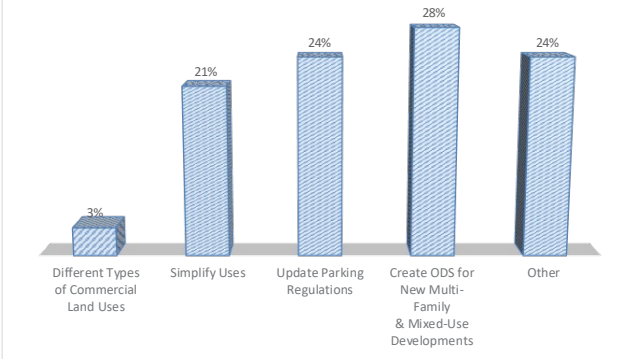
2. In General, I think that the current Zoning Code is too complicated.

	Responses	
	Percent	Count
Strongly Agree	17	5
Somewhat Agree	38	11
Somewhat Disagree	14	4
Strongly Disagree	3	1
No Opinion	28	8



3. What is your highest-priority for the Development Code?

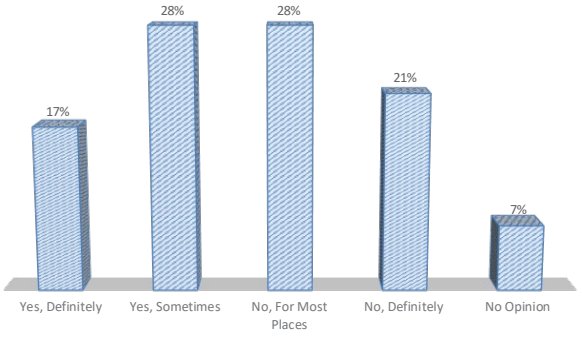
	Responses	
	Percent	Count
Different types of commercial land uses	3	1
Simplify uses	21	6
Update parking regulations	24	7
Create ODS for new multi-family & mixed-use developments	28	8
Other	24	7



PRESENTATION RESPONSE DATA, CONT.

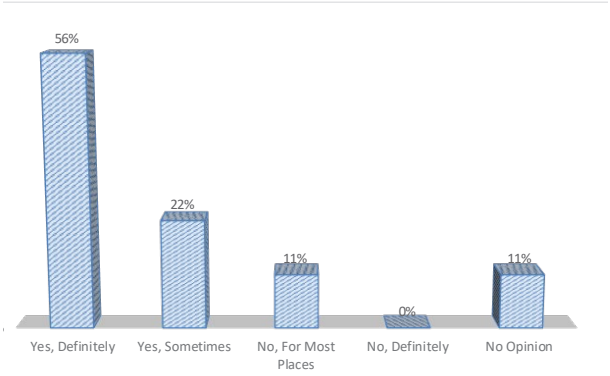
4. For Residential Area, do you think the existing code requires enough parking?

	Responses	
	Percent	Count
Yes, Definitely	17	5
Yes, Sometimes	28	8
No, For Most Places	28	8
No, Definitely	21	6
No Opinion	7	2



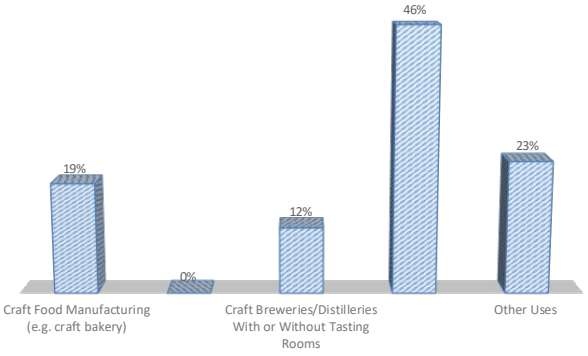
5. For Commercial Areas, do you think the existing code requires enough parking?

	Responses	
	Percent	Count
Yes, Definitely	56	10
Yes, Sometimes	22	4
No, For Most Places	11	2
No, Definitely	0	0
No Opinion	11	2



6. Which Retail Uses, not in the Code, would you like to see?

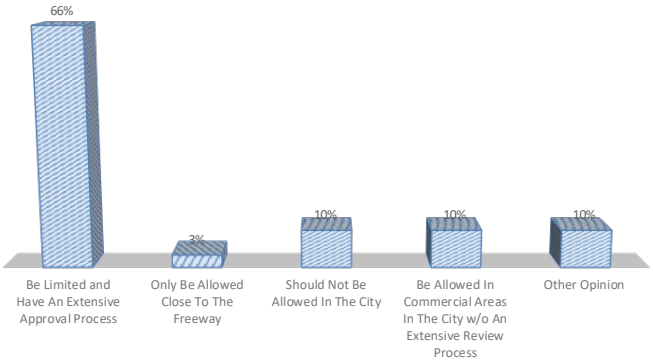
	Responses	
	Percent	Count
Craft Food Manufacturing (e.g. craft bakery)	19	5
Escape Rooms	0	0
Craft Breweries/Distilleries With or Without Tasting Rooms	12	3
All of the Above	46	12
Other Uses	23	6



PRESENTATION RESPONSE DATA

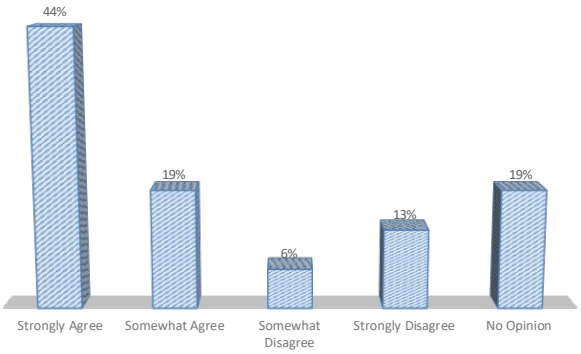
7. With the Pandemic, there has been more demand for "Drive-Thru" Restaurants. Should Drive-Thrus:

	Responses	
	Percent	Count
Be Limited and Have An Extensive Approval Process	66	19
Only Be Allowed Close To The Freeway	3	1
Should Not Be Allowed In The City	10	3
Be Allowed In Commercial Areas In The City w/o An Extensive Review Process	10	3
Other Opinion	10	3



8. Generally, Murals increase the Beauty of a City.

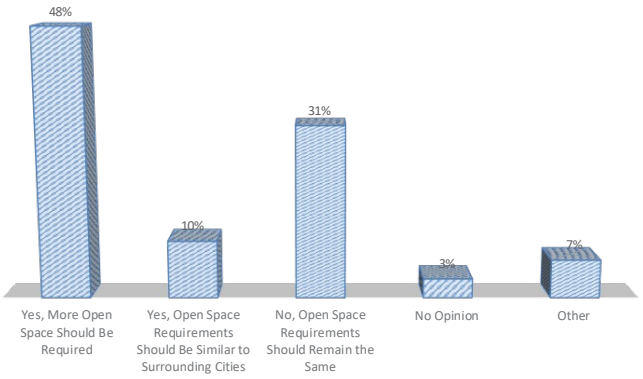
	Responses	
	Percent	Count
Strongly Agree	44	10
Somewhat Agree	19	5
Somewhat Disagree	6	6
Strongly Disagree	13	5
No Opinion	19	3



Presentation Response Data, Cont.

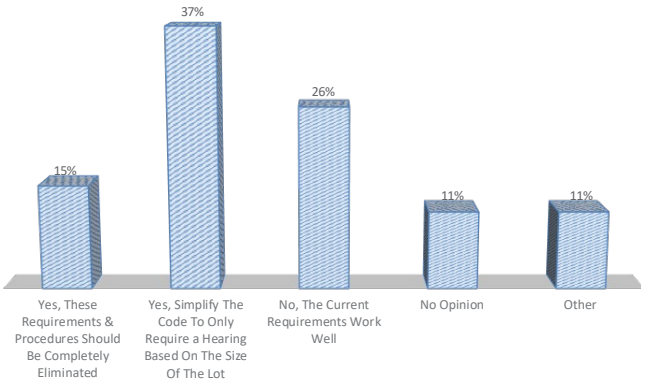
9. Should Open Space requirements for Multi-Family & Mixed-Use Developments change?

	Responses	
	Percent	Count
Yes, More Open Space Should Be Required	48	14
Yes, Open Space Requirements Should Be Similar to Surrounding Cities	10	3
No, Open Space Requirements Should Remain the Same	31	9
No Opinion	3	1
Other	7	2



10. The Code currently requires a hearing for "Large Home". Should this be modified?

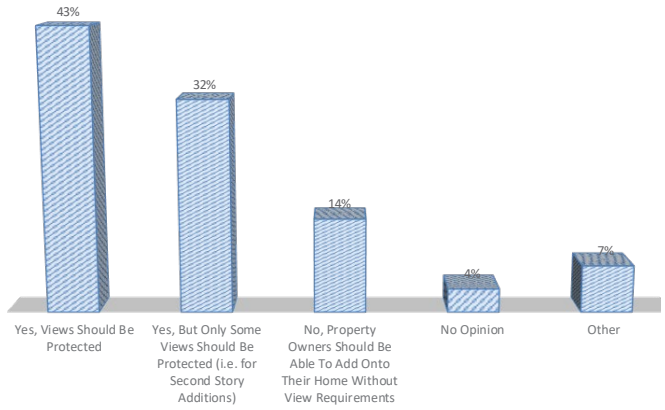
	Responses	
	Percent	Count
Yes, These Requirements & Procedures Should Be Completely Eliminated	15	4
Yes, Simplify The Code To Only Require a Hearing Based On The Size Of The Lot	37	10
No, The Current Requirements Work Well	26	7
No Opinion	11	3
Other	11	3



TRANSCRIBED COMMENT CARDS

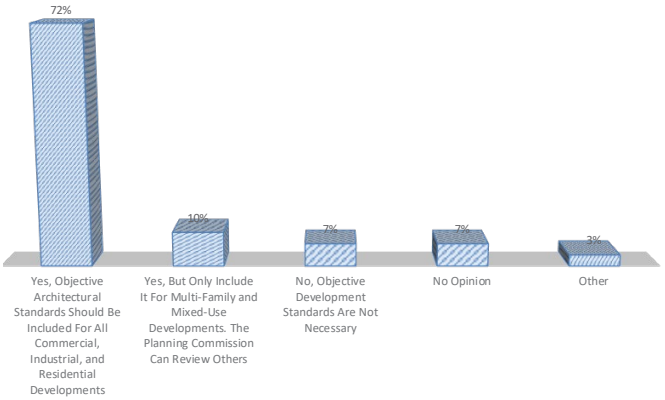
11. Should views be protected in the Hillside Area?

	Responses	
	Percent	Count
Yes, Views Should Be Protected	43	12
Yes, But Only Some Views Should Be Protected (i.e. for Second Story Additions)	32	9
No, Property Owners Should Be Able To Add Onto Their Home Without View Requirements	14	4
No Opinion	4	1
Other	7	2



12. Should Objective Development Standards for projects be added to the Code?

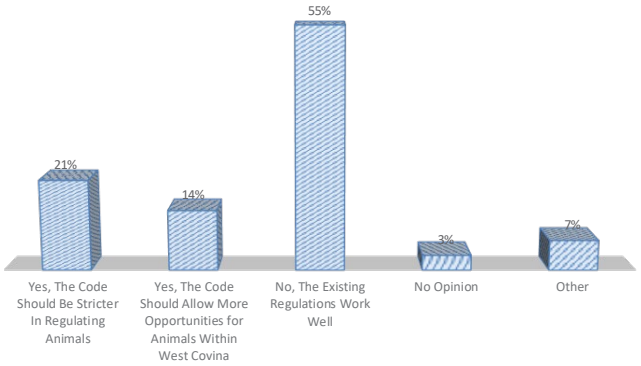
	Responses	
	Percent	Count
Yes, Objective Architectural Standards Should Be Included For All Commercial, Industrial, and Residential Developments	72	21
Yes, But Only Include It For Multi-Family and Mixed-Use Developments. The Planning Commission Can Review Others	10	3
No, Objective Development Standards Are Not Necessary	7	2
No Opinion	7	2
Other	3	1



Presentation Response Data, Cont.

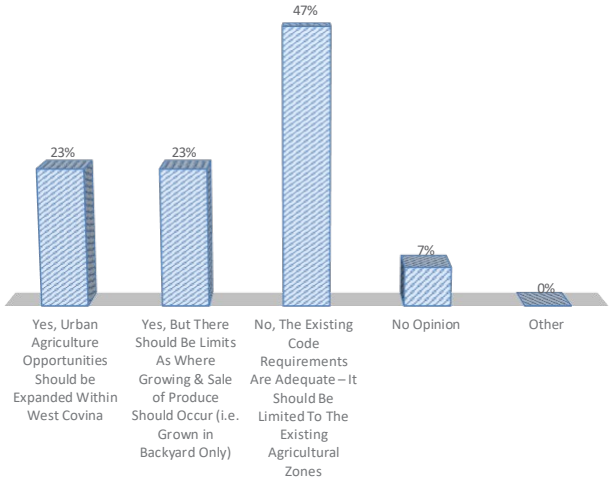
13. The Existing Code allows for cats, dogs, miniature pigs, hens/pigeons, hamsters, and goats. (Lots >20,00 sqft. Should this be adjusted?

	Responses	
	Percent	Count
Yes, The Code Should Be Stricter In Regulating Animals	21	6
Yes, The Code Should Allow More Opportunities for Animals Within West Covina	14	4
No, The Existing Regulations Work Well	55	16
No Opinion	3	1
Other	7	2



14. Should the growing and sale of produce be allowed in Single-Family Areas?

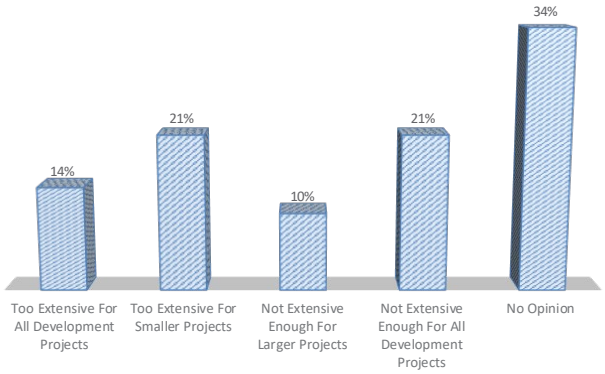
	Responses	
	Percent	Count
Yes, Urban Agriculture Opportunities Should be Expanded Within West Covina	23	7
Yes, But There Should Be Limits As Where Growing & Sale of Produce Should Occur (i.e. Grown in Backyard Only)	23	7
No, The Existing Code Requirements Are Adequate – It Should Be Limited To The Existing Agricultural Zones	47	14
No Opinion	7	2
Other	0	0



TRANSCRIBED COMMENT CARDS

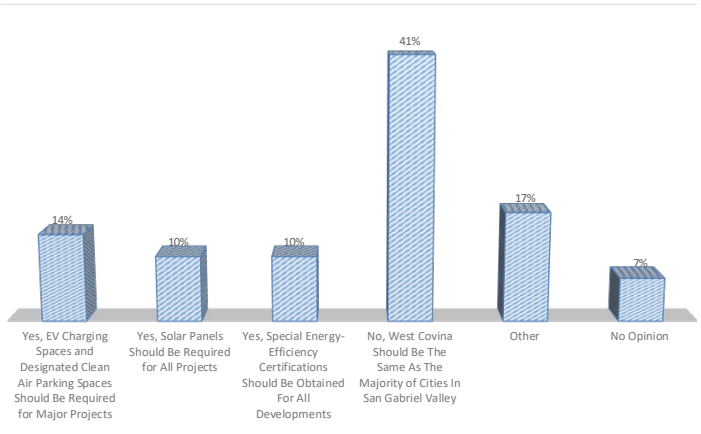
15. In general, the process within the existing Code is:

	Responses	
	Percent	Count
Too Extensive For All Development Projects	14	4
Too Extensive For Smaller Projects	21	6
Not Extensive Enough For Larger Projects	10	3
Not Extensive Enough For All Development Projects	21	6
No Opinion	34	10



16. Should the City add sustainability requirements?

	Responses	
	Percent	Count
Yes, EV Charging Spaces and Designated Clean Air Parking Spaces Should Be Required for Major Projects	14	4
Yes, Solar Panels Should Be Required for All Projects	10	3
Yes, Special Energy-Efficiency Certifications Should Be Obtained For All Developments	10	3
No, West Covina Should Be The Same As The Majority of Cities In San Gabriel Valley	41	12
Other	17	5
No Opinion	7	2



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WEST COVINA

DEVELOPMENT CODE UPDATE

17911 Von Karman Ave
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ktgy

AGENDA
ITEM NO. 1
DATE: November 1, 2023

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

GENERAL PLAN AMENDMENT NO. 23-02
ZONE CHANGE NO. 23-02
CODE AMENDMENT (DEVELOPMENT CODE UPDATE) NO. 23-01
INITIAL STUDY - NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
LOCATION: Citywide
REQUEST: The proposed comprehensive Development Code Update of the City's Municipal Code, including the combination of the Subdivision Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26). These chapters of the Municipal Code regulate how construction projects are processed and the requirements with which they must comply. These projects can range from small additions to single-family homes to new shopping centers. The goal of this effort is to create a new, streamlined Development Code that establishes clear and concise regulations for property owners, architects, and developers. Some sections of the existing Code have not been updated since the last comprehensive update in 1980. The new Code will eliminate outdated rules and regulations; provide regulations for new uses; and update the Code for consistency with the City's Housing Element and recent State legislation. It is intended that this Code will simplify the zoning process in the City. In addition, the Development Code Update includes language that prohibits drive-throughs within the Downtown Plan & Code area. This item was continued from the October 24, 2023 Planning Commission meeting.

BACKGROUND

The Development Code Update was initially reviewed by the Planning Commission on October 10, 2023. The Planning Commission continued the item to October 24, 2023 (continued to a November 1st Special meeting on this date) directing staff to advertise the meeting on social media and to make the following revisions:

- Incorporate State laws that were recently adopted and signed by the Governor.
- **Article III, Division 3 (Fences, Walls, and Hedges)** - Increase the maximum height side and/or rear property line fences/walls from 6 feet to 7 feet, and ensure that the maximum height is not measured from lower grade (if there are any grade differences).
- **Article IV, Division 1, Section 26-118 (Emergency Shelters)** - Remove time restrictions due to concerns with potential loitering.
- **Article IV, Division 1, Section 26-120 (Home Occupations) -** Update communication tools to include computers and the internet (previous version limited the tools to a telephone).
- **Article IV, Division 1, Section 26-121 (Massage Parlors and Health and Beauty Spas) -** Allow for doors in massage parlors and health and beauty spas.
- **Article IV, Division 1, Section 26-123 (Mobile Services) -** Includes standards or guidelines that would define what negative impacts are and types of services that would constitute a negative impact.
- **Article IV, Division 1, Section 26-125 (Outdoor Dining) -** Remove a 25-percent limitation.
- **Article VI, Division 10, Section 26-260 (Permit Required) -** Increase the 10-percent tree canopy trimming thresholds for permits.
- **Article VI, Division 10, Section 26-261 (Exceptions to Permit Requirements) -** Include private trees in the permit exceptions for emergency tree trimming.

The Planning Commission also asked staff to investigate wireless telecommunication standards for the Cities of Diamond Bar and Walnut to determine if the City is able to increase the minimum distance from any proposed wireless facility from residential facilities, parks, and schools to 1,500 feet.

DISCUSSION

Staff has advertised the Planning Commission meeting on the City's social media and revised the Development Code Update language to reflect the intent of the Planning Commission's direction.

The following revisions have been made (see Attachment No. 7 for Strike-through):

- **Article III, Division 3 (Fences, Walls, and Hedges)** - The maximum height for side and/or rear property line fences/walls has been increased from 6 feet to 7 feet, and the maximum height for retaining walls and fence/wall/retaining wall combination has been increased to ensure that the maximum height is not measured from lower grade (if there are any grade differences). The graphics included in the Code have been updated to reflect the change.
- **Article IV, Division 1, Section 26-118 (Emergency Shelters)** - The time restrictions are not State required regulations and were removed.
- **Article IV, Division 1, Section 26-120 (Home Occupations) -** The communication tools have been updated to include computers and the internet in addition to the telephone.
- **Article IV, Division 1, Section 26-121 (Massage Parlors and Health and Beauty Spas) -** Revisions were made to allow doors in primary use massage parlors and health and beauty spas, and clarified that doors are not allowed for accessory massage use (only curtains).
- **Article IV, Division 1, Section 26-123 (Mobile Services) -** Nuisance examples were added and cross-referenced to the public nuisance chapter/section of the West Covina Municipal Code.
- **Article IV, Division 1, Section 26-125 (Outdoor Dining) -** The 25-percent limitation was removed and replaced with language limiting outdoor dining to the area directly in front or to the side of the subject tenant space/business.
- **Article VI, Division 10, Section 26-260 (Permit Required) -** The tree trimming permit threshold was increased to 20-percent (the absolute maximum the consulting arborist recommends).
- **Article VI, Division 10, Section 26-261 (Exceptions to Permit Requirements) -** Included private trees in the permit exceptions for emergency tree trimming.

The following additional changes were incorporated into the latest revision:

- Syntax, formatting, and consistency revisions
- Drive-through standards were reapplied to the draft. The previous version prohibited all drive-through uses in the city. The drive-through moratorium that is currently in place only applies to drive-through food establishments and does not include drive-through pharmacies and banks/ATMs. The applicable drive-through standards were reincorporated into the Code so that it would be available to regulate drive-through pharmacies and banks/ATMs.
- Standards for Low Barrier Navigation Centers were added as required by State law (Article IV, Division 7).
- Added requirement for onsite manager for Section 26-135 (Hotel and Motel Conversions to Affordable Housing)
- Clarified that the Second Unit Review is the same as a zoning clearance and that the City does not require ADUs' roof pitch to match the primary dwelling unit (Article IV, Division 2 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
- Clarified that one-car garages are allowed to be constructed on the same lot as urban dwelling units (Article IV, Division 4 (Urban Dwelling Units).

Wireless Telecommunication Facilities within All Land Uses (Section 26-136)

The current code requires wireless telecommunications facilities within all land uses (private property and City parks/open space) to be located at least 100 feet from single-family residences. During the Development Code Update process, the Subcommittee directed staff to look into increasing the separation requirement from residential. The draft Development Code has increased the separation requirement of wireless telecommunication facilities from single-family residential to 500 feet and a 100-foot separation from multifamily residential zones (M-F). This separation buffer could be reduced by 20-percent through the Planning Commission's approval of the required Conditional Use Permit for the use and support of additional findings. The multifamily residential zone buffer does not include multifamily developments that are located in the PCD-1, Downtown Plan and Code, Mixed-Use, and

Specific plan areas. Staff does not recommend requiring separation that exceeds 500 feet from single-family homes and separation that exceeds 100-feet from multifamily zones, because doing so can be considered discriminatory and would be the same as prohibiting wireless telecommunication facilities. The strike-through copy of the Development Code for this Section that illustrates all the revisions made is included as Attachment No. 5)

During the October 10, 2023 public hearing, the Planning Commission directed staff to research increasing the distance requirement similar to the City of Walnut's 1,500-foot buffer from any school (nursery, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones. Staff has prepared a map (Attachment No. 6) that illustrates the restricted areas that a 1,500-foot buffer from single-family residential would encompass, and it includes most of the City. Although developed with some single-family residences, parts of the PCD-1 area at the southern portion of the City are not identified as part of the buffer area only because the land-uses within the PCD-1 zone include single-family residential, commercial, and multifamily residential, and would require parcel specific review to make the determination. Adopting requirements similar to the City of Walnut would ultimately prohibit wireless telecommunication facilities from being constructed in the City.

This Section does not apply to wireless telecommunication facilities located in the public right of way, which is a separate section and will be moved to Chapter 19 (Streets, Sidewalks, and Public Places) of the WCMC.

New State Legislation
State laws recently signed by the Governor are in the process of being evaluated and analyzed by the City Attorney's Office. If changes are required to the WCMC based on new State laws, these changes will be addressed individually.

GENERAL PLAN CONSISTENCY

The proposed Development Code Update is consistent with the following General Plan Policies and Actions:

Policy 2.5 – Encourage transformative development in the triangle bounded by Glendora Avenue, Vincent Venue and Interstate 10.
Policy 2.6 – Create a diversity of housing options.
Policy 3.1 – Preserve existing housing stock.
Policy 3.3 – New growth will complete, enhance, and reinforce the form and character of the unique West Covina neighborhoods, districts, and corridors.
Policy 3.2 – Support vibrant, economically strong neighborhoods through education and enforcement of property maintenance regulations.
Action 2.5a – support the revitalization of Glendora Avenue retail.
Action 2.6a - Encourage multifamily projects that are urban in design and facilitate a pedestrian-oriented environment by utilizing ground-floor retail, and active and vibrant streetscapes. West Covina should promote opportunities, engage developers, and support higher-intensity, mixed-use multifamily residential development. The City can work to familiarize the development community with the City's General Plan and Vision for Downtown, and emphasize the City's commitment to a priority list of infrastructure investments, and expectations in terms of development/design quality.
Action 3.1 – Incorporate standards in the Development Code to preserve the existing form and character of stable residential areas and prevent encroachment of incompatible land uses and intensity.

STAFF RECOMMENDATIONS

Planning Staff recommends that the Planning Commission adopt Resolution No. 23-6134, Resolution No. 23-6135, Resolution No. 23-6136, and Resolution No. 23-6137, recommending the City Council adopt the Initial Study and Negative Declaration, General Plan Amendment No. 23-02, Zone Change No. 23-02, and Code Amendment (Development Code Update) No. 23-01.

LARGE ATTACHMENTS

The Environmental Document and Draft Development Code Update may be viewed on the City website through the following links:

West Covina Code Update | West Covina Code Update
Projects and Environmental Documents | City of West Covina

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Certification of Negative Declaration Resolution
Attachment No. 2 - General Plan Amendment Resolution
Attachment No. 3 - Zone Change Resolution
Attachment No. 4 - Code Amendment Resolution
Attachment No. 5 - Wireless Telecommunications Facility Information (Strike-through)
Attachment No. 6 - 1,500 ft. Single Family Residential Buffer Map
Attachment No. 7 - Strike-through Copy of Recent Revision

PLANNING COMMISSION

RESOLUTION NO. 23-6134

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR GENERAL PLAN AMENDMENT 23-02, ZONE CHANGE 23-02, AND DEVELOPMENT CODE UPDATE NO. 23-01, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED.

INITIAL STUDY AND NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: City of West Covina

LOCATION: Citywide

WHEREAS, in accordance with the adopted 2016 General Plan a redesignation of the following General Plan land use amendments have been initiated by the City:

"Neighborhood Low" to "Parks and Open Space" on certain property generally described as;

Assessor's Parcel No. 8724-013-901, in the records of the Los Angeles County Assessor;
Assessor's Parcel No. 8724-013-900, in the records of the Los Angeles County Assessor;

WHEREAS, consistent with the General Plan amendments listed above, the following zone changes have been initiated by the City:

"Public Building" to "Open Space" on certain property generally described as:

Assessor's Parcel No. 8724-013-901, in the records of the Los Angeles County Assessor; and
Assessor's Parcel No. 8724-013-900, in the records of the Los Angeles County Assessor; and

"Planned Industrial" to "Neighborhood Mixed Use" on certain property generally described as:

Assessor's Parcel No. 8459-025-020, in the records of the Los Angeles County Assessor;
Assessor's Parcel No. 8459-025-019, in the records of the Los Angeles County Assessor;
Assessor's Parcel No. 8459-025-024, in the records of the Los Angeles County Assessor; and

WHEREAS, consistent with the above actions, the project is a comprehensive Development Code update (No. 23-01), involving amendments to two sections of the City's Municipal Code, the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26), and the combination of the Subdivision Code and the Zoning Code into one Development Code (Chapter 26). The Development Code update will eliminate outdated rules and regulations, provide regulations for new uses, and update the Development Code for consistency with the City's Housing Element. The Development Code update will also involve the rezoning of existing zoning designations that are not widely used in the code, including C-2, C-3, P-B and I-P zoning designations and the incorporation of recently adopted mixed-use standards into the office and commercial zoning designations throughout the City. The Development Code will also involve amendments to other chapters of the West Covina Municipal Code fix cross-references to Chapter 26.

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, an Initial Study was prepared for said project; and

WHEREAS, based upon the findings of the Initial Study, it was determined that the proposed project will not have a significant impact on the environment and will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Game Code; and

WHEREAS, a Negative Declaration of Environmental Impact was prepared for the proposed project pursuant to the requirements of the California Environmental Quality Act of 1970, as amended, in support of the finding that there will not be a significant effect on the environment as a result of this project.

WHEREAS, a Negative Declaration of Environmental Impact was subject to a 20-day public review period which began on August 28, 2023, and ended on September 17, 2023. The City distributed a Notice of Intent (NOI) to adopt a Negative Declaration (ND) along with the Initial Study (IS). Three comments were received during the public review period from the following entities: Matthew Godman (Blvd Real Estate), John Taniguchi, and Los Angeles County Metropolitan Transportation Authority (Metro).

WHEREAS, the Planning Commission, upon giving the required notice, on October 10, 2023, conduct a duly advertised public hearing to consider the project and Negative Declaration, at which time the Planning Commission motioned to continue the hearing to another meeting ; and

WHEREAS, the Planning Commission held continued public hearings on October 24, 2023 and November 1, 2023; and

NOW, THEREFORE, the Planning Commission of the City of West Covina does hereby resolve as follows:

1. After receiving and considering all determinations, documents, and recommendations, as well as other appropriate public comments, the Planning Commission of the City of West Covina recommends that the City Council adopt the Negative Declaration of Environmental Impact set forth in Exhibit A.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a special meeting held on the 1st day of November 2023, by the following vote:

AYES: Gutierrez, Heng, and Becerra

NOES: Lewis, Williams

ABSENT: None

ABSTAIN: None

DATE: November 1, 2023

Brian Gutierrez, Chairperson
Planning Commission

Paulina Morales
Planning Commission Secretary

EXHIBIT A

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

EXHIBIT A

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

Draft Initial Study and Negative Declaration

West Covina Development Code Update

Prepared for

City of West Covina
Planning Division
1444 West Garvey Avenue South, 2nd Floor, Room 208
West Covina, California 91790
Contact: Jo-Anne Burns, Planning Manager
JBurns@westcovina.org

Prepared by

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August 2023

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1.0 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

The purpose of this Initial Study (IS) is to (1) describe the proposed West Covina Development Code Update Project (hereinafter referred to as the "Project"), which would update two sections of the City's Municipal Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26) and (2) provide an evaluation of potential environmental impacts associated with the Project. The goal of the Project is to create a new, streamlined development code that establishes clear and concise regulations for property owners, architects, and developers. This IS has been prepared pursuant to the California Environmental Quality Act (CEQA), as amended (Section 21000 et. seq. of the *Public Resources Code*) and in accordance with the State CEQA Guidelines (Section 15000 et. seq. of the *California Code of Regulations*).

Pursuant to Section 15367 of the State CEQA Guidelines, the City of West Covina (hereinafter referred to as the "City") is the lead agency for the Project. The lead agency is the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment. The City of West Covina, as the lead agency, has the authority for Project approval and certification of the accompanying environmental documentation.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

In accordance with CEQA and the State CEQA Guidelines, an Initial Study (IS) has been prepared for the Project and its associated discretionary approvals. The IS indicates that the potentially significant impacts of the Project can be reduced to less than significant levels with implementation of mitigation measures, and therefore, the Project requires preparation of an Initial Study/ Negative Declaration (IS/ND).

This IS/ND serves as the environmental document that presents the analysis of Project impacts on each of the environmental issue areas in the CEQA Environmental Checklist provided in Section 4.0. This document will serve to inform City decision makers, representatives of affected trustee and responsible agencies, and other interested parties of the potential environmental effects that may occur with approval and implementation of the Project.

1.3 PROJECT SUMMARY

1.3.1 LOCATION

The Project proposes a comprehensive update to two sections of the City's Municipal Code, the Subdivision Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26).. These sections of the Municipal Code regulate how construction projects are processed and what requirements they must adhere to. These projects can range from small additions onto single-family homes to new shopping centers. As such, the Project is applicable to the City of West Covina as a whole.

1.3.2 LEAD AGENCY

City of West Covina

Planning Division

Attention: Jo-Anne Burns

Planning Manager

1444 West Garvey Avenue South, 2nd Floor, Room 208

West Covina, CA 91790

(626) 939-8422

1.3.3 EXISTING SETTING

City of West Covina

City of West Covina is a suburban city in Los Angeles County, California. The City is in the eastern San Gabriel Valley and 19 miles east of Downtown Los Angeles. The City was incorporated in 1923 and had a population of 105,013 as of July 2022 (US Census 2023).

Surrounding Cities

West Covina is surrounded by several cities and unincorporated communities including the city of Covina to the northeast, the cities of Baldwin Park and Irwindale to the northwest, the city of La Puente and the community of Valinda to the southwest, the city of Industry to the south, the community of Ramona to the east, and the city of Walnut to the southeast.

1.3.4 PROPOSED PROJECT

The Project includes updates to two sections of the City's Municipal Code, the Subdivision Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26).. These sections of the Municipal Code regulate how construction projects are processed and what requirements they must comply with. These projects can range from small additions onto single-family homes to new shopping centers. The goal of this effort is to create a new, streamlined development code that establishes clear and concise regulations for property owners, architects, and developers.

Some sections of the existing code have not been updated since the last comprehensive update in 1980. The new code will eliminate outdated rules and regulations; provide regulations for new uses; and update the Code for consistency with the City's Housing Element and recent State legislation. It is intended that this code will simplify the zoning process at the City.

1.4 SUMMARY OF FINDINGS

Based on the environmental checklist form prepared for the Project and supporting environmental analysis (Section 4.0), the Project would have no impact or less than significant impacts for all resource topics.

According to the State CEQA Guidelines, it is appropriate to prepare an IS/ND for the Project because the Project would have no potentially significant environmental impacts.

1.5 PROJECT APPROVAL

This IS/ND has been submitted to potentially affected agencies and individuals. The Notice of Intent (NOI) to adopt the IS/ND, as well as the environmental documentation are also available on the City of West Covina's website (https://www.westcovina.org/departments/community-development/planning-division/projects-and-environmental-documents) for review. Additionally, the NOI was published in the San Gabriel Valley Tribune.

A 20-day public review period has been established for the IS/ND. The review period has been established in accordance with Section 15073 of the State CEQA Guidelines. During review of the IS/ND, affected public agencies and the interested public should focus on the document's adequacy in identifying and analyzing the potential environmental impacts and the ways in which the potentially significant effects of the Project can be avoided or mitigated. Comments on the IS/ND and the analysis contained herein must be received by the close of the public review period, and should be addressed to:

City of West Covina
Planning Division
Attention: Jo-Anne Burns
Planning Manager
1444 West Garvey Avenue South, 2nd Floor, Room 208
West Covina, CA 91790
JBurns@westcovina.org

Following receipt and evaluation of comments from agencies, organizations, and/or individuals, the City will determine whether any substantial new environmental issues have been raised. If so, further documentation—such as an Environmental Impact Report (EIR) or an expanded IS/ND—may be required. If not, the Project and the environmental documentation would be submitted to the West Covina Planning Commission and City Council for consideration.

1.6 ORGANIZATION OF THE INITIAL STUDY

The IS/ND is organized into sections, as described below.

- **Section 1.0: Introduction.** This section provides an introduction, Project summary, and overview of the conclusions in the IS/ND.
- **Section 2.0: Project Location and Environmental Setting.** This section provides a brief description of the Project location, relevant background information, and a description of the existing conditions (I would say a description of the existing state of the Code).
- **Section 3.0: Project Description.** This section provides a description of the Project, a statement of purpose and need, and necessary discretionary approvals.
- **Section 4.0: Environmental Checklist.** The completed Environmental Checklist Form from the State CEQA Guidelines provides an overview of the potential impacts that may

or may not result from Project implementation. The Environmental Checklist Form also includes "mandatory findings of significance", as required by CEQA.

- **Section 5.0: References.** This section identifies the references used to prepare the IS/ND.

2.0 PROJECT LOCATION AND ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

The Project consists of a comprehensive update to two sections of the City's Municipal Code, the Subdivision Code (Title 20) and the Zoning Code (Title 26) into one Development Code (Title 26). These sections of the Municipal Code regulate how construction projects are processed and what requirements they must adhere to. These projects can range from small additions onto single-family homes to new shopping centers. As such, the Project is applicable to the City of West Covina as a whole.

2.2 EXISTING SITE AND AREA CHARACTERISTICS

2.2.1 EXISTING SITE CONDITIONS

City of West Covina

City of West Covina is a suburban city in Los Angeles County, California. The City is in the eastern San Gabriel Valley and 19 miles east of Downtown Los Angeles. The City was incorporated in 1923 and had a population of 106, 098 at the 2010 census.

Surrounding Cities and Development

West Covina is surrounded by the cities of Covina to the northeast, Baldwin Park and Irwindale to the northwest, La Puente and Valinda to the southwest, Industry to the south, Ramona to the east, and Walnut to the southeast. (Jillian – Maybe here we also add information in terms of levels of density and development within other jurisdictions along the boundaries of the City.)

2.3 PLANNING CONTEXT

2.3.1 GENERAL PLAN

In December 2016, the City Council adopted PlanWC (2035 General Plan) and the Downtown Plan & Code. The City is in the process of updating the Housing Element for the 2021-2029 (6th Cycle) planning period.

2.3.2 ZONING

Zoning Code (West Covina Municipal Code Chapter 17)

The City's current Zoning Code is decades old and has been modified through minor amendments to keep up with new State requirements. In addition, the code is poorly organized. The Project includes a complete overhaul of the current Zoning Code and combining the Subdivision Ordinance to create a consolidated Development Code, which will repeal and replace the existing codes.

Subdivision Ordinance (West Covina Municipal Code Chapter 20)

The City's current Subdivision Ordinance is decades old and has been modified through minor amendments to keep up with new State requirements. The new Development Code shall establish thresholds for when public improvements are required. The Development Code will repeal and replace the existing Subdivision Ordinance.

3.0 PROJECT DESCRIPTION

3.1 WEST COVINA DEVELOPMENT CODE UPDATE

The West Covina Development Code Update (Project) will update two sections of the City's Municipal Code, the Subdivision Code (Title 20) and the Zoning Code (Title 26). These sections of the Municipal Code regulate how construction projects are processed and what requirements they must adhere to. These projects can range from small additions onto single-family homes to new shopping centers. The goal of this effort is to create a new, streamlined development code that establishes clear and concise regulations for property owners, architects, and developers.

Some sections of the existing code have not been updated since the last comprehensive update in 1980. The new code will eliminate outdated rules and regulations, as well as providing regulations for new uses and updating the Code for consistency with the City's Housing Element and recent State legislation. It is intended that this code will simplify the zoning process at the City.

The Project would not (1) substantially modify existing land uses and (2) apply to Downtown Specific Plan area or "Planned Development" districts, and these areas will remain as they are and be incorporated into the Project.

3.1.1 PROJECT COMPONENTS

The Project includes the following updates to the West Covina Development Code:

- Create a flexible Code with modified land uses.
- Eliminate Area Districts and incorporate those development standards into the underlying zone.
- Reassign zones that are not widely used in the code (e.g., Planned Industrial zone [I-P]).
- Increase park dedication requirements from 3.0 acres per 1,000 residents to 3.2 acres per 1,000 residents.
- Reduce the reviewing authority of parcel maps (subdivisions of four parcels or less) from the Planning Commission to the Community Development Director.
- Reduce and simplify the number of planning permits, predominately for administrative processes.
- Increase the public notification requirement from 300-foot radius from a project site to 500-foot radius (1,000-foot radius for wireless facilities).
- Replace newspaper posting requirement for development applications with on-site posting.
- Allow for and add regulations for new types of uses (e.g., craft manufacturing facilities, craft breweries/distilleries) to align with new ABC regulations.
- Reduce required discretionary review for "permanent make-up" uses to permitted "by-right".

- New section for outdoor dining, including not requiring parking for the first 500 square feet of outdoor dining areas per business.
- Add design requirements for outdoor dining areas.
- Develop design criteria and a review process for drive-through facilities in the City.
- Incorporate the recently adopted Mixed-Use Overlay requirements into the existing commercial zoning regulations.
- Increase parking lot landscape requirements for multi-family residential, commercial and industrial zones from 1 tree per 10 parking spaces and 8% of parking lot to either: a) 1 tree per 6 parking spaces and 8% of the parking lot, OR b) 1 tree per 10 spaces and 12% of parking lot.
- Require the use of recycled water for irrigation purposes, provided there is adequate capacity to serve the site.
- Clarify and provide updated standards for garden and retaining walls.
- Update the Density Bonus Ordinance for consistency with State Law and define concessions and waivers.
- Eliminate the Large Home and Large Addition processes for single-family residential units.
- Update Large Family Daycare facilities to be permitted by-right, consistent with State Law.
- Update animal keeping provisions.
- Allow for alternative permeable materials on a driveway (e.g., pavers, grasscrete, etc.). Code currently requires only concrete or asphalt.
- Include requirements and administrative process for synthetic turf use in the front yards of single-family residential units.
- Incorporate minimum parking stall and aisle dimensions.
- Simplify parking requirements for full-service restaurants to 1 space per 100 gross square feet rather than current requirements which is 1 space for every 3.5 permanent seats and one for every 40 square feet of assembly area that is not occupied by permanent seats.
- Reduce medical office parking requirement from 1 space per 200 square feet to 1 space per 250 square feet.
- Increase multi-family guest parking requirement from 10% of the required spaces (for apartments) or 1 space per 5 units (condominiums) to spaces per 4 units.
- Allow small electronic reader board signs for institutional uses.
- Subdivision Ordinance revisions include flag lot requirements such as a limitation on the number of residential flag lots and flag lot design standards.

3.3 DISCRETIONARY APPROVALS

This IS/ND is intended to serve as the primary CEQA environmental document for all actions associated with the Project, including all other approvals beyond the City's authority needed to implement the Project. The following discretionary approvals are required for Project approval.

- Approval of Development Code Amendments by the West Covina City Council.

3.3.1 NEGATIVE DECLARATION

In compliance with CEQA, the State CEQA Guidelines, the City of West Covina would adopt the MND, prior to approval of the Project. The MND serves as a finding that the Project would not have a significant effect on the environment, with the incorporation of mitigation measures, as appropriate.

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4.0 ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology and Soils	☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials
☐ Hydrology and Water Quality	☐ Land Use and Planning	☐ Mineral Resources
☐ Noise	☐ Population and Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities and Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

☒ I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to be the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the Project could have a significant effect on the environment, because al potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Project, nothing further is required.

Signature — 8/29/23 (Date)

Jo-Anne Burns, Planning Manager (Printed Name) — City of West Covina (For)

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

4.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal

Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings.

The Project would allow for and add regulations for newer types of uses such as craft manufacturing facilities and craft breweries/distilleries. Such uses would be subject to design regulations as well as other provisions of the General Plan and Municipal Code, which would ensure new projects are developed consistent with existing visual character.

The Project would revise the Municipal Code to allow for small electronic reader board signs for institutional uses, which would increase the existence of these signs within the City. However, effects related to night lighting would be minor as any additional electronic signs that would be installed would occur at street frontages where there are generally already existing street lighting, streetlights, and other outdoor lighting.

The Project would add design requirements for outdoor dining areas and would increase parking lot landscape requirements, which would help to improve the aesthetics for these existing outdoor spaces.

Future development projects within the City would be subject to City review, which would ensure that potential aesthetics effects of future projects are evaluated and mitigated for as they are proposed.

Therefore, the Project would result in less than significant impacts related to aesthetics and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to aesthetics; therefore, no mitigation measures are required.

4.2 AGRICULTURE AND FOREST RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development

on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. This allowance for increased height of development would in no way increase the Project's impacts related to agriculture and forest resources.

The City of West Covina is in an urbanized area and no aspect of the Project would convert farmland to a non-agricultural use. Based on review of the data provided on the Important Farmland Finder, prepared by the California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP), there are no lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on or near the Project site (FMMP 2020). The entire City is classified as Urban and Built-Up Land (DOC 2018).

Additionally, according to a review of aerial imagery, no state or national forest land occurs on the Project site or in the surrounding area (NETROnline 2023).

Therefore, the Project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. In addition, the Project site does not contain designated forest land or timberland, as defined in the California Public Resources Code (§§12220[g] and 4526, respectively). Therefore, no impacts to agricultural resources, forest land, or timberland would result from Project implementation, and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to agriculture and forest resources; therefore, no mitigation is required.

4.3 AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard?

c) Expose sensitive receptors to substantial pollutant concentrations?

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. As discussed above, the Project would allow for taller commercial buildings on certain parcels within the City, which would increase construction and operational air quality emissions from those levels that would result without the Project if these sites were to be developed in such a manner. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would

ensure that air quality impacts are fully evaluated for future development projects. Therefore, the Project would not result in any increased air quality emissions, nor would the Project obstruct implementation of an applicable air quality plan.

The Project would allow for and add regulations for newer types of uses such as craft manufacturing facilities and craft breweries/distilleries. Such uses would be subject to design regulations as well as other provisions of the General Plan and Municipal Code, which would ensure these potential new projects are developed consistent with air quality and odor requirements.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For larger projects with the potential for air quality effects, the City would evaluate air quality and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to air quality; therefore, no mitigation measures are required.

4.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased biological effects. The Project would not result in any direct removal of habitat, or effects to areas identified as riparian habitat, wetlands, or sensitive natural communities.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing biological resources, the City would evaluate biological resources and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased biological effects.

The City contains trees and other vegetation as well as waterways which could be used by resident and migratory wildlife. Due to the presence of trees and vegetation in the City, there is the potential for birds protected by the Federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code to nest throughout the City. The MBTA protects common and special status migratory birds and their nests and eggs. Also, multiple sections of California Fish and Game Code provide protection for nesting birds and

raptors. Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically addresses raptors (i.e., birds of prey in the orders Falconiformes and Strigiformes) and makes it unlawful to take, possess, or destroy these birds or their nest or eggs. Section 3513 prohibits the take or possession of migratory non-game birds or any part of such bird, as designated by the MBTA.

The Project would increase parking lot landscape requirements for certain future developments, which would potentially result in an increase in tree coverage and areas to nest for migratory birds in the City.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing biological resources, the City would evaluate biological resources and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this resource and no mitigation is required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased biological effects.

Future projects implemented throughout the City would be subject to the City's tree preservation, protection, and removal procedures within the City's Municipal Code. The Project would not conflict with City regulations in this regard. Impacts would be less than significant and, no mitigation is required.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing biological resources, the City would evaluate biological resources and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The City is located in a highly urbanized region and not within any established Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved type of habitat conservation plan. Therefore, the Project would no impact related to this threshold, and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to biological resources; therefore, no mitigation measures are required.

4.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased cultural effects.

In compliance with State and federal regulations, if human remains are encountered during excavation activities related to future development projects in the City, all work would be required to stop in the vicinity, and the County Coroner shall be notified.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing archaeological resources, the City would evaluate these resources and other effects in accordance with CEQA.

With implementation of existing regulatory requirements, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to human remains.

In compliance with State and federal regulations, if human remains are encountered during excavation activities related to future development projects in the City, all work would be required to stop in the vicinity, and the County Coroner shall be notified.

With implementation of existing regulatory requirements, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to cultural resources; therefore, no mitigation measures are required.

4.6 ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. As discussed above, the Project would allow for taller commercial buildings on certain parcels within the City, which would increase construction and operational energy usage from those levels that would result without the Project if these sites were to be developed in such a manner. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that energy impacts are fully evaluated for future development projects.

The Project would allow for and add regulations for newer types of uses such as craft manufacturing facilities and craft breweries/distilleries. Such uses would be subject to design regulations as well as other provisions of the California Building Code, City General Plan, and City Municipal Code, which would ensure new projects are developed consistent with applicable energy efficiency requirements.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects with large or unique construction operations or for projects where large quantities of energy would be used during operations, the City would evaluate energy usage and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to energy; therefore, no mitigation measures are required.

4.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☒
ii) Strong seismic groundshaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

No Impact. According to the California Department of Conservation, none of the City is within or near a known earthquake fault (DOC 2023a). The Sierra Madre Fault Zone and the Elsinore Fault Zone are north and south of the City, but neither occur within or immediately adjacent to the City. Therefore, the Project would result in no impacts related to this threshold and no mitigation is required.

ii) Strong seismic groundshaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or c0ollapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased geological effects as future buildings would be designed and constructed in accordance with standard building industry requirements.

Future projects in the City would be subject to their own future discretionary review processes, as applicable, and would be required to comply with CEQA, which would ensure that geotechnical effects of future projects are evaluated and mitigated for as they are proposed. As part of the City's review of future development, geotechnical investigations will be required for projects to evaluate geotechnical hazards and design solutions.

Also, all future development in the City would be required to comply with the California Building Code (CBC) (DGS 2022). The CBC contains minimum standards regulating the design and construction of excavations, foundations, retaining walls, and other building elements to control the effects of seismic ground shaking and adverse soil conditions. The CBC also includes provisions for earthquake safety based on factors such as occupancy type, the types of soil and rock on-site, and the strength of ground motion that may occur at the Project site.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects to paleontological resources.

The Project would not increase the amount or depth of excavations that could occur within the City.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing paleontological resources, the City would evaluate these resources and other effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to geology and paleontology; therefore, no mitigation measures are required.

4.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would increase construction and operational greenhouse gas emissions from those levels that would result without the Project if these sites were to be developed in such a manner. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that impacts related to greenhouse gas emissions are fully evaluated for future development projects.

Therefore, the Project would not result in any increased greenhouse gas emissions nor would the Project conflict with any applicable greenhouse gas-related plans, policies, or regulations. The Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to greenhouse gas emissions; therefore, no mitigation measures are required.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to hazardous waste and materials. Therefore, the Project has no potential to result in direct impacts related to hazardous materials.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects on sites potentially containing hazardous waste or materials, the City would evaluate these resources and other effects in accordance with CEQA. This would include evaluations such as preparation of Phase I Environmental Site Assessments and/or other evaluations consistent with State and Federal regulations. Similarly, future projects in the City would be required to comply with best practices for the testing and abatement of hazardous waste.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Project site is not located within two miles of an airport and is not within an airport land use plan (LA County Planning 2023a). Therefore, the Project would have no impact related to this threshold and no mitigation is required.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal

Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to adopted emergency response and evacuation plans. Therefore, the Project has no potential to result in direct impacts related to emergency response plans or emergency evacuation.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that could potentially significantly interfere with evacuation or emergency response, the City would evaluate these resources and other effects in accordance with CEQA.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact. Most of the City is developed and not highly prone to wildland fires. However, areas in the southern and southeastern portions of the City contain more vegetation and are classified as being located within a Very High Fire Hazard Severity Zone (Los Angeles County Fire Department. 2023a). This includes areas to the south including near Big League Dreams West Covina and Galster Wilderness Park, and areas to the southwest of the City including around South Hills Country Club.

The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased wildfire effects.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that could significantly be at-risk of wildfire, the City would evaluate these resources and other effects in accordance with CEQA.

Also, all future development would be required to comply with the latest California Fire Code as well as the CBC, which contain regulations for safeguarding life and property from fire (DGS 2022).

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to hazards and hazardous materials; therefore, no mitigation measures are required.

4.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would

ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to water quality.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate hydrology and water quality as well as other project effects in accordance with CEQA.

Further, future development within the City would be required to comply with local, state, and federal laws relating to construction and operational stormwater design.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to the implementation of a sustainable groundwater management plan.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate groundwater as well as other project effects in accordance with CEQA.

Also, future projects in the City would be required to comply with local, state, and federal laws relating to construction and operational stormwater design.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) result in substantial erosion or siltation on- or off-site;

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv) impede or redirect flood flows?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to hydrology or water quality.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate hydrology and water quality as well as other project effects in accordance with CEQA.

Further, future development within the City would be required to comply with local, state, and federal laws relating to construction and operational stormwater design.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less Than Significant Impact. The City is over 28 miles from the nearest ocean; therefore, there is no risk of a tsunami affecting future development within the City. The City is not near a standing body of water; therefore, a seiche event could not affect future development within the City. However, most of the City is within the inundation area for the Puddingstone Dam if it were

to breach (DWR 2023a). Also, portions of the City are at-risk of flooding related to Walnut Creek Channel (FEMA 2023a).

The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to flooding or risk of release of pollutants. Therefore, the Project has no potential to result in direct impacts related to water quality from a flooding or inundation-related event.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate hydrology and water quality as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to water quality. Therefore, the Project has no potential to result in direct impacts related to water quality.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For projects that would substantially alter drainage patterns or increase impervious surface coverage, the City would evaluate hydrology and water quality as well as other project effects in accordance with CEQA.

Further, future development within the City would be required to comply with local, state, and federal laws relating to construction and operational stormwater design.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to hydrology and water quality; therefore, no mitigation measures are required.

4.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☒	☐
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Physically divide an established community?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to the division of an established community. Therefore, the Project has no potential to divide any established communities.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to adequate access. For projects that would substantially alter transportation access, the City would evaluate transportation as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not

allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased impacts related to conflicts with existing plans or policies. As such, the Project has no features which would conflict with a land use plan, policy, or regulation. Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to land use and planning; therefore, no mitigation measures are required.

4.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The City does not contain any Mineral Resource Zones (MRZs) as designated by the California Geological Survey (CGS) (City of West Covina 2016b). Also, there are no major areas within the City of West Covina containing known mineral resources appropriate for mineral extraction. Thus, there would be no loss of availability of known mineral resources or of locally important mineral resource recovery sites.

According to information available on the DOC's Well Finder web mapping application, there are no active oil or gas wells located within the City (DOC 2023b).

Therefore, the Project would result in no impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to mineral resources; therefore, no mitigation is required.

4.13 NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project would allow for taller commercial buildings on certain parcels within the City, which would potentially increase construction and operational noise from the noise levels that would result without the Project if these sites were to be developed in such a manner. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that noise and vibration impacts are fully evaluated for future development projects.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including the City's noise ordinance. The City would evaluate noise and vibration as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project site is not located within two miles of an airport and is not within an airport land use plan (LA County Planning 2023a). Therefore, the Project would not result in exposure of people residing or working in the Project area to excessive noise levels from either airport or airstrip-related activities, and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to noise and vibration; therefore, no mitigation measures are required.

4.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact Analysis

Would the Project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project would allow for taller commercial buildings on certain parcels within the City, which would increase the potential for indirect population growth related to the greater intensity of commercial uses that could potentially be developed when compared to potential development that could occur without the Project. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that population growth and housing-related impacts are fully evaluated for future development projects.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances. For any projects that would potentially re-zone properties or would otherwise add substantial unplanned growth within the City, the City would evaluate population and housing as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to replacement housing. The Project would result in no impact related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to population and housing; therefore, no mitigation measures are required.

4.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

ii) Police protection?

iii) Schools?

vi) Parks?

vi) Other public facilities?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25

feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to public services. For projects that would result in substantial demands upon public service providers, the City would evaluate this topic as well as other project effects in accordance with CEQA. As the Project would allow for taller commercial buildings on certain parcels within the City, there could be additional demand on public service providers than could occur without the Project. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential environmental effects pursuant to CEQA prior to approval, which would ensure that public service impacts are fully evaluated for future development projects. Therefore, the Project would result in less than significant impacts related to this threshold and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to public services; therefore, no mitigation measures are required.

4.16 RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased recreational effects. Therefore, the Project has no potential to result in increased demand for existing parks or recreational facilities. Also, the Project does not include any recreational facilities.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to recreation. For projects that would result in substantial demand for recreational facilities and services, the City would evaluate this topic as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to recreation; therefore, no mitigation measures are required.

4.17 TRANSPORTATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?

d) Result in inadequate emergency access?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. The Project's allowance for taller commercial buildings on certain parcels within the City could potentially result in greater transportation demand from these parcels when compared to what could occur without the Project. However, less than significant impacts are anticipated as any such future development would be required to evaluate potential effects pursuant to CEQA prior to approval, which would ensure that transportation effects for future development projects.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to adequate access. For projects that

would substantially alter transportation access, the City would evaluate transportation as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to transportation; therefore, no mitigation measures are required.

4.18 TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☐	☒	☐
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. ***Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?***

2. ***A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

Less Than Significant Impact. In May 2023, the City sent letters to seven tribal contacts. The City only heard back from the Gabrieleno Band of Mission Indians - Kizh Nation whose staff inquired about the Project and asked that they be notified of future project ground-disturbance activities. None of the other tribes responded to the AB 52 notification.

The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. The Project's allowance for taller commercial buildings on certain parcels within the City would not result in any increased effects related to tribal cultural resources.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to cultural resources. For projects that would involve ground disturbance in previously undisturbed soils, the City would evaluate cultural and tribal cultural resources as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to tribal cultural resources; therefore, no mitigation measures are required.

4.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact Analysis

Would the Project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple years?

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. Therefore, the Project has no potential to result in increased demand for fire, police, schools, parks, or libraries.

Future development projects within the City would be subject to City review for consistency with City plans, policies, and ordinances, including those related to utilities and service systems. For future projects that would result in substantial demands upon utilities and service systems, the City would evaluate this as well as other project effects in accordance with CEQA.

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to utilities and service systems; therefore, no mitigation measures are required.

4.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Impact Analysis

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less Than Significant Impact. Most of the City is developed and not highly prone to wildland fires. However, areas in the southern and southeastern portions of the City contain more vegetation and are classified as being located within a Very High Fire Hazard Severity Zone (Los Angeles County Fire Department. 2023). This includes areas to the south including near Big League Dreams West Covina and Galster Wilderness Park, and areas to the southwest of the City including around South Hills Country Club.

The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings.

Each substantial future development would be subject to its own future discretionary review process, as applicable, and would be required to comply with CEQA, which would ensure that potential wildfire-related effects of future projects are evaluated and mitigated for as they are proposed.

Also, all future development would be required to comply with the latest California Fire Code as well as the CBC, which contain regulations for safeguarding life and property from fire (DGS 2022).

Therefore, the Project would result in less than significant impacts related to these thresholds and no mitigation is required.

Mitigation Measures

Project implementation would not result in significant impacts related to wildfire; therefore, no mitigation measures are required.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ('Cumulatively considerable' means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact Analysis:

Would the Project:

a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. The Project would result in less than significant impacts related to biological resources and no mitigation is required, as discussed in more detail in Section 4.4. Therefore, the Project would have a less than significant impact related to this threshold.

b) Have impacts that are individually limited, but cumulatively considerable? ('Cumulatively considerable' means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact. The Project does not propose any actual development. The Project would not permit any new projects resulting in land uses of greater density, intensity, or height than permitted under State Law, the General Plan, or the Municipal Code and would not allow new development on sites where such development is prohibited under State Law or the General Plan. The one exception relates to parcels that are currently zoned as C2 (Medium

Commercial) and C3 (Heavy Commercial), which are limited to four stories or 45 feet in height. The new zoning classifications for these areas would be N-C (Neighborhood Commercial) or S-C (Service Commercial), depending on the parcel, which have no height limit except for when the parcel is within 100 feet of residential uses where the height limit is limited to a maximum of 25 feet. Residential uses across the City are limited to 45 feet in height pursuant to the Municipal Code. For all non-residential uses, the City requires approval of a Precise Plan, which would ensure that new non-residential uses are compatible with their surroundings. Therefore, the Project has no potential to contribute to any cumulative impacts. The Project would have a less than significant impact related to this threshold.

c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. The Project would result in less than significant impacts with no mitigation required for all resource topics. Therefore, the Project would have a less than significant impact related to this threshold.

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Final Initial Study and Negative Declaration

West Covina Development Code Update

City of West Covina
Planning Division
1444 West Garvey Avenue South, 2nd Floor, Room 208
West Covina, California 91790
Contact: Jo-Anne Burns, Planning Manager
JBurns@westcovina.org

Psomas
5 Hutton Centre Drive, Suite 300
Santa Ana, California 92707
Contact: Sean Noonan
(714) 751-7373

September 2023

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SECTION 1.0
EXECUTIVE SUMMARY

Pursuant to the California Environmental Quality Act (CEQA), the potential environmental effects of the proposed West Covina Development Code Update Project (Project) have been analyzed in an Initial Study/Negative Declaration (IS/ND) dated August 2023. The IS/ND was subject to a 20-day public review period which began on August 28, 2023, and ended on September 17, 2023. The City distributed a Notice of Intent (NOI) to adopt a Negative Declaration (ND) along with the Initial Study (IS).

Three comments were received during the public review period from the following entities.

- Matthew Godman, representing BLVD Real Estate;
- John Taniguchi; and
- Los Angeles County Metropolitan Transportation Authority (Metro).

These letters are provided in Section 2.0 below. None of the comments raised any issues related to the adequacy of the environmental analysis contained within the Draft IS/ND.

CEQA Guidelines Section 15074(b) states that prior to approving a project, the lead agency must consider the proposed IS/ND together with any comments received during the public review process. Based on the evaluation in the IS/ND and the comments received, the City has determined that all potential impacts associated with the Project would be less than significant and that no mitigation is required.

SECTION 2.0
COMMENTS ON THE DRAFT IS/ND

Comment Letter 1:

From: matthew@blvdreic.com
Sent: Friday, September 8, 2023 10:23 AM
To: Development Code
Cc: Jo-Anne Burns; 'Nick D'Argenzio'; 'Tom Chichester'; 'Greysen Holmes'
Subject: West Covina Land Development - Mixed Use Zoning Suggestion
Attachments: West Covina Land Development _OM.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

We would like to reach out with some major concerns and items we would like to have reviewed, attached is the site we are advising on. We are currently representing a development site near the BKK Landfill and Target/Home Depot Shopping Center. As we have a few meetings scheduled and are working through the possibilities of the site. The site is zoned in the Mixed Use overlay, but the drive-thru retail restrictions that have been discussed for 500 ft from other drive-thru's and CC&R restrictions for any non-commercial development is an issue that will keep the site undeveloped. With a few minor solutions we are suggesting:

- If a drive thru is within 500 ft of another drive thru it will be prohibited except if the drive thru is on 1 AC of land, or more, and not near a major Fwy described as I-10 Fwy, then no restrictions will be implemented but a traffic study report must be provided and approved by Planning and could adjust the number of approved drive thru's
- If a site is larger than 2AC and deemed Mixed Use with a portion slated for very low income or low income housing or senior housing, densities for the remaining site density can be as much as 50 units per AC
- Any site deemed mixed-use with residential and commercial will have no drive-thru restrictions if residential has low income or very low income housing or senior housing being built or exists on the site

This will benefit the City of West Covina with the following:

- Implement traffic study review and approval check
- Restrict drive-thu's from being in saturated drive-thru areas
- Allow mixed use sites flexibility and feasibility to generate sales income but not over saturate site with drive-thru's
- Provide low income, very low income or senior housing which is much needed to provide State requirement and growing baby boomer population into senior housing
- Sales tax revenue will still be received by the City for the Highest and Best Use of retail/commercial development due to volume of sales compared to big box, sit down restaurants and other type retail strip centers

Matthew Godman
Director
CA 02080586
FL SL3372733
BLVD Real Estate

matthew@blvdreic.com
(562) 267-1118
130 Pine Ave ste 203
Long Beach, CA 90802
blvdreic.com

1



4 ACRE COMMERCIAL / RESIDENTIAL / MIXED-USE DEVELOPMENT SITE
SOUTHERN CALIFORNIA - WEST COVINA (LOS ANGELES COUNTY), CA

BLVD Real Estate Investment Co



WEST COVINA DEVELOPMENT SITE

S Azusa Avenue and Manila Way, West Covina 91792

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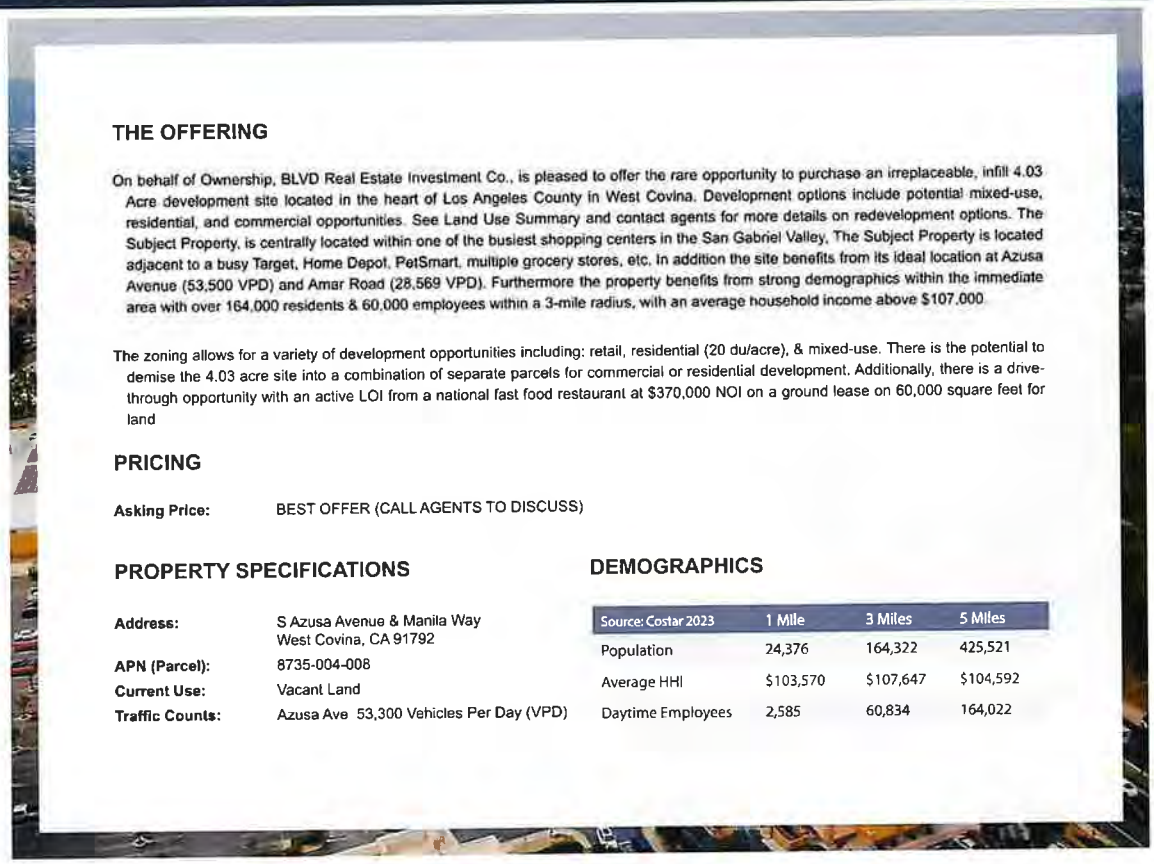
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The information contained herein has been carefully compiled from sources we consider reliable, and while not guaranteed as to completeness or accuracy, we believe it to be correct as of this date. The proforma revenues and expenses set forth in this brochure do not constitute a representation, warranty, or guaranty of any of the numbers set forth herein or of any economic value attributable to the property or income that may be derived therefrom. Independent estimates and proforma revenues and expenses should be developed before any decision is made on where to invest in the property.

INVESTMENT SUMMARY



THE OFFERING

On behalf of Ownership, BLVD Real Estate Investment Co., is pleased to offer the rare opportunity to purchase an irreplaceable, infill 4.03 Acre development site located in the heart of Los Angeles County in West Covina. Development options include potential mixed-use, residential, and commercial opportunities. See Land Use Summary and contact agents for more details on redevelopment options. The Subject Property, is centrally located within one of the busiest shopping centers in the San Gabriel Valley. The Subject Property is located adjacent to a busy Target, Home Depot, PetSmart, multiple grocery stores, etc. In addition the site benefits from its ideal location at Azusa Avenue (53,500 VPD) and Amar Road (28,569 VPD). Furthermore the property benefits from strong demographics within the immediate area with over 164,000 residents & 60,000 employees within a 3-mile radius, with an average household income above $107,000.

The zoning allows for a variety of development opportunities including: retail, residential (20 du/acre), & mixed-use. There is the potential to demise the 4.03 acre site into a combination of separate parcels for commercial or residential development. Additionally, there is a drive-through opportunity with an active LOI from a national fast food restaurant at $370,000 NOI on a ground lease on 60,000 square feet for land

PRICING

Asking Price: BEST OFFER (CALL AGENTS TO DISCUSS)

PROPERTY SPECIFICATIONS

Address: S Azusa Avenue & Manila Way
West Covina, CA 91792

APN (Parcel): 8735-004-008

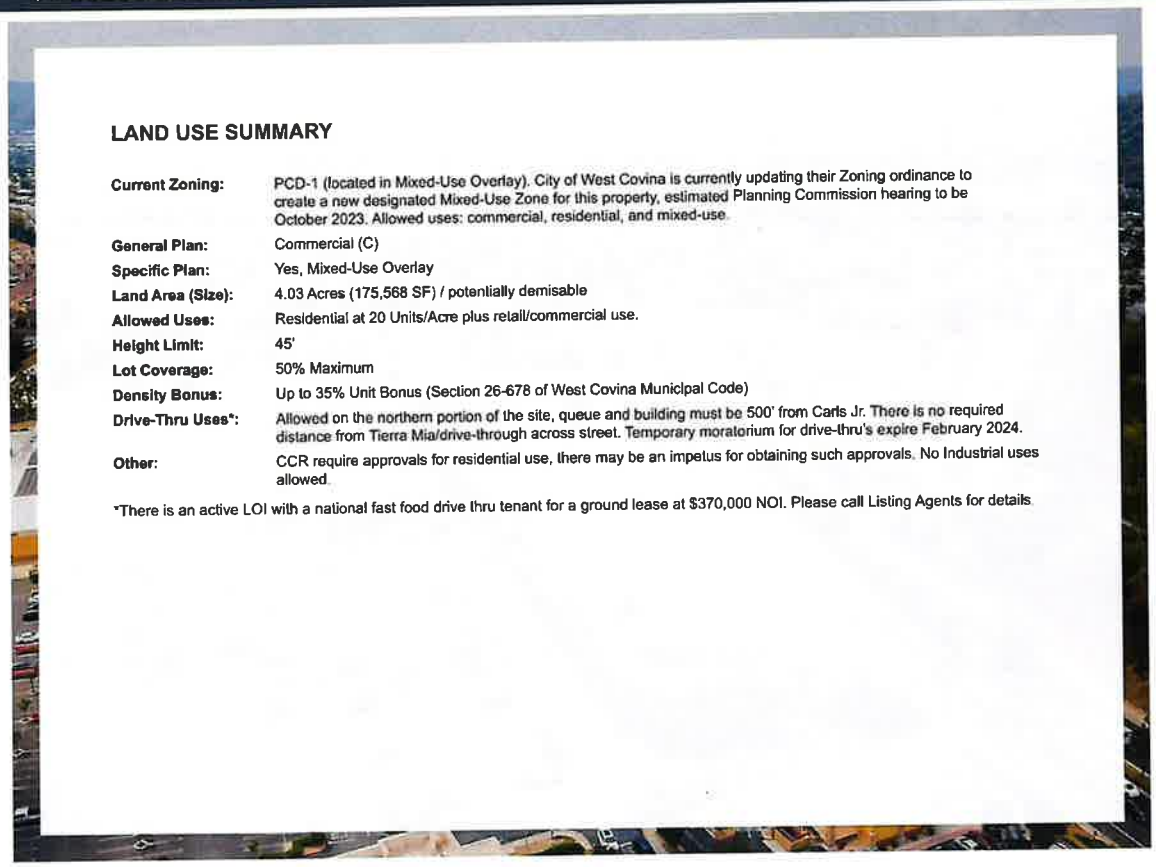
Current Use: Vacant Land

Traffic Counts: Azusa Ave 53,300 Vehicles Per Day (VPD)

DEMOGRAPHICS

Source: Costar 2023	1 Mile	3 Miles	5 Miles
Population	24,376	164,322	425,521
Average HHI	$103,570	$107,647	$104,592
Daytime Employees	2,585	60,834	164,022

PROJECT OVERVIEW



LAND USE SUMMARY

Current Zoning:	PCD-1 (located in Mixed-Use Overlay). City of West Covina is currently updating their Zoning ordinance to create a new designated Mixed-Use Zone for this property, estimated Planning Commission hearing to be October 2023. Allowed uses: commercial, residential, and mixed-use.
General Plan:	Commercial (C)
Specific Plan:	Yes, Mixed-Use Overlay
Land Area (Size):	4.03 Acres (175,568 SF) / potentially demisable
Allowed Uses:	Residential at 20 Units/Acre plus retail/commercial use.
Height Limit:	45'
Lot Coverage:	50% Maximum
Density Bonus:	Up to 35% Unit Bonus (Section 26-678 of West Covina Municipal Code)
Drive-Thru Uses*:	Allowed on the northern portion of the site, queue and building must be 500' from Carls Jr. There is no required distance from Tierra Mia/drive-through across street. Temporary moratorium for drive-thru's expire February 2024.
Other:	CCR require approvals for residential use, there may be an impetus for obtaining such approvals. No Industrial uses allowed.

*There is an active LOI with a national fast food drive thru tenant for a ground lease at $370,000 NOI. Please call Listing Agents for details.

AERIAL | FACING SOUTH



AERIAL - FACING NORTH



SALE COMPARABLES

LAND SALES

Address	Sale Date	City	Lot (AC)	Price/AC	Lot (SF)	Price/SF	Sale Price	Proposed Use	Distance from Site
9637 Valley Blvd	6/2023	Rosemead	2.06	$3,956,311	89,734	$90.82	$8,150,000	Commercial	12 miles
21332 E Arrow Hwy	2/2023	Covina	0.70	$3,782,143	30,492	$86.83	$2,647,500	Multi Family	9 miles
11850 E Whittier Blvd	6/2021	Whittier	6.44	$3,815,217	280,526	$87.59	$24,570,000	Commercial	11 miles
1700 Business Center Dr	8/2020	Duarte	4.34	$5,399,654	189,050	$123.96	$23,434,500	Residential	10 miles
4371 E Live Oak Ave	7/2020	Arcadia	3.56	$5,055,866	155,945	$116.07	$18,100,000	Commercial	12 miles
17 Las Tunas Dr	6/2019	Arcadia	5.00	$7,320,000	217,800	$168.04	$36,600,000	Residential	13 miles
Average				**$5,074,576**		**$116.50**			

FAST FOOD SALES

Address	Sale Date	City	Tenant	GLA (SF)	Price/SF	Cap Rate	Sale Price
1300 E Valley Blvd	10/5/2022	Alhambra	Raising Cane's	2,710	$3,050.43	3.75%	$8,266,667
20707 Avalon Blvd	8/26/2022	Carson	Raising Cane's	2,950	$2,876.27	4.12%	$8,485,000
1542 S Azusa Ave	8/18/2022	City of Industry	Raising Cane's	3,030	$2,772.28	4.17%	$8,400,000
8900 Imperial Hwy	5/19/2022	Downey	Chick Fil A	4,061	$1,779.12	3.60%	$7,225,000
20501 Avalon Blvd	2/15/2022	Carson	Chick Fil A	4,962	$1,995.16	3.54%	$9,900,000
13602 Francisquito Ave	12/3/2021	Baldwin Park	Raising Cane's	4,068	$1,161.50	3.60%	$4,725,000
Average					**$2,272.46**	**3.80%**	**$7,833,611**

AREA OVERVIEW

WEST COVINA / EASTERN SAN GABRIEL VALLEY - SUMMARY

Eastern San Gabriel Valley (Eastern SGV) is a suburban submarket on the eastern edge of the county. Demand for retail space primarily depends on local residents, as there are few tourist attractions and office nodes relative to the rest of Los Angeles. The submarket is among the most ethnically diverse in the nation, and most residents in the area are of either Asian or Latino descent. Household income levels vary among the communities in the Eastern SGV, but are generally higher near the foothills to the north.

The vacancy rate has been steady over the past 12 months, after rising through most of 2020 and the first half of 2021. Demand has been strongest for neighborhood centers, whereas vacancies are growing at malls. Retail rents have followed suit, growing by 1.5% during the past 12 months and 4.5% during the previous 12 months.

Apart from a handful of transport-oriented developments, limited housing construction has led to slow population growth in much of the Eastern SGV. As a result, there has been a limited need for new retail stores. Net deliveries total -380,000 SF over the past five years, reflecting the amount of retail space that has been removed over the period.

Shopping centers anchored by grocery stores, fitness centers, and auto dealerships often comprise the largest sales in the submarket and recent activity has held steady despite rising interest rates.

VACANCY

A collection of suburban cities and neighborhoods east of I-605 and north of Orange County comprise the Eastern San Gabriel Valley (Eastern SGV). Three freeways heading west connect the submarket to downtown L.A. with work-hour commute times in the 60-to-90-minute range. A handful of transport-oriented housing developments have opened over the past ten years near rail and bus stops. Otherwise, limited housing development and slow population growth reduce the need for substantial growth in the local retail market.

The vacancy rate has fallen to 5.1% from 5.5% two years ago. Most leasing activity involves spaces measuring less than 1,200 SF. Restaurants and other food service places have been active in recent years. For example, Café Bakery signed a 10-year lease in February 2023 for 2,700 SF space in Hacienda Heights adjacent to 99 Ranch Market. Leases for spaces over 20,000 SF are less common, such as when Total Wine & More leased 30,000 SF at the San Dimas Marketplace in November 2021.

Limited supply risk could serve the submarket well, as a mild recession is projected by Oxford Economics starting in 2023Q4. The vacancy rate rises by about half a percentage point over the next five years in CoStar's Base Case scenario.

AREA OVERVIEW, CONTINUED

RENT

Rents in the Eastern San Gabriel Valley Submarket are slightly below the L.A. metro average. The submarket comprises many low-income neighborhoods, but also contains a large supply of big-box space relative to many other areas in the metro.

Retailers in the submarket that lease single-tenant structures greater than 150,000 SF include Ikea, Target, JCPenney, Costco, Walmart, and Lowe's. Rents grew by 1.5% during the past 12 months after a prolonged period of limited growth. Rents have increased by 2.7% annually during the past five years, making the submarket a relative outperformer among L.A. submarkets.

SALES

Transaction activity has moderated in 2023 in the Eastern San Gabriel Valley Submarket. Sales volume totals $164 million year-to-date, compared to $493 million in all of 2022. The submarket offers a variety of opportunities for investors across the risk spectrum.

Among the largest trades recently is four buildings in the South Hills Plaza that were acquired by Property Ventures of Marin, Inc. for $35.9 million ($285/SF) in April 2023. The buildings comprise of 126,200 SF and were fully leased, trading at a 6.15% cap rate.

In March, INI Investment Group acquired 133,750-SF in Plaza West Covina previously occupied by Sears along with a 11,720-SF building for $12.25 million ($84/SF). The Sears building provides a redevelopment opportunity in the outsized shopping mall that already has a large fitness tenant.

Triple net leased properties also continue to command strong pricing. In June 2023, Ehrlich Investment Trust acquired a 14,400-SF building occupied by Walgreens in Glendora for $7.04 million ($490/SF). The triple-net leased property traded at a 5.3% cap rate and is leased through April 2038.

Average modeled pricing and cap rates, at $320/SF and 5.6%, respectively, represent a discount to the Greater L.A. retail market.



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Comment Letter 2:

From: John Taniguchi <johnkat1@verizon.net>
Sent: Thursday, September 7, 2023 4:18 PM
To: Development Code <DevelopmentCode@westcovina.org>
Subject: R-1 Zones

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I do not understand the many different R-1 zones such as R-1,6000 and R-1,7500. Have these different zones been defined or will they be defined later? The map included only includes one zone, R-1.

Thanks,

John Taniguchi

1

Comment Letter 3:

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

Metro

September 18, 2023

Ms. Jo-Anne Burns
City of West Covina
1444 West Garvey Avenue South, 2nd Floor, Room 208
West Covina, CA 91790

Sent by Email: jburns@westcovina.org

RE: West Covina Development Code Update
Notice to Adopt a Negative Declaration

Dear Ms. Burns:

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the West Covina Development Code Update (Project) located in the City of West Covina (City). Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Per Metro's area of statutory responsibility pursuant to sections 15082(b) and 15086(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA: Cal. Code of Regulations, Title 14, Ch. 3), the purpose of this letter is to provide the City with specific detail on the scope and content of environmental information that should be included in the Negative Declaration (ND) for the Project. In particular, this letter outlines topics regarding the Project's potential impacts on the Metro-owned right-of-way (ROW) operated and maintained by the Southern California Regional Rail Authority (SCRRA), which should be analyzed in the ND. Effects of a project on transit systems and infrastructure are within the scope of transportation impacts to be evaluated under CEQA.[1]

In addition to the specific comments outlined below, Metro is providing the City and Applicant with the Metro Adjacent Development Handbook (attached), which provides an

[1] See CEQA Guidelines section 15064 3(a); Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts In CEQA, December 2018, p. 19.

overview of common concerns for development adjacent to Metro right-of-way (ROW) and transit facilities, available at https://www.metro.net/devreview.

Project Description

The Project includes an update to two sections of the City's Municipal Code, the Subdivision Code and the Zoning Code into one Development Code. These sections of the Municipal Code regulate how construction projects are processed and what requirements they must comply with.

Recommendations for Project and ND Scope and Content

Adjacency to Metro-owned Right-of-Way (ROW) and Facilities
The City's boundaries include Metro-owned ROW operated and maintained by the Southern California Regional Rail Authority (SCRRA). The Metrolink San Bernardino Line is adjacent the northern boundary of the City. Metrolink trains may operate 24 hours a day, seven days a week, in the ROW adjacent to the Project.

The Project should analyze potential impacts on Metro and Metrolink facilities within the Project area and identify mitigation measures or project design features as appropriate. Metro recommends reviewing the Metro Adjacent Development Handbook (available at https://www.metro.net/devreview) to identify issues and best practices for development standards arising from adjacency to Metro infrastructure.

In addition, Metro recommends that the Project include a policy or code provision encouraging applicants to coordinate with Metro and SCRRA during City Planning and Building review if the subject parcel is within a 100-foot buffer of Metro infrastructure. Such projects should also comply with the Metro Adjacent Development Handbook.

Advisories to Applicants for Adjacent Development

Applicants are encouraged to contact Metro Development Review and SCRRA/Metrolink staff early in the design process to plan for potential impacts. They should also be advised of the following:

a. Occupational Safety and Health Administration (OSHA) Requirements: Construction and/or excavation work in proximity to Metrolink ROW with potential to damage rail tracks and related infrastructure may be subject to additional OSHA safety requirements.

b. Technical Review: Metro and Metrolink charge for staff time spent on engineering review and construction monitoring.

c. ROW Access: The Applicant should contact SCRRA for Right-of Entry requirements. Information can be found at www.metrolinktrains.com. Other requirements may include permits for construction of buildings and any future repairs, painting, graffiti removal, etc., including the use of overhead cranes or

any other equipment that could potentially impact railroad operations and safety. Frequent access for maintenance tasks such as graffiti removal, will necessitate an active license agreement. This agreement will include an annual license fee and other requirements that meet safety standards for access to a ROW with active rail operations.

d. Cost of Impacts: The Applicant will be responsible for costs incurred by Metro and/or SCRRA due to Project construction/operation issues that cause delay or harm to Metrolink service delivery or infrastructure. The Applicant will also bear all costs for any noise mitigation required for the Project.

If you have any questions regarding this letter, please contact me by phone at 213.418.3484, by email at DevReview@metro.net, or by mail at the following address:

Metro Development Review
One Gateway Plaza
MS 99-22-1
Los Angeles, CA 90012-2952

Sincerely,

Cassie Truong
Senior Transportation Planner, Development Review Team
Transit Oriented Communities

cc: Shine Ling, Sr. Manager, Development Review Team

Attachments and links:

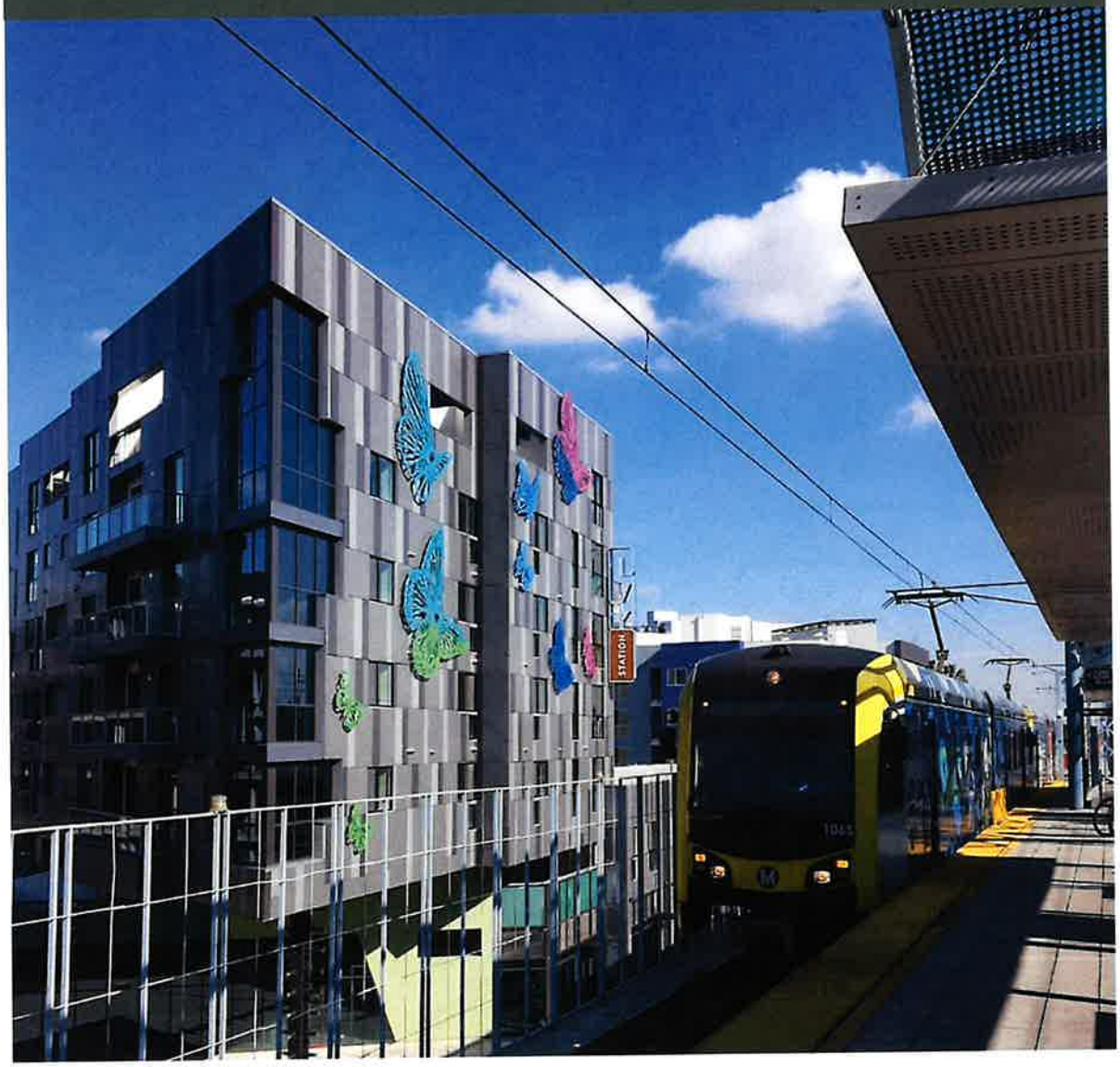
- Adjacent Development Handbook: https://www.metro.net/devreview

Los Angeles County
Metropolitan Transportation Authority

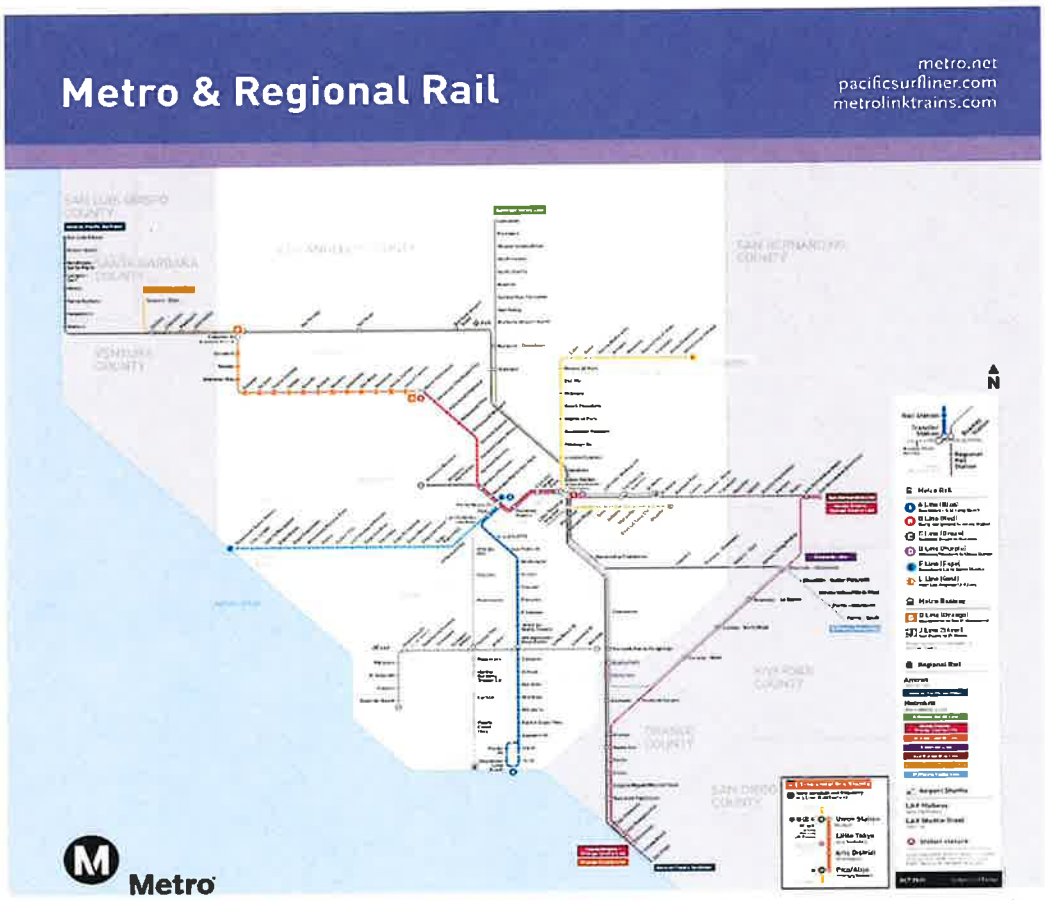
METRO ADJACENT DEVELOPMENT HANDBOOK

A GUIDE FOR CITIES AND DEVELOPERS

February 2021



Metro and Regional Rail Map



Metro is currently undertaking the largest rail infrastructure expansion effort in the United States. A growing transit network presents new opportunities to catalyze land use investment and shape livable communities.

b | Metro Adjacent Development Handbook

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Quick Overview

Purpose of Handbook

The Metro Adjacent Development Handbook (Handbook) is intended to provide information and guide coordination for projects adjacent to, below, or above Metro transit facilities (e.g. right-of-way, stations, bus stops) and services.

Overarching Goal
By providing information and encouraging early coordination, Metro seeks to reduce potential conflicts with transit services and facilities, and identify potential synergies to expand mobility and improve access to transit.

Intended Audience
The Handbook is a resource for multiple stakeholder groups engaged in the development process, including:

- Local jurisdictions who review, entitle, and permit development projects,
- Developers,
- Property owners,
- Architects, engineers, and other technical consultants,
- Builders/contractors,
- Utility companies, and
- other Third Parties.

Handbook Content
The Handbook includes:

- **Introduction** of Metro's Development Review coordination process, common concerns, and typical stages of review.
- **Information** on best practices during three key coordination phases to avoid potential conflicts or create compatibility with the Metro transit system:
  - Planning & Conceptual Design,
  - Engineering & Technical Review, and
  - Construction Safety & Monitoring.
- **Glossary** with definitions for key terms used throughout the Handbook.

RULE OF THUMB: 100 FEET

Metro's Development Review process applies to projects that are within 100 feet of Metro transit facilities.

While the Handbook summarizes key concerns and best practices for adjacency conditions, it does not replace Metro's technical requirements and standards.

Prior to receiving approval for any construction activities adjacent to, above, or below Metro facilities, Third Parties must comply with the Metro Adjacent Construction Design Manual, available on Metro's website.

Contact Us
For questions, contact the Development Review Team:

- Email: devreview@metro.net
- Phone: 213.418.3484
- Online In-take Form: https://jpropublic.metro.net/in-take-form

Additional Information & Resources

- Metro Development & Construction Coordination website: https://www.metro.net/devreview
- Metro GIS/KML ROW Files: https://developer.metro.net/portfolio-item/metro-right-of-way-gis-data
- Metrolink Standards and Procedures: https://www.metrolinktrains.com/about/agency/engineering--construction

Metro will continue to revise the Handbook, as needed, to reflect updates to best practices in safety, operations, and transit-supportive development.

Background

Who is Metro?

The Los Angeles County Metropolitan Transportation Authority (Metro) plans, funds, builds, and operates rail, bus, and other mobility services (e.g. bikeshare, microtransit) throughout Los Angeles County (LA County). On average, Metro moves 1.3 million people each day on buses and trains. With funding from the passage of Measure R (2008) and Measure M (2016), the Metro system is expanding. Over the next 40 years, Metro will build over 60 new stations and over 100 miles of transit right-of-way (ROW). New and expanded transit lines will improve mobility across LA County, connecting riders to more destinations and expanding opportunities for development that supports transit ridership. Metro facilities include:



Metro Rail: Metro operates heavy rail (HRT) and light rail (LRT) transit lines in underground tunnels, along streets, off-street in dedicated ROW, and above street level on elevated structures. Heavy rail trains are powered by a "third rail" along the tracks. Light rail vehicles are powered by overhead catenary systems (OCS). To support rail operations, Metro owns and maintains traction power substations (TPSS), maintenance yards, and other infrastructure.



Metrolink/Regional Rail: Metro owns a majority of the ROW within LA County on which the Southern California Regional Rail Authority (SCRRA) operates Metrolink service. Metrolink is a commuter rail system with seven lines that span 388 miles across five counties, including: Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego. As a SCRRA member agency and property owner, Metro reviews development activity adjacent to Metro-owned ROW on which Metrolink operates, and coordinates with Metrolink on any comments or concerns. Metrolink has its own set of standards and processes, see link on page 1.



Metro Bus Rapid Transit (BRT): Metro operates accelerated bus transit, which acts as a hybrid between rail and traditional bus service. Metro BRT may operate in a dedicated travel lane within a street or freeway, or off-street along dedicated ROW. Metro BRT stations may be located on sidewalks within the public right-of-way, along a median in the center of streets, or off-street on Metro-owned property.



Metro Bus: Metro operates 170 bus lines across more than 1,400 square miles in LA County. The fleet serves over 15,000 bus stops with approximately 2,000 buses. Metro operates "Local" and "Rapid" bus service within the street, typically alongside vehicular traffic, though occasionally in "bus-only" lanes. Metro bus stops are typically located on sidewalks within the public right-of-way, which is owned and maintained by local jurisdictions. Metro's NextGen Bus Plan re-envisions bus service across LA County to make service improvements that better serve riders.

Why is Metro interested in adjacent development?

Metro Supports Transit Oriented Communities: Metro is redefining the role of the transit agency by expanding mobility options, promoting sustainable urban design, and helping transform communities throughout LA County. Metro seeks to partner with local, state, and federal jurisdictions, developers, property owners and other stakeholders across LA County on transit-supportive planning and developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Adjacent Development Leads to Transit Oriented Communities: Metro supports private development adjacent to transit as this presents a mutually beneficial opportunity to enrich the built environment and expand mobility options. By connecting communities, destinations, and amenities through improved access to public transit, adjacent developments have the potential to:

- reduce auto dependency,
- reduce greenhouse gas emissions,
- promote walkable and bikeable communities that accommodate more healthy and active lifestyles,
- improve access to jobs and economic opportunities, and
- create more opportunities for mobility – highly desirable features in an increasingly urbanized environment.

Opportunity: Acknowledging an unprecedented opportunity to influence how the built environment develops along and around transit and its facilities, Metro has created this document. The Handbook helps ensure compatibility between private development and Metro's transit infrastructure to minimize operational, safety, and maintenance issues. It serves as a crucial first step to encourage early and active collaboration with local stakeholders and identify potential partnerships that leverage Metro initiatives and support TOCs across LA County.



Metro Purview & Concerns

Metro Purview for Review & Coordination

Metro is interested in reviewing development, construction, and utility projects within 100 feet of Metro transit facilities, real estate assets, and ROW – as measured from the edge of the ROW outward – both to ensure the structural safety of existing or planned transit infrastructure and to maximize integration opportunities with adjacent development. The Handbook seeks to:

- Improve communication and coordination between developers, jurisdictions, and Metro.
- Identify common concerns associated with developments adjacent to Metro ROW.
- Highlight Metro operational needs and requirements to ensure safe, continuous service.
- Prevent potential impacts to Metro transit service or infrastructure.
- Maintain access to Metro facilities for riders and operational staff.
- Avoid preventable conflicts resulting in increased development costs, construction delays, and safety impacts.
- Streamline the review process to be transparent, clear, and efficient.
- Assist in the creation of overall marketable and desirable developments.

Key Audiences for Handbook

The Handbook is intended to be used by:

- Local jurisdictions who review, entitle, and permit development projects and/or develop policies related to land use, development standards, and mobility,
- Developers, property owners,
- Architects, engineers, design consultants,
- Builders/contractors,
- Entitlement consultants,
- Environmental consultants,
- Utility companies, and
- other Third Parties.

Metro Assets & Common Concerns for Adjacent Development

The table on the facing page outlines common concerns for development projects and/or construction activities adjacent to Metro transit facilities and assets. These concerns are discussed in greater detail in the following chapters of the Handbook.

METRO ASSETS	COMMON ADJACENCY CONCERNS
 **UNDERGROUND ROW** Transit operates below ground in tunnels.	• Excavation near tunnels and infrastructure • Clearance from support structures (e.g. tiebacks, shoring, etc) • Coordination with utilities • Clearance from ventilation shafts, surface penetrations (e.g. emergency exits) • Surcharge loading of adjacent construction • Explosions • Noise and vibration/ground movement • Storm water drainage
 **AERIAL ROW** Transit operates on elevated guideway, typically supported by columns.	• Excavation near columns and support structures • Column foundations • Clearance from OCS • Overhead protection and crane swings • Setbacks from property line for maintenance activities to occur without entering ROW • Coordination with utilities • Noise reduction (e.g. double-paned windows)
 **AT-GRADE ROW** Transit operates in dedicated ROW at street level; in some cases tracks are separated from adjacent property by fence or wall.	• Pedestrian and bicycle movements and safety • Operator site distance/cone of visibility • Clearance from OCS • Crane swings and overhead protection • Trackbed stability • Storm water drainage • Noise/vibration • Driveways near rail crossings • Setbacks from property line for maintenance activities to occur without entering ROW • Utility coordination
 **BUS STOPS** Metro operates bus service on city streets. Bus stops are located on public sidewalks.	• Lane closures and re-routing service during construction • Temporary relocation of bus stops • Impacts to access to bus stops
 **NON-REVENUE/OPERATIONAL** Metro owns and maintains property to support operations (e.g. bus and rail maintenance facilities, transit plazas, traction power substations, park-and-ride parking lots).	• Excavation and clearance from support structures (e.g. tiebacks, shoring, etc) • Ground movement • Drainage • Utility coordination • Access to property

Metro Coordination Process

Typical Stages of Metro Review and Coordination

Early coordination helps avoid conflicts between construction activities and transit operations and maximizes opportunities to identify synergies between the development project and Metro transit services that are mutually beneficial.



*Phases above may include fees for permits and reimbursement of Metro staff time for review and coordination.

Coordination Goal: Metro encourages developers to consult with the Development Review Team early in the design process to ensure compatibility with transit infrastructure and minimize operational, safety, and maintenance issues with adjacent development. The Development Review team will serve as a case manager to developers and other Third Parties to facilitate the review of plans and construction documents across key Metro departments.

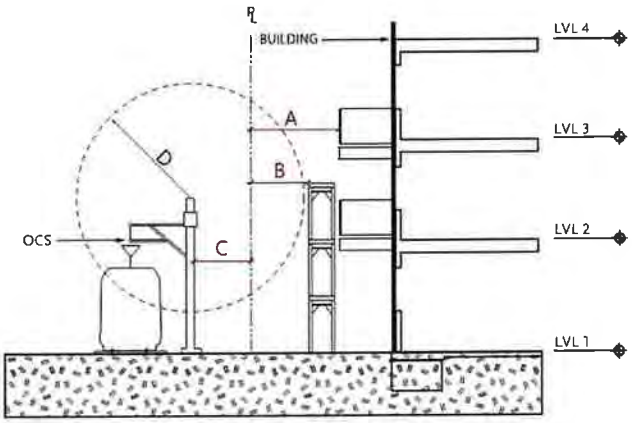
Level of Review: Not all adjacent projects will require significant review and coordination with Metro. The level of review depends on the Project's proximity to Metro, adjacency conditions, and the potential to impact Metro facilities and/or services. For example, development projects that are excavating near Metro ROW or using cranes near transit facilities require a greater level of review and coordination. Where technical review and construction monitoring is needed, Metro charges fees for staff time, as indicated by asterisk in the above diagram.

Permit Clearance: Within the City of Los Angeles, Metro reviews and clears Building & Safety permits for projects within 100 feet of Metro ROW, pursuant to Zoning Information 1117. To ensure timely clearance of these permits, Metro encourages early coordination as noted above.

To begin consultation, submit project information via an online In-Take Form, found on Metro's website. Metro staff will review project information and drawings to screen the project for any potential impacts to transit facilities or services, and determine if require further review and coordination is required. The sample sections on the facing page illustrate adjacency condition information that helps Metro complete project screening.

Contact:
Metro Development Review Team
Website: https://www.metro.net/devreview
Online In-take Form: https://ipropublic.metro.net/in-take-form
Email: devreview@metro.net
Phone: 213.418.3484

Sample Section: Adjacency Conditions



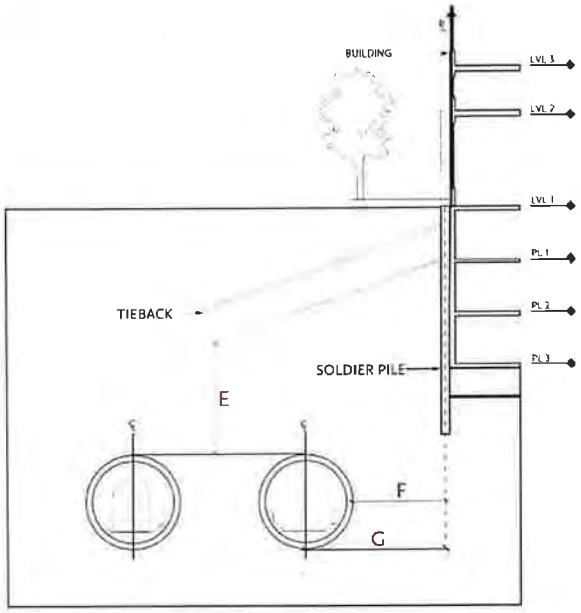
AT-GRADE CONDITION

A. Distance from property line to nearest permanent structure (e.g. building facade, balconies, terraces). Refer to Section 1.3 Building Setback of Handbook.

B. Distance from property line to nearest temporary construction structures (e.g. scaffolding).

C. Distance from property line to nearest Metro facility.

D. Clearance from nearest temporary and/or permanent structure to overhead catenary system (OCS). Refer to Section 1.4, OCS Clearance of Handbook.



BELOW-GRADE CONDITION

E. Vertical distance from top of Metro tunnel to closest temporary and/or permanent structure (e.g. tiebacks, foundation). Refer to Section 2.2, Proximity to Tunnels & Underground Infrastructure of Handbook.

F. Horizontal distance from exterior tunnel wall to nearest structure.

G. Horizontal distance from Metro track centerline to nearest structure.

Best Practices

Best Practices for Developer Coordination

Metro encourages developers of projects adjacent to Metro ROW and/or Real Estate Assets to take the following steps to facilitate Metro project review and approval:

1. **Review Metro resources and policies:** The Metro Development & Construction Coordination website and Handbook provide important information for those interested in constructing on, adjacent, over, or under Metro ROW, non-revenue property, or transit facilities. Developers and other Third Parties should familiarize themselves with these resources and keep in mind common adjacency concerns when planning a project.

2. **Contact Metro early during design process:** Metro welcomes the opportunity to provide feedback early in project design, allowing for detection and resolution of important adjacency issues, identification of urban design and system integration opportunities, and facilitation of permit approval. Metro encourages project submittal through the online In-Take Form to begin consultation.

3. **Maintain communication:** Frequent communication with Metro during project design and construction will reinforce relationships and allow for timely project completion. Contact us at devreview@metro.net or at 213.418.3484.

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Best Practices for Local Jurisdiction Notification

To improve communication between Metro and the development community, Metro suggests that local jurisdictions take the following steps to notify property owners of coordination needs for properties adjacent to Metro ROW by:

- **Updating GIS and parcel data:** Integrate Metro ROW files into the City/County GIS and/or Google Earth Files for key departments (e.g. Planning, Public Works, Building & Safety) to notify staff of Metro adjacency and need for coordination during development approval process.Download Metro's ROW files here.

- **Flag Parcels:** Create an overlay zone as part of local Specific Plan(s) and/or Zoning Ordinance(s) to tag parcels that are within 100 feet Metro ROW and require coordination with Metro early during the development process [e.g. City of Los Angeles Zone Information and Map Access System (ZI-1117)].

- **Provide Resources:** Direct all property owners and developers interested in parcels within 100 feet of Metro ROW to Metro's resources (e.g. website, Handbook).


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Site Plan & Conceptual Design

Site Plan & Conceptual Design

1.1 Supporting Transit Oriented Communities

Transit-oriented communities (TOCs) are places that, by their design, make it more convenient to take transit, walk, bike or roll than to drive. By working closely with the development community and local jurisdictions, Metro seeks to ensure safe construction near Metro facilities and improve compatibility with adjacent development to increase transit ridership.

RECOMMENDATION: Consider site planning and building design strategies to that support transit ridership, such as:

- Leveraging planning policies and development incentives to design a more compelling project that capitalizes on transit adjacency and economy of scales.
- Programming a mix of uses to create lively, vibrant places that are active day and night.
- Utilizing Metro policies and programs that support a healthy, sustainable, and welcoming environment around transit service and facilities.
- Prioritizing pedestrian-scaled elements to create spaces that are comfortable, safe, and enjoyable.
- Activating ground floor with retail and outdoor seating/activities to bring life to the public environment.
- Reducing and screening parking to focus on pedestrian activity.
- Incorporating environmental design elements that help reduce crime (e.g. windows and doors that face public spaces, lighting).



The Wilshire/Vermont Metro Joint Development project leveraged existing transit infrastructure to catalyze a dynamic and accessible urban environment. This project accommodates portal access into the Metro Rail system and on-street bus facilities.

1.2 Enhancing Access to Transit

Metro seeks to create a comprehensive, integrated transportation network and supports infrastructure and design that allows safe and convenient access to its multi-modal services. Projects in close proximity to Metro's services and facilities present an opportunity to enhance the public realm and connections to/from these services for transit riders as well as users of the developments.

RECOMMENDATION: Design projects with transit access in mind. Project teams should capitalize on the opportunity to improve the built environment and enhance the public realm for pedestrians, bicyclists, persons with disabilities, seniors, children, and users of green modes. Metro recommends that projects:

- Orient major entrances to transit service, making access and travel safe, intuitive, and convenient.
- Plan for a continuous canopy of shade trees along all public right-of-way frontages to improve pedestrian comfort to transit facilities.
- Add pedestrian lighting along paths to transit facilities and nearby destinations.
- Integrate wayfinding and signage into project design.
- Enhance nearby crosswalks and ramps.
- Ensure new walkways and sidewalks are clear of any obstructions, including utilities, traffic control devices, trees, and furniture.
- Design for seamless, multi-modal pedestrian connections, making access easy, direct, and comfortable.



The City of Santa Monica leveraged investments in rail transit and reconfigured Colorado Avenue to form a multi-modal first/last mile gateway to the waterfront from the Downtown Santa Monica Station. Photo by PWP Landscape Architecture

Site Plan & Conceptual Design

1.3 Building Setback

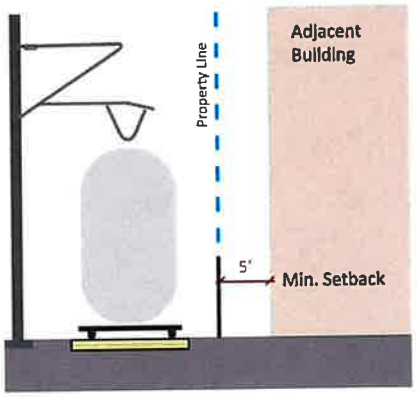
Buildings and structures with a zero lot setback that closely abut Metro ROW can pose concerns to Metro during construction. Encroachment onto Metro property to construct or maintain buildings is strongly discouraged as this presents safety hazards and may disrupt transit service and/or damage Metro infrastructure.

RECOMMENDATION: Include a minimum setback of five (5) feet from the property line to building facade to accommodate the construction and maintenance of structures without the need to encroach upon Metro property. As local jurisdictions also have building setback requirements, new developments should comply with the greater of the two requirements.

Entry into the ROW by parties other than Metro and its affiliated partners requires written approval. Should construction or maintenance of a development necessitate temporary or ongoing access to Metro ROW, a Metro Right of Entry Permit must be requested and obtained from Metro Real Estate for every instance access is required. Permission to enter the ROW is granted solely at Metro's discretion.

Coordination between property owners of fences, walls, and other barriers along property line is recommended. See Section 1.5.

Refer to Section 3.2 – Track Access and Safety for additional information pertaining to ROW access in preparation for construction activities.



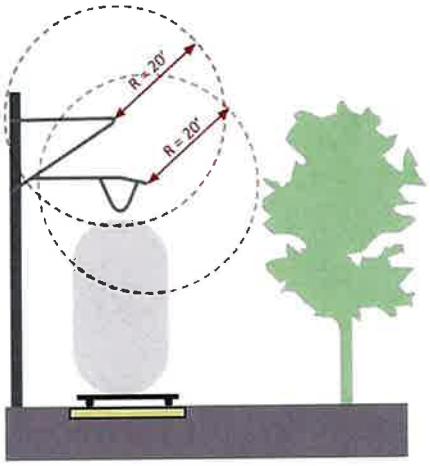
A minimum setback of five (5) feet between an adjacent structure and Metro ROW is strongly encouraged to allow project construction and ongoing maintenance without encroaching on Metro property.

1.4 Overhead Catenary System (OCS) Clearance

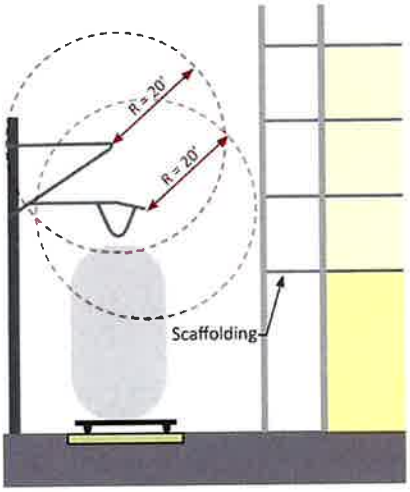
Landscaping and tree canopies can grow into the OCS above light rail lines, creating electrical safety hazards as well as visual and physical impediments for trains. Building appurtenances facing rail ROW, such as balconies, may also pose safety concerns to Metro operations as objects could fall onto the OCS.

RECOMMENDATION: Design project elements facing the ROW to avoid potential conflicts with Metro transit vehicles and infrastructure. Metro recommends that projects:

- Plan for landscape maintenance from private property and prevent growth into Metro ROW. Property owners will not be permitted to access Metro property to maintain private development.
- Design buildings such that balconies do not provide building users direct access to Metro ROW.
- Maintain building appurtenances and landscaping at a minimum distance of ten (10) feet from the OCS and support structures. If Transmission Power (TP) feeder cable is present, twenty (20) feet from the OCS and support structures is required. Different standards will apply for Metro Trolley Wires, Feeder Cables (wires) and Span Wires.



Adjacent structures and landscaping should be sited and maintained to avoid conflicts with the rail OCS.



Scaffolding and construction equipment should be staged to avoid conflicts with the rail OCS.

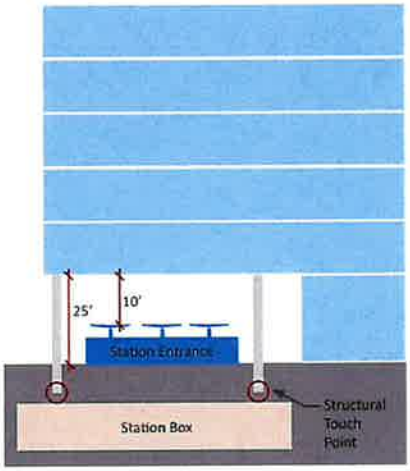
Site Plan & Conceptual Design

1.5 Underground Station Portal Clearance

Metro encourages transit-oriented development. Where development is planned above station entrances, close coordination is needed for structural safety as well as access for patrons, operations, and maintenance. Below are key design rules of thumb for development planned to cantilever over an entrance to an underground Metro Rail station.

RECOMMENDATION:

1. Preserve 25 feet clearance at minimum from plaza grade and the building structure above.
2. Preserve 10 feet clearance at minimum between portal roof and building structure above.
3. Coordinate structural support system and touchdown points to ensure a safe transfer of the building loads above the station portal.
4. Coordinate placement of structural columns and amenities (e.g. signage, lighting, furnishings) at plaza level to facilitate direct and safe connections for people of all mobile abilities to and from station entrance(s).
5. Develop a maintenance plan for the plaza in coordination with Metro.



Projects that propose to cantilever over Metro subway portals require close coordination with Metro Engineering.

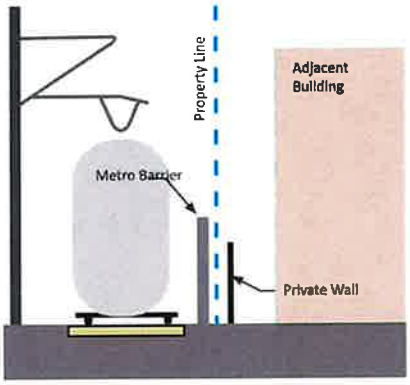
1.6 Shared Barrier Construction & Maintenance

In areas where Metro ROW abuts private property, barrier construction and maintenance responsibilities can be a point of contention with property owners. When double barriers are constructed, the gap created between the Metro-constructed fence and a private property owner's fence can accumulate trash and make regular maintenance challenging without accessing the other party's property.

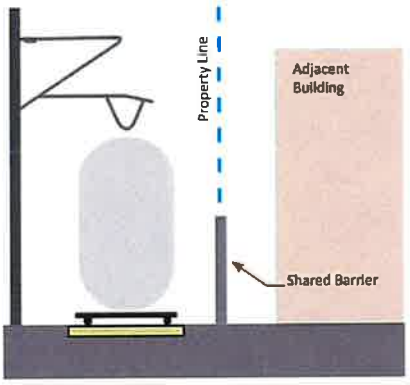
RECOMMENDATION: Coordinate with Metro Real Estate to create a single barrier condition along the ROW property line. With an understanding that existing conditions along ROW boundaries vary throughout LA County, Metro recommends the following, in order of preference:

- **Enhance existing Metro barrier:** if structural capacity allows, private property owners and developers should consider physically affixing improvements onto and building upon Metro's existing barrier. Metro is amenable to barrier enhancements such as increasing barrier height and allowing private property owners to apply architectural finishes to their side of Metro's barrier.
- **Replace existing barrier(s):** if conditions are not desirable, remove and replace any existing barrier(s), including Metro's, with a new single "shared" barrier built on the property line.

Metro is amenable to sharing costs for certain improvements that allow for clarity in responsibilities and adequate ongoing maintenance from adjacent property owners without entering Metro's property. Metro Real Estate should be contacted with case-specific questions and will need to approve shared barrier design, shared financing, and construction.



Double barrier conditions allow trash accumulation and create maintenance challenges for Metro and adjacent property owners.



Metro prefers a single barrier condition along its ROW property line.

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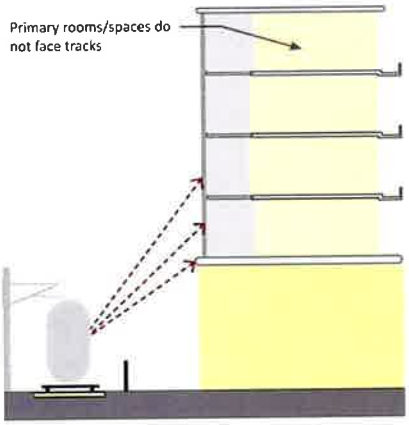
1.7 Project Orientation & Noise Mitigation

Metro may operate in and out of revenue service 24 hours per day, every day of the year, which can create noise and vibration (i.e. horns, power washing). Transit service and maintenance schedules cannot be altered to avoid noise for adjacent developments. However, noise and vibration impacts can be reduced through building design and orientation.

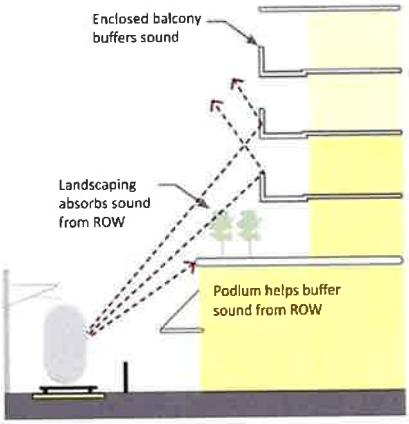
RECOMMENDATION: Use building orientation, programming, and design techniques to reduce noise and vibration for buildings along Metro ROW:

- Locate secondary or "back of house" rooms (e.g. bathrooms, stairways, laundry rooms) along ROW, rather than primary living spaces that are noise sensitive (e.g. bedrooms and family rooms).
- Use upper level setbacks and locate living spaces away from ROW.
- Enclose balconies.
- Install double-pane windows.
- Include language disclosing potential for noise, vibration, and other impacts due to transit proximity in terms and conditions for building lease or sale agreements to protect building owners/ sellers from tenant/buyer complaints.

Developers are responsible for any noise mitigation required, which may include engineering designs for mitigation recommended by Metro or otherwise required by local municipalities. A recorded Noise Easement Deed in favor of Metro may be required for projects within 100 feet of Metro ROW to ensure notification to tenants and owners of any proximity issues.



Building orientation can be designed to face away from tracks, reducing the noise and vibration impacts.



Strategic placement of podiums and upper-level setbacks on developments near Metro ROW can reduce noise and vibration impacts.

1.8 At-Grade Rail Crossings

New development is likely to increase pedestrian activity at rail crossings. Safety enhancements may be needed to upgrade existing rail crossings to better protect pedestrians.

RECOMMENDATION: Coordinate with Metro, the California Public Utilities Commission (CPUC), and any other transit operators using the crossing (e.g. Metrolink) to determine if safety enhancements are needed for nearby rail crossings.

While Metro owns and operates the rail ROW, the CPUC regulates all rail crossings. Contact the CPUC early in the design process to determine if they will require any upgrades to existing rail crossings. The CPUC may request to review development plans and hold a site visit to understand future pedestrian activity. Metro's Corporate Safety Department can support the developer in coordination with the CPUC.



Gates and pedestrian arms are common types of safety elements for pedestrians at rail crossings.



Safety elements of a gate and pedestrian arms have been constructed at the Monrovia Station.

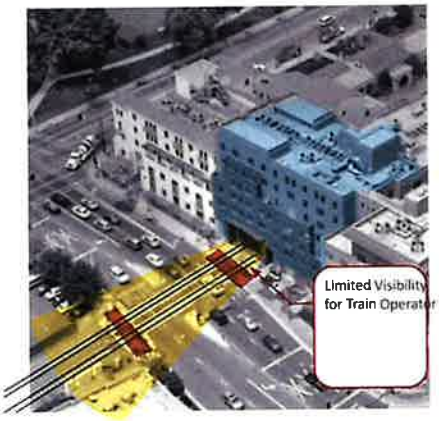
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1.9 Sight-Lines at Crossings

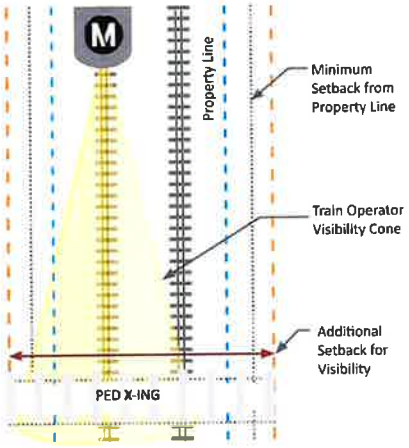
Developments adjacent to Metro ROW can present visual barriers to transit operators approaching vehicular and pedestrian crossings. Buildings and structures in close proximity to transit corridors can reduce sight-lines and create blind corners where operators cannot see pedestrians. This requires operations to reduce train speeds, which decreases efficiency of transit service.

RECOMMENDATION: Design buildings to maximize transit service sight-lines at crossings, leaving a clear cone of visibility to oncoming vehicles and pedestrians.

Metro Rail Operations will review, provide guidance, and determine the extent of operator visibility for safe operations. If the building envelope overlaps with the visibility cone near pedestrian and vehicular crossings, a building setback may be necessary to ensure safe transit service. The cone of visibility at crossings and required setback will be determined based on vehicle approach speed.



Limited sight-lines for trains approaching street crossings create unsafe conditions.



Visibility cones allow train operators to respond to safety hazards.

1.10 Driveway/Access Management

Driveways adjacent to on-street bus stops can create conflict for pedestrians walking to/from or waiting for transit. Additionally, driveways accessing parking lots and loading zones at project sites near Metro Rail and BRT crossings can create queuing issues along city streets and put vehicles in close proximity to fast moving trains and buses, which pose safety concerns.

RECOMMENDATION: Site driveways and other vehicular entrances to avoid conflicts with pedestrians, bicycles, and transit vehicles by:

- Placing driveways along side streets and alleys, away from on-street bus stops and transit crossings to minimize safety conflicts between active ROW, transit vehicles, and people, as well as queuing on streets.
- Locating vehicular driveways away from transit crossings or areas that are likely to be used as waiting areas for transit services.
- Placing loading docks away from sidewalks where transit bus stop activity is/will be present.
- Consolidating vehicular entrances and reduce width of driveways.
- Using speed tables to slow entering/exiting automobiles near pedestrians.
- Separating pedestrian walkways to minimize conflict with vehicles.
- Encouraging safe non-motorized travel.



Driveways in close proximity to each other compromise safety for those walking to/from transit and increase the potential for vehicle-pedestrian conflicts.

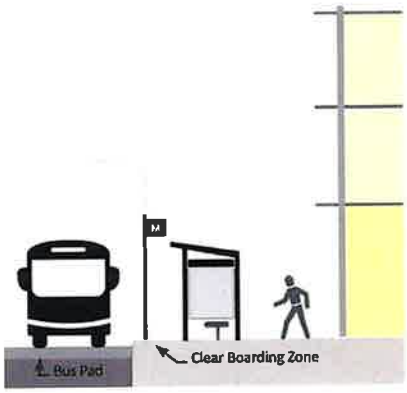
Site Plan & Conceptual Design

1.11 Bus Stop & Zones Design

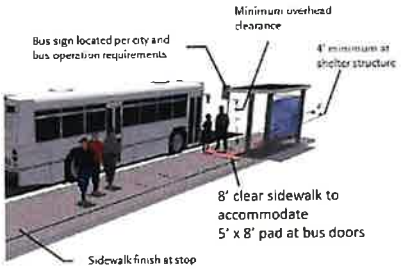
Metro Bus serves over 15,000 bus stops throughout the diverse landscape that is LA County. Typically located on sidewalks within public right-of-way owned and maintained by local jurisdictions, existing bus stop conditions vary from well-lit and sheltered spaces to uncomfortable and unwelcoming zones. Metro is interested in working with developers and local jurisdictions to create a vibrant public realm around new developments by strengthening multi-modal access to/ from Metro transit stops and enhancing the pedestrian experience.

RECOMMENDATION: When designing around existing or proposed bus stops:

- Review Metro's Transit Service Policy, which provides standards for design and operation of bus stops and zones for near-side, far-side, and mid-block stops.
- Review Metro's Transfers Design Guide for more information at https://www.metro.net/projects/station-design-projects/
- Accommodate 5' x 8' landing pads at bus doors (front and back door, which are typically 23 to 25 feet apart).
- Locate streetscape elements (e.g. tree planters, street lamps, benches, shelters, trash receptacles and newspaper stands) outside of bus door zones to protect transit access and ensure a clear path of travel.
- Install a concrete bus pad within each bus stop zone to avoid street asphalt damage.
- Replace stand-alone bus stop signs with bus shelters that include benches and adequate lighting.
- Design wide sidewalks (15' preferred) that accommodate bus landing pads as well as street furniture, landscape, and user travel space.
- Consider tree species, height, and canopy shape (higher than 14' preferred) to avoid vehicle conflicts at bus stops. Trees should be set back from the curb and adequately maintained to prevent visual and physical impediments for buses when trees reach maturity. Avoid planting of trees that have an invasive and shallow root system.



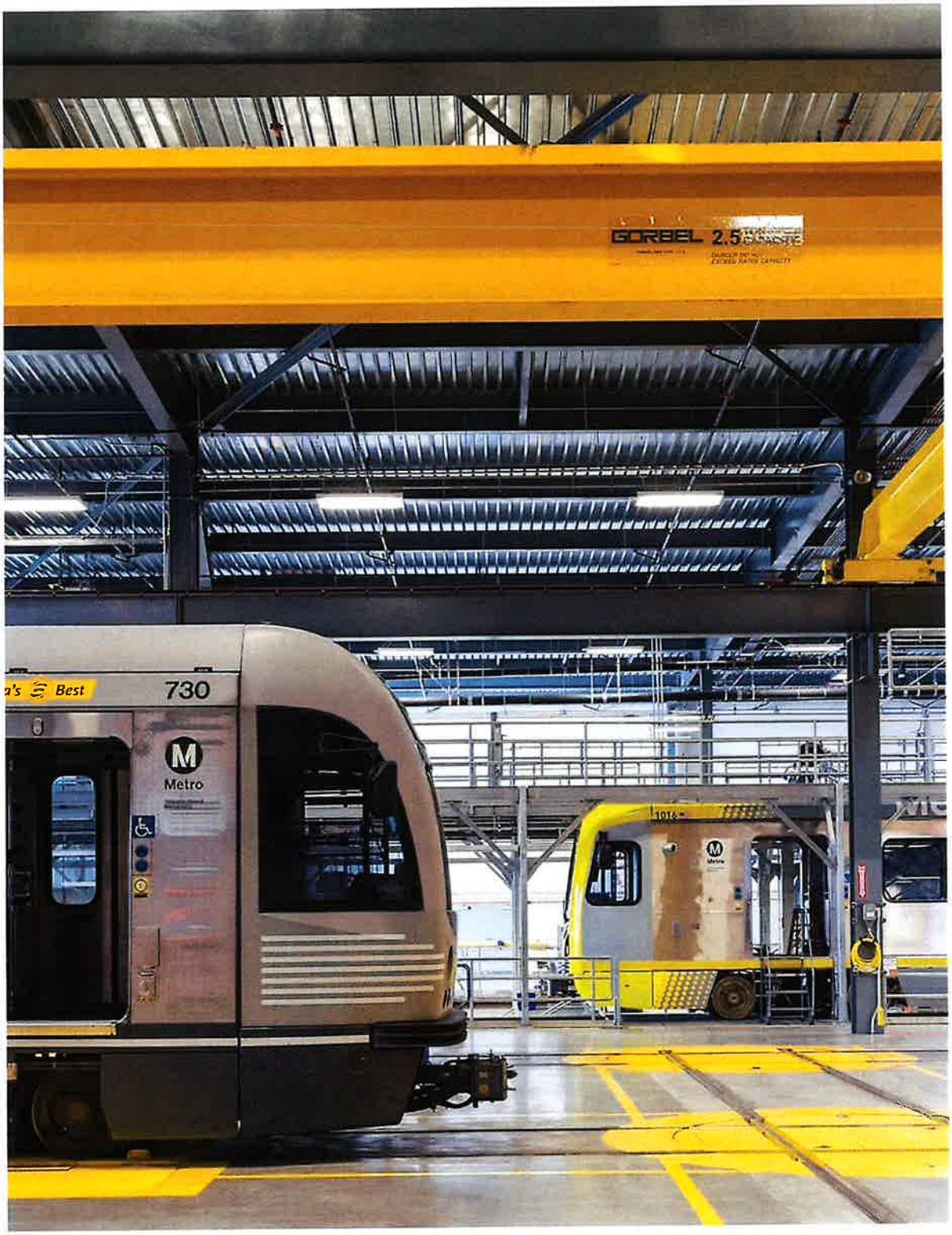
A concrete bus pad should be located at bus stops and bus shelters should be located along sidewalks to ensure an accessible path of travel to a clear boarding area.



Well-designed and accessible bus stops are beneficial amenities for both transit riders and users of adjacent developments.



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Engineering
& Technical
Review

Engineering & Technical Review

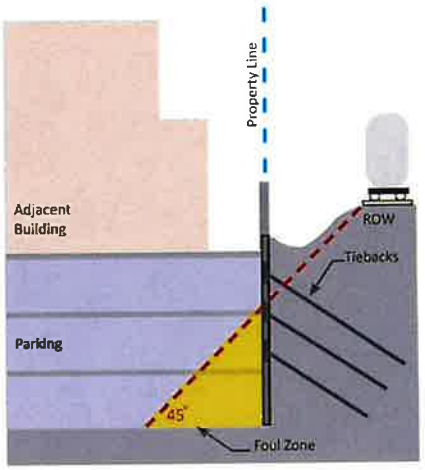
2.1 Excavation Support System Design

Excavation near Metro ROW has the potential to disturb adjoining soils and jeopardize support of existing Metro infrastructure. Any excavation which occurs within the geotechnical foul zone relative to Metro infrastructure is subject to Metro review and approval and meet Cal/OSHA requirements. This foul zone or geotechnical zone of influence shall be defined as the area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast. Construction within this vulnerable area poses a potential risk to Metro service and requires additional Metro Engineering review.

RECOMMENDATION: Coordinate with Metro Engineering staff for review and approval of the excavation support system drawings and calculations prior to the start of excavation or construction. Tiebacks encroaching into Metro ROW may require a tieback easement or license, at Metro's discretion.

Any excavation/shoring within Metrolink operated and maintained ROW will require compliance with SCRRA Engineering standards and guidelines.

See page 7 for a sample section showing Metro adjacent conditions.



An underground structure located within the ROW foul zone would require additional review by Metro.

2.2 Proximity to Tunnels & Underground Infrastructure

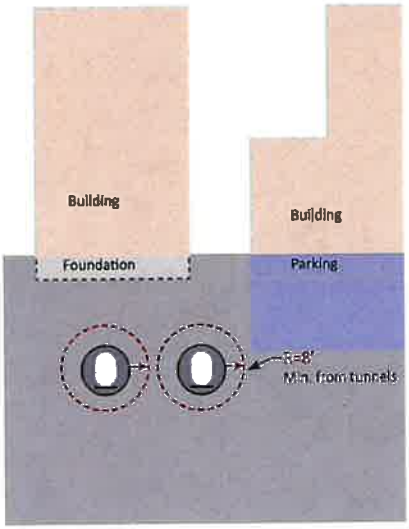
Construction adjacent to, over, or below underground Metro facilities (tunnels, stations and appendages) is of great concern and should be coordinated closely with Metro Engineering.

RECOMMENDATION: Coordinate with Metro early in the design process when proposing to build near underground Metro infrastructure. Metro typically seeks to maintain a minimum eight (8) foot clearance from existing Metro facilities to new construction (shoring or tiebacks). It will be incumbent upon the developer to demonstrate, to Metro's satisfaction, that both the temporary support of construction and the permanent works do not adversely affect the structural integrity, safety, or continued efficient operation of Metro facilities.

Dependent on the nature of the adjacent construction, Metro will need to review the geotechnical report, structural foundation plans, sections, shoring plan sections and calculations.

Metro may require monitoring where such work will either increase or decrease the existing overburden (i.e. weight) to which the tunnels or facilities are subjected. When required, the monitoring will serve as an early indication of excessive structural strain or movement. See Section 3.4, Excavation Drilling/Monitoring for additional information regarding monitoring requirements.

See page 7 for a sample section showing Metro adjacent conditions.



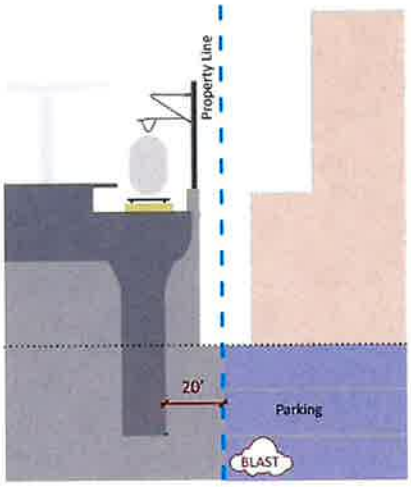
Adjacent project structures in close proximity to underground Metro infrastructure will require additional review by Metro.

Engineering & Technical Review

2.3 Protection from Explosion/Blast

Metro is obligated to ensure the safety of public transit infrastructure from potential explosive sources which could originate from adjacent underground structures or from at-grade locations, situated below elevated guideways or near stations. Blast protection setbacks or mitigation may be required for large projects constructed near critical Metro facilities.

RECOMMENDATION: Avoid locating underground parking or basement structures within twenty (20) feet from an existing Metro tunnel or facility (exterior face of wall to exterior face of wall). Adjacent developments within this 20-foot envelope may be required to submit a Threat Assessment and Blast/Explosion Study for Metro review and approval.



An underground structure proposed within twenty (20) feet of a Metro structure may require a Threat Assessment and Blast/Explosion Study.

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Construction Safety & Management

Construction Safety & Management

3.1 Pre-Construction Coordination

Metro is concerned with impacts to service requiring rail single line tracking, line closures, speed restrictions, and bus bridging occurring as a result of adjacent project construction. Projects that will require work over, under, adjacent, or on Metro property or ROW and include operation of machinery, scaffolding, or any other potentially hazardous work are subject to evaluation in preparation for and during construction to maintain safe transit operations and passenger well-being.

RECOMMENDATION: Following an initial screening of the project, Metro may determine that additional on-site coordination may be necessary. Dependent on the nature of the adjacent construction, developers may be requested to perform the following as determined on a case-by-case basis:

- Submit a construction work plan and related project drawings and specifications for Metro review.
- Submit a contingency plan, show proof of insurance coverage, and issue current certificates.
- Provide documentation of contractor qualifications.
- Complete pre-construction surveys, perform baseline readings, and install movement instrumentation.
- Complete readiness review and perform practice run of transit service shutdown per contingency plan.
- Designate a ROW observer or other safety personnel and an inspector from the project's construction team.
- Establish a coordination process for access and work in or adjacent to ROW for the duration of construction.

Project teams will be responsible for the costs of adverse impacts to Metro transit operations caused by work on adjacent developments, including remedial work to repair damage to Metro property, facilities, or systems. Additionally, a Construction Monitoring fee may be assessed based on an estimate of required level of effort provided by Metro.

All projects adjacent to Metrolink infrastructure will require compliance with SCRRA Engineering Standards and Guidelines.





Metro may need to monitor development construction near Metro facilities.

3.2 Track Access and Safety

Permission from Metro is required to enter Metro property for rail construction and maintenance along, above, or under Metro ROW as these activities can interfere with Metro utilities and service and pose a safety hazard to construction teams and transit riders. Track access is solely at Metro's discretion and is discouraged to prevent electrocution and collisions with construction workers or machines.

RECOMMENDATION: Obtain and/or complete the following to work in or adjacent to Metro Rail ROW:

1. **Construction Work Plan:** Dependent on the nature of adjacent construction, Metro may request a construction work plan, which describes means and methods and other construction plan details, to ensure the safety of transit operators and riders.

2. **Safety Training:** All members of the project construction team will be required to attend Metro Rail Safety Training before commencing work activity. Training provides resources and procedures when working near active rail ROW.

3. **Right of Entry Permit/Temporary Construction Easement:** All access to and activity on Metro property, including easements necessary for construction of adjacent projects, must be approved through a Right-of-Entry Permit and/or a Temporary Construction Easement obtained from Metro Real Estate and may require a fee.

4. **Track Allocation:** All work on Metro Rail ROW must receive prior approval from Metro Rail Operations Control. Track Allocation identifies, reserves, and requests changes to normal operations for a specific track section, line, station, location, or piece of equipment to allow for safe use by a non-Metro entity. If adjacent construction is planned in close proximity to active ROW, flaggers must be used to ensure safety of construction workers and transit riders.



Trained flaggers ensure the safe crossing of pedestrians and workers of an adjacent development.

Construction Safety & Management

3.3 Construction Hours

Building near active Metro ROW poses safety concerns and may require limiting hours of construction which impact Metro ROW to night or off-peak hours so as not to interfere with Metro revenue service. To maintain public safety and access for Metro riders, construction should be planned, scheduled, and carried out in a way to avoid impacts to Metro service and maintenance.

RECOMMENDATION: In addition to receiving necessary construction approvals from the local jurisdiction, all construction work on or in close proximity to Metro ROW must be scheduled through the Track Allocation Process, detailed in Section 3.2.

Metro prefers that adjacent construction with potential to impact normal, continuous Metro operations take place during non-revenue hours (approximately 1am-4am) or during non-peak hours to minimize impacts to service. The developer may be responsible for additional operating costs resulting from disruption to normal Metro service.





Construction during approved hours ensures the steady progress of adjacent development construction and minimizes impacts to Metro's transit service.

3.4 Excavation/Drilling Monitoring

Excavation is among the most hazardous construction activities and can pose threats to the structural integrity of Metro's transit infrastructure.

RECOMMENDATION: Coordinate with Metro Engineering to review and approve excavation and shoring plans during design and development, and well in advance of construction (see Sections 2.1 and 2.2).

Geotechnical instrumentation and monitoring will be required for all excavations occurring within Metro's geotechnical zone of influence, where there is potential for adversely affecting the safe and efficient operation of transit vehicles. Monitoring of Metro facilities due to adjacent construction may include the following as determined on a case-by-case basis:

- Pre- and post-construction condition surveys
- Extensometers
- Inclinometers
- Settlement reference points
- Tilt-meters
- Groundwater observation wells
- Movement arrays
- Vibration monitoring



Excavation and shoring plans must be reviewed by Metro to ensure structural compatibility with Metro infrastructure and safety during adjacent development construction.



A soldier pile wall used for Regional Connector station at 2nd/Hope.

Construction Safety & Management

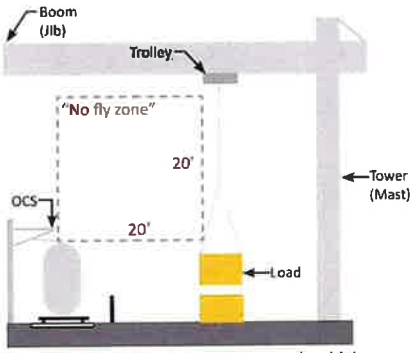
3.5 Crane Operations

Construction activities adjacent to Metro ROW may require moving large, heavy loads of building materials and machinery using cranes. Cranes referenced here include all power-operated equipment that can hoist, lower, and horizontally move a suspended load. To ensure safety for Metro riders, operators, and transit facilities, crane operations adjacent to Metro ROW must follow the safety regulations and precautions below and are subject to California Occupational Safety and Health Administration (Cal/OSHA) standards.

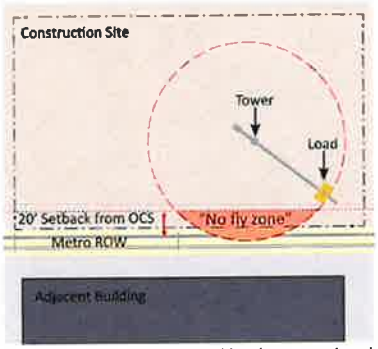
RECOMMENDATION:
Coordinate with Metro to discuss construction methods and confirm if a crane work plan is required. Generally, crane safety near Metro's ROW and facilities largely depends on the following factors: 1) Metro's operational hours and 2) swinging a load over or near Metro power lines and facilities. Note:

1. Clearance: A crane boom may travel over energized Metro OCS only if it maintains a vertical 20-foot clearance and the load maintain a horizontal 20-foot clearance.
2. Power: Swinging a crane boom with a load over Metro facilities or passenger areas is strictly prohibited during revenue hours. To swing a load in the "no fly zone" (see diagrams to right), the construction team must coordinate with Metro to de-energize the OCS.
3. Weathervaning: When not in use, the crane boom may swing 360 degrees with the movement of the wind, including over energized Metro OCS, only if the trolley is fully retracted towards the crane tower and not carrying any loads.
4. Process: Developers and contractors must attend Metro Track Allocation (detailed in Section 3.2) to determine if Metro staff support is necessary during crane erection and load movement.
5. Permit: Developers must apply for a Metro Right-of-Entry permit to swing over Metro facilities.

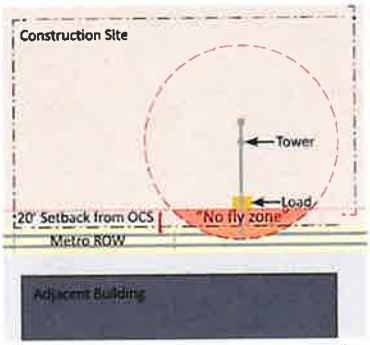
Project teams will bear all costs associated with impacts to Metro Rail operations and maintenance.



Cranes and construction equipment should be staged to avoid conflicts with the rail OCS.



Plan View: Crane swing and load are restricted near Metro ROW.



Plan View: While crane boom swings over "no fly zone," the trolley and load are retracted to maintain clearance from OCS.

3.6 Construction Barriers & Overhead Protection

During construction, falling objects can damage Metro facilities and pose a safety concern to the riders accessing them.

RECOMMENDATION: Erect vertical construction barriers and overhead protection compliant with Metro and Cal/OSHA requirements to prevent objects from falling into Metro ROW or areas designed for public access to Metro facilities. A protection barrier shall be constructed to cover the full height of an adjacent project and overhead protection from falling objects shall be provided over Metro ROW as necessary. Erection of the construction barriers and overhead protection for these areas shall be done during Metro non-revenue hours.



Overhead protection is required when moving heavy objects over Metro ROW or in areas designated for public use.



Constructed above is a wooden box over the entrance portal for overhead protection at the 4th/Hill Station.

Construction Safety & Management

3.7 Pedestrian & Emergency Access

Metro's riders rely on the consistency and reliability of access and wayfinding to and from stations, stops, and facilities. Construction on adjacent property must not obstruct pedestrian access, fire department access, emergency egress, or otherwise present a safety hazard to Metro operations, its employees, riders, and the general public. Fire access and safe escape routes within all Metro stations, stops, and facilities must be maintained at all times.

RECOMMENDATION: Ensure pedestrian and emergency access from Metro stations, stops, and transit facilities is compliant with the Americans with Disabilities Act (ADA) and maintained during construction:

- Temporary fences, barricades, and lighting should be installed and watchmen provided for the protection of public travel, the construction site, adjacent public spaces, and existing Metro facilities.
- Temporary signage should be installed where necessary and in compliance with the latest California Manual on Uniform Traffic Control Devices (MUTCD) and in coordination with Metro Art and Design Standards.
- Emergency exits shall be provided and be clear of obstructions at all times.
- Access shall be maintained for utilities such as fire hydrants, stand pipes/connections, and fire alarm boxes as well as Metro-specific infrastructure such as fan and vent shafts.

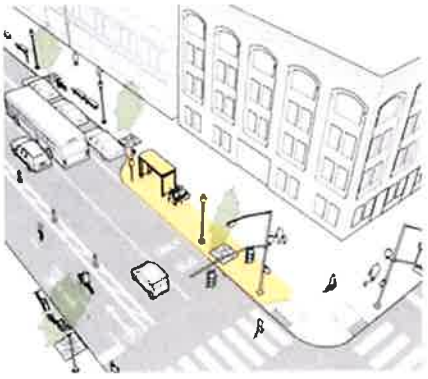


Sidewalk access is blocked for a construction project, forcing pedestrians into the street or to use less direct paths to the Metro facility.

3.8 Impacts to Bus Routes & Stops

During construction, bus stop zones and routes may need to be temporarily relocated. Metro needs to be informed of activities that require stop relocation or route adjustments in order to ensure uninterrupted service.

RECOMMENDATION: During construction, maintain or relocate existing bus stops consistent with the needs of Metro Bus Operations. Design of temporary and permanent bus stops and surrounding sidewalk areas must be compliant with the ADA and allow passengers with disabilities a clear path of travel to the transit service. Existing bus stops must be maintained as part of the final project. Metro Bus Operations Control Special Events Department and Metro Stops & Zones Department should be contacted at least 30 days before initiating construction activities.



Temporary and permanent relocation of bus stops and layover zones will require coordination between developers, Metro, and other municipal bus operators and local jurisdictions.

Construction Safety & Management

3.9 Utility Coordination

Construction has the potential to interrupt utilities that Metro relies on for safe operations and maintenance. Utilities of concern to Metro include, but are not limited to, condenser water piping, potable/fire water, storm and sanitary sewer lines, and electrical/ telecommunication services.

RECOMMENDATION: Coordinate with Metro Real Estate during project design to gauge temporary and permanent utility impacts and avoid conflicts during construction.

The contractor shall protect existing above-ground and underground Metro utilities during construction and coordinate with Metro to receive written approval for any utilities pertinent to Metro facilities that may be used, interrupted, or disturbed.

When electrical power outages or support functions are required, approval must be obtained through Metro Track Allocation in coordination with Metro Real Estate for a Right of Entry Permit.

To begin coordination with Metro Real Estate, visit www.metro.net/devreview and select the drop-down "Utility Project Coordination."



Coordination of underground utilities is critical to safely and efficiently operate Metro service.

3.10 Air Quality & Ventilation Protection

Hot or foul air, fumes, smoke, steam, and dust from adjacent construction activities can negatively impact Metro facilities, service, and users.

RECOMMENDATION: Ensure that hot or foul air, fumes, smoke, and steam from adjacent facilities are discharged beyond 40 feet from existing Metro facilities, including but not limited to ventilation system intake shafts and station entrances. Should fumes be discharged within 40 feet of Metro intake shafts, a protection panel around each shaft shall be required.



A worker breaks up concrete creating a cloud of silica dust.

Glossary

Cone of Visibility
A conical space at the front of moving transit vehicles allowing for clear visibility of travel way and/or conflicts.

Construction Work Plan (CWP)
Project management document outlining the definition of work tasks, choice of technology, estimation of required resources and duration of individual tasks, and identification of interactions among the different work tasks.

Flagger/Flagman
Person who controls traffic on and through a construction project. Flaggers must be trained and certified by Metro Rail Operations prior to any work commencing in or adjacent to Metro ROW.

Geotechnical Foul Zone
Area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast.

Guideway
A channel, track, or structure along which a transit vehicle moves.

Heavy Rail Transit (HRT)
Metro HRT systems include exclusive ROW (mostly subway) trains up to six (6) cars long (450') and utilize a contact rail for traction power distribution (e.g. Metro Red Line).

Joint Development (JD)
JD is the asset management and real estate development program through which Metro collaborates with developers to build housing, retail, and other amenities on Metro properties near transit, typically through ground lease. JD projects directly link transit riders with destinations and services throughout LA County.

Light Rail Transit (LRT)
Metro LRT systems include exclusive, semi-exclusive, or street ROW trains up to three (3) cars long (270') and utilize OCS for traction power distribution (e.g. Metro Blue Line).

Measure R
Half-cent sales tax for LA County approved in November 2008 to finance new transportation projects and programs. The tax expires in 2039.

Measure M
Half-cent sales tax for LA County approved in November 2016 to fund transportation improvements, operations and programs, and accelerate projects already in the pipeline. The tax will increase to one percent in 2039 when Measure R expires.

Metrolink
A commuter rail system with seven lines throughout Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego counties governed by the Southern California Regional Rail Authority (SCRRA).

Metro Adjacent Construction Design Manual
Volume III of the Metro Design Criteria & Standards, which outlines the Metro adjacent review procedure as well as operational requirements when constructing over, under, or adjacent to Metro facilities, structures, and property.

Metro Bus
Metro "Local" and "Rapid" bus service runs within the street, typically alongside vehicular traffic, though occasionally in "bus-only" lanes.

Metro Bus Rapid Transit (BRT)
High quality bus service that provides faster and convenient service through the use of dedicated ROW, branded vehicles and stations, high frequency and intelligent transportation systems, all-door boarding, and intersection crossing priority. Metro BRT may run within dedicated ROW or in mixed flow traffic on streets.

Metro Design Criteria and Standards
A compilation of documents that govern how Metro transit service and facilities are designed, constructed, operated, and maintained.

Metro Rail
Urban rail system serving LA County consisting of six lines, including two subway lines and four light rail lines.

Metro Rail Design Criteria (MRDC)
Volume IV of the Metro Design Criteria & Standards which establishes design criteria for preliminary engineering and final design of a Metro Rail Project.

Metro Transit Oriented Communities
Land use planning and community development program that seeks to maximize access to transportation as a key organizing principle and promote equity and sustainable living by offering a mix of uses close to transit to support households at all income levels, as well as building densities, parking policies, urban design elements, and first/last mile facilities that support ridership and reduce auto dependency.

Noise Easement Deed
Easement granted by property owners abutting Metro ROW acknowledging noise due to transit operations and maintenance.

Overhead Catenary System (OCS)
One or more electrified wires situated over a transit ROW that transmit power to light rail trains via pantograph, a current collector mounted on the roof of an electric vehicle. Metro OCS is supported by hollow poles placed between tracks or on the outer edge of parallel tracks.

Right of Entry Permit
Written approval granted by Metro Real Estate to enter Metro ROW and property.

Right of Way (ROW)
Legal right over property reserved for transportation purposes to construct, protect, maintain and operate transit services.

Southern California Regional Rail Authority (SCRRA)
A joint powers authority made up of an 11-member board representing the transportation commissions of Los Angeles, Orange, Riverside, San Bernardino and Ventura counties. SCRRA governs and operates Metrolink service.

Threat Assessment and Blast/Explosion Study
Analysis performed when adjacent developments are proposed within twenty (20) feet from an existing Metro tunnel or facility.

Track Allocation/Work Permit
Permit granted by Metro Rail Operations Control to allocate a section of track and perform work on or adjacent to Metro Rail ROW. This permit should be submitted for any work that could potentially foul the envelope of a train.

Wayfinding
Signs, maps, and other graphic or audible methods used to convey location and directions to travelers.


metro.net/projects/devreview/
Metro

PLANNING COMMISSION

RESOLUTION NO. 23-6135

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 23-02.

GENERAL PLAN AMENDMENT NO. 23-02

INITIAL STUDY / NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: CITY OF WEST COVINA

LOCATION: **APNs:** 8724-013-901 and 8724-013-900.

WHEREAS, there was filed with this City a verified application on the forms prescribed for the following reclassification:

"Neighborhood Low" to "Parks and Open Space" on certain property generally described as;

Assessor's Parcel No. 8724-013-901, in the records of the Los Angeles County Assessor;

Assessor's Parcel No. 8724-013-900, in the records of the Los Angeles County Assessor; and

WHEREAS, local governments are authorized by Government Code section 65350 et seq., to amend the general plan; and

WHEREAS, the proposed project implements the policies of the General Plan by providing an orderly, functional and compatible land use pattern; and

WHEREAS, the Planning Commission, upon giving the required notice, did on October 10, 2023, October 24, 2023, and November 1, 2023 conduct a duly noticed public hearing to consider said application and did give all persons interested therein an opportunity to be heard; and

WHEREAS, studies and investigations made by the Planning Commission and in its behalf reveal the following facts:

1. The City adopted a new General Plan on December 20, 2016. The General Plan Land Use Maps were amended on November 7, 2017, November 5, 2019, May 4, 2021, and July 20, 2021.

2. The project includes a general plan amendment consisting of changes in land use designations for the properties generally described as Assessor's Parcel Nos. 8724-013-901 and 8724-013-900 from "Neighborhood Low" (NL) to "Parks and Open Spaces" (POS).

3. The project is related to Zone Change (Zone Change No. 23-02), involving the rezoning of the properties generally described as Assessor's Parcel Nos. 8724-013-901, 8724-013-900 and 8458-003-900 from Public Building (P-B) to Open Space (O-S).

4. The project is also related to the City's comprehensive Development Code update (Code Amendment No. 23-01), involving amendments sections of the City's Municipal Code, the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26), and the combination of the Subdivision Code and the Zoning Code into one Development Code (Chapter 26). The Development Code update will eliminate outdated rules and regulations, provide regulations for new uses, and update the Development Code for consistency with the City' the rezoning of zones not widely used in the code. The Development Code update will also involve the rezoning of existing C-2 and C-3 zones, the incorporation of recently adopted mixed-use standards into the office and commercial zoning designations throughout the City.

5. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating the project will not have a significant effect on the environment.

NOW, THEREFORE, the Planning Commission of the City of West Covina, California, does resolve as follows:

SECTION NO. 1: Based on the evidence presented, General Plan Amendment No. 23-02 is found to be consistent with the City's General Plan (as amended) and the land uses permitted within said zone classification.

SECTION NO. 2: The Planning Commission does hereby recommend to the City Council that it approve General Plan Amendment No. 23-02, redesignating the subject properties from "Neighborhood Low" to "Parks and Open Space" on certain property described as set forth in Exhibit A and amending the Land Use Map of the City of West Covina.

SECTION NO. 3: The Secretary is instructed to forward a copy of this Resolution to the City Council for its attention in the manner prescribed by law.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 1st day of November, 2023, by the following vote:

AYES: Gutierrez, Heng, Becerra

NOES: Lewis, Williams

ABSENT: None

ABSTAIN: None

DATE: November 1, 2023

Brian Gutierrez, Chairperson
Planning Commission

Paulina Morales
Planning Commission Secretary

EXHIBIT A

EXHIBIT A

Assessor's Parcel Nos. 8724-013-900 and 8724-013-901



Indicates the areas to be changed from "Neighborhood Low (NL)" to "Parks and Open Space (POS).

PLANNING COMMISSION

RESOLUTION NO. 23-6136

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONE CHANGE NO. 23-02, REZONING ASSOCIATED WITH THE DEVELOPMENT CODE UPDATE

ZONE CHANGE NO. 23-02

INITIAL STUDY / NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: **CITY OF WEST COVINA**

LOCATION: **APNs: 8724-013-901, 8724-013-900, 8459-025-020, 8459-025-01 and 8459-025-024.**

WHEREAS, the City initiated a request to rezone of the properties generally described as Assessor's Parcel Nos. 8724-013-901, 8724-013-900 and 8458-003-900 from Public Building (P-B) to Open Space (O-S) and Assessor's Parcel Nos. 8459-025-020, 8459-025-019, and 8459-025-024 from Planned Industrial (I-P) to Neighborhood Mixed Use (NMU); and

WHEREAS, the Planning Commission, upon giving the required notice, did on October 10, 2023, and October 24, 2023, and November 1, 2023 conduct a duly advertised public hearing to consider the zone change; and

WHEREAS, the studies and investigations made by the Planning Commission and in its behalf reveal the following facts:

1. The proposed project involves the rezoning of Assessor's Parcel Nos. 8458-003-900, 8724-013-901 and 8724-013-900, from "Public Building" (P-B) to "Open Space" (O-S), and Assessor's Parcel Nos. 8459-025-020, 8459-025-019, and 8459-025-024, from "Planned Industrial" (I-P) to "Neighborhood Mixed Use (NMU).

2. The zone change is related to General Plan Amendment (No. 23-00) consisting of changes in land use designations for the properties generally described as Assessor's Parcel Nos. 8724-013-901 and 8724-013-900 from "Neighborhood Low" (NL) to "Parks and Open Spaces" (POS).

3. The project is also related to the City's comprehensive Development Code update (No. 23-01), involving amendments to two sections of the City's Municipal Code, the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26), and the combination of the Subdivision Code and the Zoning Code into one Development

Code (Chapter 26). The Development Code update will eliminate outdated rules and regulations, provide regulations for new uses, and update the Development Code for consistency with the City's Housing Element. The Development Code update will also involve the rezoning of existing zoning designations that are not widely used in the code, including C-2, C-3, P-B and I-P zoning designations and the incorporation of recently adopted mixed-use standards into the office and commercial zoning designations throughout the City.

WHEREAS, after conducting the public hearing and considering all oral and written evidence, the Planning Commission wishes to recommend that the City Council approve the zone changes for the properties generally described as Assessor's Parcel Nos. 8724-013-901, 8724-013-900 and 8458-003-900 from "Public Building" (P-B) to "Open Space" (O-S) and Assessor's Parcel Nos. 8459-025-020, 8459-025-019, and 8459-025-024 from "Planned Industrial" (I-P) to "Neighborhood Mixed Use" (NMU).

NOW THEREFORE, the Planning Commission of the City of West Covina does hereby resolve as follows:

SECTION 1: Based on evidence presented, Zone Change No. 23-02 is hereby found to be consistent with the City General Plan and implementation thereof.

SECTION 2: The Planning Commission recommends the City Council approve Zone Change No. 23-02, changing the zoning designation for subject property as set forth on Exhibit A, and amending the Zoning Map of the City of West Covina.

SECTION NO. 3: Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating the project will not have a significant effect on the environment.

SECTION NO. 4: The Secretary is instructed to forward a copy of this Resolution to the City Council for their attention in the manner as prescribed by law and this Resolution shall go into force and effect upon its adoption.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 1st day of November, 2023, by the following vote.

AYES: Gutierrez, Heng, Becerra

NOES: Lewis, Williams

ABSTAIN: None

ABSENT: None

DATE: November 1, 2023

Brian Gutierrez, Chairperson
Planning Commission

Paulina Morales
Planning Commission Secretary

EXHIBIT A

Assessor's Parcel Nos. 8724-013-900 and 8724-013-901

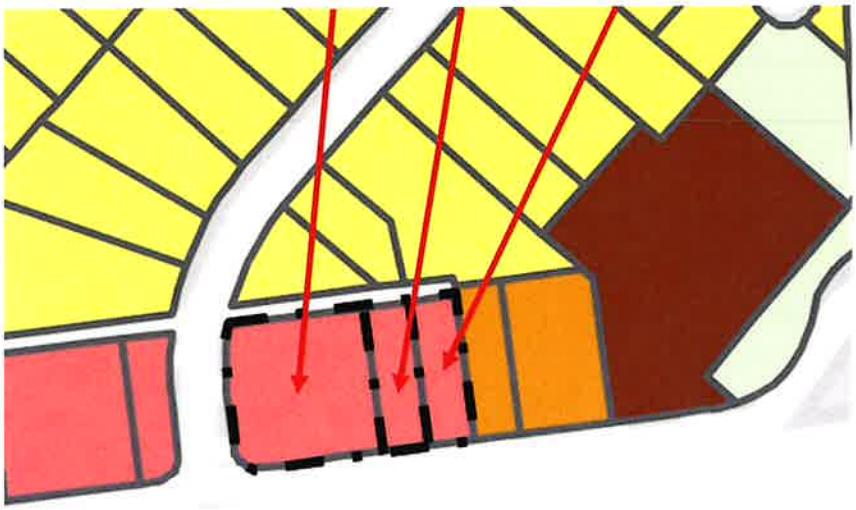


Assessor's Parcel No. 8458-003-900



The exhibits above indicates the areas zoned as "Public Building" (P-B) to be rezoned to "Open Space" (O-S).

Assessor's Parcel Nos. 8459-025-024, 8459-025-019 and 8459-025-020



The exhibit above indicates the area zoned as "Planned Industrial" (I-P) to be rezoned to "Neighborhood Mixed Use" (NMU).

PLANNING COMMISSION

RESOLUTION NO. 23-6137

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS SECTIONS OF THE CITY'S MUNICIPAL CODE, THE SUBDIVISION CODE (CHAPTER 20) AND THE ZONING CODE (CHAPTER 26).

CODE AMENDMENT NO. 23-01

INITIAL STUDY – NEGATIVE DECLARATION

APPLICANT: **CITY OF WEST COVINA**

LOCATION: **CITYWIDE**

WHEREAS, the City's Subdivision Ordinance and Zoning Ordinance have not been comprehensively updated in more than 46 years and requires revisions to ensure that it aligns with current aspirations and values of the community. And complies with current state law and regulations; and

WHEREAS, the City initiated Code Amendment No. 23-01, known as "Development Code Update" which proposes to amend the City of West Covina Municipal Code including the combination of the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26) into one Development Code (Chapter 26); and

WHEREAS, the City conducted community outreach meetings held with each of the five council districts on March 14, 2022, March 16, 2022, March 23, 2022 March 28, 2022, and March 30, 2022; and

WHEREAS, the City held outreach meetings with the Development Code Subcommittee on May 12, 2022, June 30, 2022 and November 17, 2022 to discuss the subdivision code, entitlement review process, non-residential code and residential code updates; and

WHEREAS, the Development Code Update was presented at the Planning Commission meeting held on February 28, 2023; and

WHEREAS, the City created a webpage to host all content created for the Development Code Update. The website has been updated periodically to include the latest project information; and

WHEREAS, the Planning Commission, upon giving the required notice, did on October 10, 2023 conduct a duly advertised public hearing to consider the subject application, at which time the Planning Commission motioned to continue the hearing to another meeting; and

WHEREAS, the Planning Commission held continued public hearings on October 24, 2023 and November 1, 2023; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, a NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating the project will not have a significant effect on the environment; and

WHEREAS, on August 28, 2023, the City published the Notice of Availability/ Notice to adopt a Negative Declaration for Development Code Update and the Draft Comprehensive Development Code for a 20-day public review period. During the public review period, 3 public comments were provided; and

WHEREAS, the Planning Commission has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION NO. 1: The above recitals are true and correct and are incorporated herein as if set forth herein in full.

SECTION NO. 2: Based on the evidence presented and the findings set forth, Code Amendment No. 23-01 is hereby found to be consistent with the West Covina General Plan and the implementation thereof, and that the public necessity, convenience, general welfare, and good zoning practices require Code Amendment No. 23-01.

SECTION NO. 3: Based on the evidence presented and the findings set forth, the Planning Commission of the City of West Covina hereby recommends to the City Council of the City of West Covina that it approves Code Amendment No. 23-01 to amend Subdivision Code (Chapter 20) and Zoning Code (Chapter 26) into one revised and updated Development Code (Chapter 26) West Covina Municipal Code as shown on Attachment "A." and the Initial Study Negative Declaration.

SECTION NO. 4: The Secretary is instructed to forward a copy of this Resolution to the City Council for their attention in the manner as prescribed by law and this Resolution shall go into force and effect upon its adoption.

SECTION NO. 5: Based on all the documents and other evidence presented in connection with this proceeding and in this Resolution, the Planning Commission recommends that the City Council approve Code Amendment No. 23-01 with the added recommendation that if the notification radius for Wireless Telecommunication Facilities is required to be reduced for legal reasons from the 1,000 foot-radius initially presented to a smaller radius, the Planning Commission ask the City Council not to reduce the notification radius to an area less than 800 feet. The Planning Commission understands that minor syntax revisions, cross-reference checks, formatting, and correction of typographical errors will be conducted by staff.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 1st day of November 2023, by the following vote.

AYES: Gutierrez, Heng, Becerra

NOES: Lewis, Williams

ABSTAIN: None

ABSENT: None

Brian Gutierrez, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA TO SECTIONS OF THE CITY'S MUNICIPAL CODE, INCLUDING COMBINING CHAPTER 20 (SUBDIVISION REGULATIONS) AND CHAPTER 26 (ZONING) INTO CHAPTER 20 (DEVELOPMENT CODE), AND AMENDING THE DOWNTOWN PLAN AND CODE

WHEREAS, the City's Subdivision Ordinance and Zoning Ordinance have not been comprehensively updated in more than 46 years and requires revisions to ensure that they align with current aspirations and values of the community, and complies with current state law and regulations; and

WHEREAS, the City initiated Code Amendment No. 23-01, known as "Development Code Update" which proposes to amend the City of West Covina Municipal Code including the combination of the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26) into one Development Code (Chapter 26); and

WHEREAS, it necessary to amend Chapters of the West Covina Municipal Code as part of the Development Update to move Division 29 (Wireless Telecommunication Facilities in the Public Right-of-Way) of Article XII of Chapter 26 to Article X of Chapter 19 (Streets, Sidewalks, and Public Places) and revise Code cross-references to certain articles, divisions, and sections of Chapter 26; and

WHEREAS, it necessary to amend Table 4.3.1 (Permitted Land Uses) of Section 3 (Land Use Standards) of the West Covina Downtown Plan & Code to remove Drive-through services the permitted uses in the Downtown Plan area since the Development Code makes reference to Drive-through uses not being allowed in the Downtown Plan area; and

WHEREAS, the City conducted community outreach meetings, which were held with each of the five council districts on March 14, 2022, March 16, 2022, March 23, 2022 March 28, 2022, and March 30, 2022; and

WHEREAS, the City held outreach meetings with the Development Code Subcommittee on May 12, 2022, June 30, 2022 and November 17, 2022 to discuss the subdivision code, entitlement review process, non-residential code and residential code updates; and

WHEREAS, the City created a webpage to host all content created for the Development Code Update. The website has been updated periodically to include the latest project information; and

WHEREAS, on October 10, 2023, October 24, 2023, and November 1, 2023, the Planning Commission conducted a duly noticed public hearing as prescribed by law to consider Code Amendment No. 23-01 (Development Code Update), gave all persons interested therein an opportunity to be heard, and voted to recommend the City Council's approval and adoption of the Development Code Update; and

WHEREAS, on _____, 2023, the City Council upon giving the required notice, conducted a duly advertised public hearing as prescribed by law on the proposed ordinance and;

WHEREAS, in accordance with CEQA and the State CEQA Guidelines, an Initial Study (IS) has been prepared for the Project and its associated discretionary approvals. The IS indicates that there are no potentially significant impacts and therefore, the Project requires preparation of an Initial Study/Negative Declaration (IS/ND); and

WHEREAS, on August 28, 2023, the City published the Notice of Availability/ Notice to adopt a Negative Declaration for Development Code Update and the Draft Comprehensive Development Code for a 20-day public review period. During the public review period, 3 public comments were provided; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION NO. 1: The City Council finds that all of the facts set forth in the Recitals to this Ordinance are true and correct and incorporated herein.

SECTION NO. 2: The findings made in this Ordinance are based upon the information and evidence set forth in the IS/ND and upon other substantial evidence that has been presented at the hearings and in the record of the proceedings. The IS/ND, agenda reports, and other documents and materials that constitute the record of proceedings are on file for public examination during normal business hours at the City of West Covina Community Development Department, 1444 West Garvey Avenue South. West Covina, CA and available on the City website (https://westcovinacodeupdate.org/).

SECTION NO. 3: The City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Code Amendment No. 23- 01.

SECTION NO. 4: The findings made in this Ordinance are based upon the information and evidence set forth in the Recitals to this Ordinance, the Code Amendment No. 23-01, the IS/ND, and upon other substantial evidence that has been presented at the hearing and in the record of this proceeding.

SECTION NO. 5: The City Council concurs with the determination of the Planning Commission that the Development Code Update is consistent with, and within the scope of, the environmental analysis conducted as part of the Development Code Update and that no further environmental review is required.

SECTION NO. 6: Based on the evidence presented, Code Amendment No. 23-01 is found to be consistent with the City's General Plan (as amended).

SECTION NO. 7: Based on the findings and conclusions set forth in the above sections, and based on all the other evidence in the record, the City Council hereby approves development code updates shown on Attachment "A". The following provides a summary of the development code updates:

A. Creation of a flexible code with modified land uses.
B. Eliminate Area Districts and incorporate those development standards into the underlying zone.
C. Reassign zones that are not widely used in the code (e.g., Planned Industrial zone [I-P]).
D. Increase park dedication requirements from 3.0 acres per 1,000 residents to 3.2 acres per 1,000 residents.
E. Reduce the reviewing authority of parcel maps (subdivisions of four parcels or less) from the Planning Commission to the Community Development Director.
F. Reduce and simplify the number of planning permits, predominantly for administrative processes.
G. Increase the public notification requirement from 300-foot radius from a project site to 500-foot radius (1,000-foot radius for wireless facilities).
H. Replace newspaper posting requirement for development applications with on-site posting.
I. Allow for and add regulations for new types of uses (e.g., craft manufacturing facilities, craft breweries/distilleries) to align with new ABC regulations.
J. Reduce required discretionary review for "permanent make-up" uses to permitted "by-right."
K. New section for outdoor dining, including not requiring parking for the first 500 square feet of outdoor dining areas per business.
L. Add design requirements for outdoor dining areas.
M. Incorporate the recently adopted Mixed-Use Overlay requirements into the existing commercial zoning regulations.
N. Increase parking lot landscape requirements for multi-family residential, commercial and industrial zones from 1 tree per 10 parking spaces and 8% of parking lot to either: a) 1 tree per 6 parking spaces and 8% of the parking lot, OR b) 1 tree per 10 spaces and 12% of parking lot.
O. Require the use of recycled water for irrigation purposes, provided there is adequate capacity to serve the site.

P. Clarify and provide updated standards for garden and retaining walls.
Q. Update the Density Bonus Ordinance for consistency with State Law and define concessions and waivers.
R. Eliminate the Large Home and Large Addition processes for single-family residential units.
S. Update Large Family Daycare facilities to be permitted by-right, consistent with State Law.
T. Update animal keeping provisions.
U. Allow for alternative permeable materials on a driveway (e.g., pavers, grasscrete, etc.). Code currently requires only concrete or asphalt.
V. Include requirements and administrative process for synthetic turf use in the front yards of single-family residential units.
W. Incorporate minimum parking stall and aisle dimensions.
X. Simplify parking requirements for full-service restaurants to 1 space per 100 gross square feet rather than current requirements which is 1 space for every 3.5 permanent seats and one for every 40 square feet of assembly area that is not occupied by permanent seats.
Y. Reduce medical office parking requirement from 1 space per 200 square feet to 1 space per 250 square feet.
Z. Increase multi-family guest parking requirement from 10% of the required spaces (for apartments) or 1 space per 5 units (condominiums) to spaces per 4 units.
AA. Allow small electronic reader board signs for institutional uses.
BB. Subdivision Ordinance revisions include flag lot requirements such as a limitation on the number of residential flag lots and flag lot design standards.

SECTION NO. 8: The proposed amendments to the Municipal Code are consistent with the Quimby Act (Government Code § 66477) because the parkland dedication and Quimby Fee requirements only apply to residential developments that require the approval of a tentative map or parcel map and the proposed amendments to the Municipal Code contain definite standards for determining the proportion of a subdivision to be dedicated for parks and recreational facilities and the amount of any Quimby Fees.

SECTION NO. 9: The City Council does hereby approve Code Amendment No. 23-01, known as "Development Code Update" which proposes to amend the City of West Covina Municipal Code including the combination of the Subdivision Code (Chapter 20) and the Zoning Code (Chapter 26) into one Development Code (Chapter 26) as set forth on Exhibit "A". Chapter 20 shall be deleted and be labeled as a "Reserved" chapter within the West Covina Municipal Code.

SECTION NO. 10: Code Amendment. Table 4.3.1 (Permitted Land Uses) of Section 3 (Land Use Standards) of the West Covina Downtown Plan & Code shall be amended to

remove Drive-through services associated with retail, restaurants, and bank from the permitted uses which will not be allowed in the Downtown Plan area.

SECTION NO. 10: Code Amendment. Amend certain chapters of the West Covina Municipal Code that cross-references Chapter 26 to the correct new article, division, or chapter.

SECTION NO. 27: If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions may be declared invalid or unconstitutional.

SECTION NO. 28: The City Clerk shall certify passage of this ordinance and shall cause the same to be published as required by law.

SECTION NO. 29: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

APPROVED AND ADOPTED on this ___day of _____ 2023.

_____
Brian Tabatabai
Mayor

APPROVED AS TO FORM

_____
Thomas P. Duarte

ATTEST

_____
Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. ____ was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the __ day of December, 2023, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____

Lisa Sherrick
Assistant City Clerk

City of West Covina

Comprehensive Development Code Update: Draft

Chapter 26 Zoning

Prepared by:

[Rincon Consultants, Inc.]

November 2023

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Chapter 26 Zoning

ARTICLE I. ENACTMENT AND APPLICABILITY

DIVISION 1 PURPOSE AND APPLICABILITY OF THE DEVELOPMENT CODE *NEW*

26-1 Title

Chapter 26 of the West Covina Zoning Code shall be known and officially cited as the "Development Code of West Covina, California" and referred to in this Chapter as "the Development Code."

26-2 Purpose and Objectives

The Development Code is adopted to implement the City of West Covina General Plan and to protect and promote the health, safety and welfare of West Covina residents.

(a) The Intent of this Development Code is:

(1) To guide the physical development of the City in such a manner as to achieve progressively the general arrangement of land uses depicted in the General Plan.

(2) To promote the stability of existing land uses that conform with the General Plan and protect them from inharmonious influences and harmful intrusions.

(3) To foster harmonious, convenient, workable relationship among land uses.

(4) To respect the City's environmental setting and constraints, and meet the needs of the City for adequate public services and infrastructure.

(5) To provide regulations for the logical subdivision of land.

(6) To facilitate the appropriate location of community facilities and institutions.

(7) To safeguard and improve the appearance of the City.

26-3 Applicability of the Development Code

The Development Code applies to all land uses, structures, subdivisions, and development within the City of West Covina, as follows:

(a) *New Land Uses or Structures, Changes to Land Uses or Structures.* It shall be unlawful, and a violation of the Development Code for any persons to establish, construct, reconstruct, enlarge, alter or replace any use of land or structure, except in compliance with the requirements of Chapter 26. No building permit or grading permit shall be issued by the City unless the proposed construction conforms to all applicable provisions of this Development Code.

(b) *Subdivisions.* Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of the applicable zone by Article II, the City's subdivision regulations set forth in Article VIII, and all applicable requirements of this Development Code.

(c) *Minimum Requirements.* The provisions of this Development Code shall be minimum requirements for the promotion of public health, safety, and general welfare. When this Development Code provides for discretion on the part of a city official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and other purposes of the Development Code.

(d) *Conflicting Requirements*:

(1) Development Code and Municipal Code Provisions. If a conflict occurs between the requirements of this Development Code or between this Development Code, the City of West Covina Municipal Code, other regulations of the City or California State Law, the most restrictive shall apply.

(2) Development Agreements or Specific Plans. If conflicts occur between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

(3) Private Agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures of land than a private agreement of restriction (eg., CC&Rs), without affecting the applicability of any agreement of restriction.

(e) *Other Requirements May Apply.* Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulation of any state, or federal agency.

26-4 Relationship to Prior Ordinances

The provisions of this Development Code, as it existed to the effective date of Ordinance No. 1333 are repealed and superseded as provided in the ordinance enacting this Article I. No provision of the Development Code shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Development Code as it existed prior to the repeal by the Development Code enacting this Development Code, except as addressed by nonconformities created by this Development Code.

26-5 Relationship to General Plan

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

26-6 Relationship to Other City Ordinances

(a) The provisions of this title shall not be interpreted to repeal, amend, modify, alter, or change any other code that is not specifically repealed, amended, modified, altered, or changed.

(b) Nothing in this title shall be interpreted to authorize the use of a lot or parcel in any way that is in violation of any other applicable statute, code, or regulation.

(c) Whenever the provisions of this title are different from the provisions of any other ordinance or adopted code, the more restrictive provisions shall apply, except as the same may be superseded by resolution or ordinance.

(d) The rights granted by any permit, license, or other approval under any ordinance repealed by this title shall be continued, but in the future, to the extent permitted by law, such rights shall be exercised in accordance with the provisions of this title.

(e) The provisions of this title are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of this title.

26-7 Severability, Partial Invalidation of Development Code

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

DIVISION 2 INTERPRETATION OF THE DEVELOPMENT CODE *NEW*

26-8 Purpose

This Division provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this chapter are intended to ensure the consistent interpretation and application of the provisions of this Development Code and the General Plan.

26-9 Procedures for Interpretation

Authority. The Community Development Director or their designee shall have the responsibility and authority to interpret the meaning and applicability of any part of this Development Code.

26-10 Land Uses Not Classified

(a) Uses not listed are not allowed. If a proposed use of land is not specifically listed in Article II, the use shall not be allowed except as provided below:

(b) Director's determination. Based on the authority granted in 26-9 above, the Community Development Director or their designee may determine that a proposed land use that is not listed in Article II may be allowed. In making this determination, the community development director shall first make all of the following findings:

(1) The characteristics of, and activities associated with the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic congestion, parking, dust, odor, noise, emissions, or similar impacts than the uses classified in the zone;

(2) The proposed use will meet the purpose and/or intent of the zone that is applied to the location of the use; and

(3) The proposed use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable specific plan or planned development permit.

(4) The Decision of the Community Development Director is appealable to the Planning Commission pursuant to the provisions set forth in Article VI, Division 1. All such final determinations shall be recorded in writing to include a finding that the proposed use is substantially similar to uses permitted in the proposed zone and consistent with the intent of the applicable zone.

(c) *Applicable standards and permit requirements.* Upon the community development director's determination that a proposed but unclassified land use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use if allowed, what permits are required, and what additional standards and requirements of this Development Code apply.

26-11 Headings and Illustrations

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

DIVISION 3 ZONING DISTRICTS AND ZONING MAP *NEW*

26-12 Purpose

This section establishes the zoning districts to property within the City and determines how the zoning districts are applied on the zoning map.

26-13 Establishment of Zoning Districts

In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings and to regulate the density of population, the various zones hereinafter named and set forth in this chapter are hereby established.

26-14 Official Zoning Map

The zones established by this chapter and the boundaries of such zones are shown upon a map which is made a part of this title and which is designated as the "Official Zoning Map." Such zoning map may, for convenience, be divided into parts, and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units, and each such part and unit may be separately used for purposes of amending the zoning map or for any official reference to the zoning map.

26-15 Uncertainty of Zoning District Boundaries

If uncertainty exists as to the boundary of any zone shown on the zoning map, the following rules shall apply:

(a) Street, alley, right-of-way or Lot Lines. If the indicated zone boundaries are approximately street, alley, right-of-way or lot lines, such lines shall be construed to be the boundaries; otherwise such boundaries shall be determined by use of the scale appearing on the zoning map unless specifically indicated by dimensions.

(b) Vacated Street or Alley. If a street or alley is officially vacated or abandoned, the zone boundary shall be changed to include such vacated or abandoned street or alley in the same zone as the adjoining property to which it reverts.

(c) Determination by Community Development Director. If there is uncertainty about a zone boundary, the Community Development Director or their designee shall, by written decision, determine the location of the zone boundary.

(d) The Decision of the Community Development Director is appealable to the Planning Commission pursuant to the provisions set forth in Article VI, Division 1. All such final zone boundary determinations shall be recorded in writing.

26-16 Classification of Annexed Parcels

Before property is annexed to the City it shall be pre-zoned to a district that is consistent with the General Plan. If a General Plan land use designation has not been placed upon the property, a general plan amendment will be required to establish a land use designation for the property before the property can be pre-zoned and annexed to the City.

DIVISION 4 DEFINITIONS

26-17 General Definitions

26-18 "A" Definitions

Accessory building or structure. A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone on the same parcel of land with the main building or use. Buildings and/or uses that are attached to the main building or primary use by a common wall less than fifty (50) percent of both structures, may be considered a separate accessory building or structure. ~~A part or the whole of a building or structure, the use of which is subordinate and incidental to the main use and/or structure. Where fifty (50) percent or more of the wall of an accessory building or structure constitutes a common wall with the main building, or where less than fifty (50) percent of the wall of the accessory building or structure constitutes a common wall with the main building but in which wall there is contained an opening that permits direct pedestrian passage from one to the other, then such an accessory building or structure shall be considered a part of the main building.~~

Accessory dwelling unit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Accessory habitable quarters/guest houses. A permanently constructed habitable quarters, separate from the primary residence, and having no kitchen facilities, which is clearly subordinate or incidental to the primary residence on the same lot. The accessory habitable quarters may include only a sleeping area, living area, and bathroom within an attached or detached accessory structure and for use by guests or occupants of the primary residence. The accessory habitable quarters shall not be separately rented, leased or let (by direct or indirect compensation) or otherwise occupied separately from the primary residence. Accessory habitable quarters were historically known as guest houses. New accessory habitable quarters/guest houses are no longer allowed.

Accessory use. A use of the land or building which is clearly incidental and subordinate to the principal use of the land or building (but which does not alter the main use), both of which uses are located on the same lot and/or within the same building.

Adult cat or adult dog. Any dog cat or cat dog over four (4) months of age.

Adult day care facility means a state-licensed establishment providing care or supervision on less than a 24-hour-per-day basis for senior citizens.

Adult oriented business ***[RELOCATED FROM EX. SECTION 26-685.4200]*** means adult arcades, adult bookstores, adult cabarets, adult hotels/motels, adult motion picture theaters, adult theaters, sexual encounter centers, modeling studios, and any other business or establishment which offers and/or provides to its patrons merchandise, services or entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, but not including those activities, the regulation of which are preempted or prohibited by state law. "Adult oriented business" shall also include any establishment which, on a regular basis, provides or allows performers, models, or employees to appear in any place in non-opaque clothing, covering, or lingerie or in any opaque covering which is at any time altered to become non-opaque such that specified anatomical areas become visible. For the purposes of this section, emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas is found to be in existence in situations which include, but are not limited to, one (1) or more of the following:

(a) One (1) of the principal purposes of the business or establishment is to operate as an adult oriented business as evidenced by the name, signage, advertising or other public promotion utilized by said establishment.

(b) One (1) of the principal purposes of the business or establishment is to operate as an adult oriented business as demonstrated by its services, materials, products or entertainment constituting a substantial or significant portion of total business operations where such services, products or entertainment are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or

specified anatomical areas. As used in this division, the term "distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrases. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal. App. 3d 151 (1981).

(c) As applied in this division, no business shall be classified as an adult oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

(d) *Adult arcade* means an establishment having as one (1) of its principal business purposes, for any form of consideration, one (1) or more still or motion picture projectors, or similar machines show films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(e) *Adult bookstore* means an establishment having as one (1) of its principal business purposes the display and/or distribution of adult merchandise, books, periodicals, magazines, photographs, drawings, sculpture, motion pictures, films, or videos, or other visual representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activity or specified anatomical areas.

(f) *Adult cabaret* means a nightclub, restaurant, or similar business establishment which: (1) regularly features live entertainment as defined herein; and/or (2) which regularly features persons who display specified anatomical areas; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(g) *Adult hotel/motel* means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a twenty-four-hour period.

(h) Adult merchandise means sexually oriented implements and paraphernalia, such as, but not limited to: dildo, auto suck, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices.

(i) Adult motion picture theater means an establishment having as one of its principal business purposes, the showing of, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(j) Adult oriented material means any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, CD-ROM, laser disk, DVD, flash drives, steaming subscriptions, or other visual representation distinguished or characterized by an emphasis upon the depiction or description of specified sexual activity or specified anatomical areas.

(k) Adult theater means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features, as one of its principal business purposes, live performances which are distinguished or characterized by an emphasis on the display of specified sexual activities or specified anatomical areas.

(l) Business permit, adult-oriented means a permit validly issued by the City of West Covina to operate an adult oriented business.

(m) Employee, adult-oriented means any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. "Employee" does not include a person exclusively on the premises for repair or perform maintenance of the premises or for the delivery of goods to the premises.

(n) Establishment of an adult oriented business means:

(1) The opening or commencement of any adult oriented business as a new business;

(2) The conversion of an existing business, whether or not an adult oriented business, to any adult oriented business, as defined;

(3) The addition of any adult oriented business to any existing business or an existing adult oriented business;

(4) The relocation of any adult oriented business;

(5) A change in twenty-five (25) percent or more of the ownership of an existing adult oriented business.

(o) *Existing adult-oriented business* means a business that has been in operation within the past six (6) months. An adult oriented business shall only be considered an existing business if it has been in operation as an adult oriented business within the past six (6) months.

(p) *Individual viewing area* means any area designed for occupancy of only one (1) person at any time for the purpose of viewing live performances, pictures, movies, videos, or other presentations.

(q) *Live entertainment, adult oriented* means any display or performance by a human being which is characterized by an emphasis on specified sexual activities or specified anatomical areas.

(r) *Modeling studio, adult-oriented* means an establishment having as one of its principal business purposes, provides, for any form of compensation, models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted, or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available specified sexual activities.

(s) *Nudity* or *nude* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

(t) *Operator, adult-oriented* means any person who causes an adult oriented business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated an adult oriented business whether or not that person is an owner, part owner, or permittee of the business.

(u) *Owner* or *manager, adult -oriented* means any person who operates, owns, or otherwise has control over an adult oriented business.

(v) *Performer* or *adult oriented business performer* means any dancer, model, entertainer, or other person who publicly performs specified sexual activities or publicly displays specified anatomical areas, or otherwise engages in performances distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(w) *Adult-oriented performer permit* means a permit validly issued by the City of West Covina for a person to work as an adult oriented business performer within the City of West Covina.

(x) *Adult-oriented permittee* means a person in whose name a permit to operate an adult oriented business has been issued, including the individual or individuals listed as an applicant on the application for an adult oriented business permit. In the case of a performer, it means the person in whose name the adult oriented performer

permit has been issued. "Permittee" shall include the permittee's employees, agents, partners, directors, officers, shareholders or managers.

(y) *Premises, adult-oriented* means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the permittee, as described in the application for a sexually oriented business permit.

(z) Principal adult-oriented business purpose means that the establishment:

(1) Has a substantial portion of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;

(2) Has a substantial portion of the wholesale value of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;

(3) Has a substantial portion of the retail value of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;

(4) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration of live performances, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;

(5) Maintains a substantial section of its net floor area for the sale or rental of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas; or

(6) Regularly features live performances, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas; and prohibits access by minors, by reason of age, to its premises, and regularly advertises, on signage visible from a public right-of-way, as providing items that the advertising describes using the term "adult," "xxx," "triple-x," "x-rated," "erotic," "sexual," or a term or terms with similar import.

(aa) *Sexual encounter center* means any business, agency or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purposes of engaging in specified sexual activities or exposing specified anatomical areas.

(bb) Specified anatomical areas means:

(1) Less than completely and opaquely covered human genitals; pubic region; buttock; or female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(cc) Specified sexual activities means:

(1) The exposure, display or depiction of human genitals in a state of sexual stimulation or arousal;

(2) Acts of sexual intercourse, human masturbation, sexual stimulation or arousal; or

(3) Fondling or other erotic touching of one's own or another(s)' body/bodies, human genitals, pubic region, buttock, or female breast whether covered or not.

(dd) *Specified criminal activity* means any of the following specified crimes:

(1) Rape, child molestation, sexual assault, sexual battery, aggravated sexual assault, aggravated sexual battery, or public indecency;

(2) Prostitution, keeping a place of prostitution, pimping, or pandering;

(3) Obscenity, disseminating or displaying matter harmful to a minor, or use of child in sexual performance;

(4) Any offense related to any sexually-oriented business, including controlled substance offenses, tax violations, racketeering, crimes involving sex, crimes involving prostitution, or crimes involving obscenity;

(5) Any attempt, solicitation, or conspiracy to commit one (1) of the foregoing offenses; or

(6) Any offense in another jurisdiction that, had the predicate act(s) been committed in California, would have constituted any of the foregoing offenses.

(ee) *Substantial* means at least twenty-five (25) percent.

Advisory Agency. The Planning Commission is hereby designated as the advisory agency referred to in the Subdivision Map Act. As such, it will be charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, and having the authority to approve, conditionally approve or disapprove tentative maps of subdivisions.

Aircraft. A device that is used or intended to be used for flight in the air, including, but not limited to hang gliders, motorized hang gliders, ultralights, hot-air balloons, planes and helicopters.

Alley. A public or private right-of-way less than forty (40) feet wide which affords a means of vehicular access to the side or rear of properties abutting a street or highway.

Allowable building area. That site area not included in the required front, side or rear setbacks. See "Floor area Ratio."

Amendment. A change in the wording, content or substance of this chapter, or a change in the zone boundaries upon the zoning map, a part of this chapter, when adopted by the City Council in the manner prescribed by law.

Appeal board. The City Council is hereby designated as the "appeal board" referred to in the Subdivision Map Act, with all the functions and powers thereof.

Applicant means a person who has applied for, but not obtained any license, permit, certification, or renewal.

Areas of undue concentration. A census tract (as defined by Section 23958.4 of the California Business and Professions Code.) where an undue concentration in the number of alcohol licenses exists as determined by the department of alcoholic beverage control (ABC).

Arborist. ***[RELOCATED FROM EX. SECTION 26-689]*** A person who is a California Certified Arborist; a person accredited by the International Society of Arboriculture in California.

Architectural extension. A tower, or other tall element that extends beyond the roof of a building for the sole purpose of serving as an architectural or aesthetic feature.

Architectural lighting. Any arrangement, other than signage, of lighting to outline or highlight certain features such as the shape of a building or the decoration of a wall or window.

Athletic club. A site containing two (2) or more indoor or outdoor facilities such as gymnasiums, racquetball courts, and swimming pools, which devotes less than ten (10) percent of its building floor area to massage or bathhouse activities (also called health spa).

Attic. The space between a pitched roof and ceiling of the highest floor of the house.

Automaker shall mean a company that manufactures cars.

Automobile wrecking. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Awning. A structure of malleable material which is designed to provide shelter and is attached to the underlying permanent structure.

26-19 "B" Definitions

Bachelor apartment. One (1) room and bath, without cooking facilities, in a multiple dwelling.

Basement. That portion of a building where perimeter walls and floor are completely below adjacent grade except for six (6) inches of wall as measured from the bottom of the sole to the bottom plate. ~~That portion of the building below the first story of the building except that a basement,~~ The basement, when designed for, or occupied for business, manufacturing, or for dwelling purposes (subterranean garages exempted), shall be considered a story.

Bedroom. A bedroom is a room used for sleeping purposes that is separable from other rooms by walls with a door and/or an opening/doorway less than 5 feet in width whether designated as a bedroom or den, study, library, bonus room, media room, or other similar term. A kitchen, hall, powder room, pantry, kitchen nook, laundry room, garage, and bathroom shall be specifically excluded, without limitations.

Billiards. ***[RELOCATED FROM EX. SECTION 26-685.2]*** Billiard and pool games shall mean any of the several games on a table (including those coin-operated), surrounded by an elastic ledge or cushions, with balls which are intended to be propelled by cues.

Billiard parlor, main use. ***[RELOCATED FROM EX. SECTION 26-685.2]*** Any place containing billiard tables not as an accessory to a main use.

Billiard parlor, accessory use. ***[RELOCATED FROM EX. SECTION 26-685.2]*** A use accessory to a main use, containing four (4) or more billiard tables and no more than 10 percent of the total floor area available for customer assembly and/or dining.

Block. All property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Body piercing. The business of perforating the skin using a needle or otherwise, so as to produce a piercing on the cartilaginous part of the ear or any part of the body.

Box size. The size of a tree's container when sold, if boxed.

Building. Any structure having a roof built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind; but excluding all forms of vehicles even though immobilized. Where this chapter requires, or where special authority granted pursuant to this chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

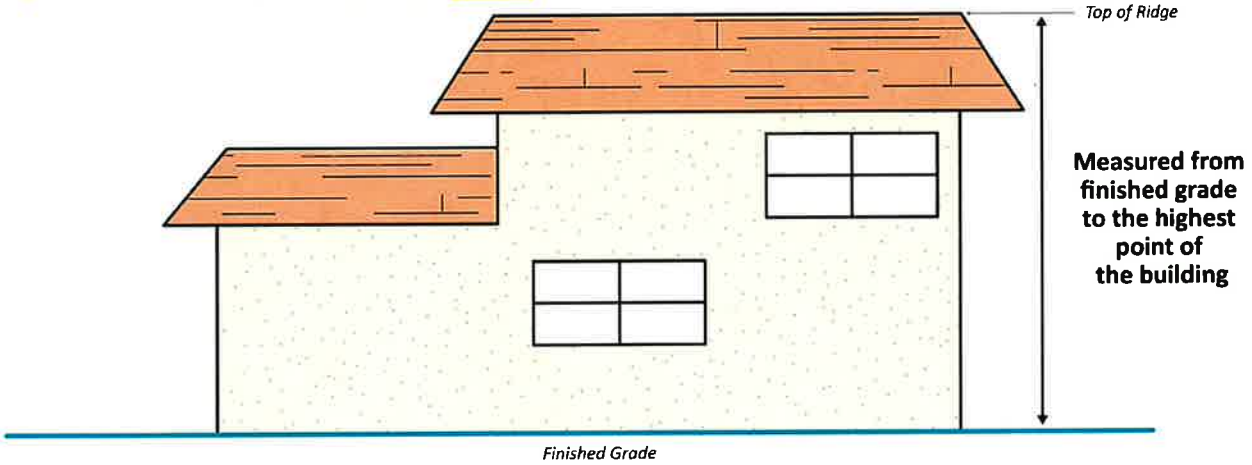
Building, Enclosed. A Building enclosed on all sides.

Building coverage. The area of a lot covered by buildings or other roofed structures, including any eaves extending more than two (2) feet beyond any support structure. Permeable roof materials (e.g., lattice-work) covering two hundred (200) square feet or less will not be included in the lot coverage calculation.

Building frontage. That side of a building which contains the main entrance for pedestrian ingress and egress. If more than one (1) main entrance exists, the one that most nearly faces or is oriented to the street of highest classification as portrayed on the current master plan of streets and highways shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest lineal dimension containing a main entrance shall be considered the building frontage.

Building height. The vertical distance measured from ~~any~~ the highest point of the roof structure to the lowest adjacent finished "grade" ~~directly below said point~~ of the same structure, but exclusive of vents, air conditioners, chimneys, or other such incidental appurtenances~~.~~ and/or the necessary depth needed to accommodate subterranean parking in commercial and multiple family residential zones.

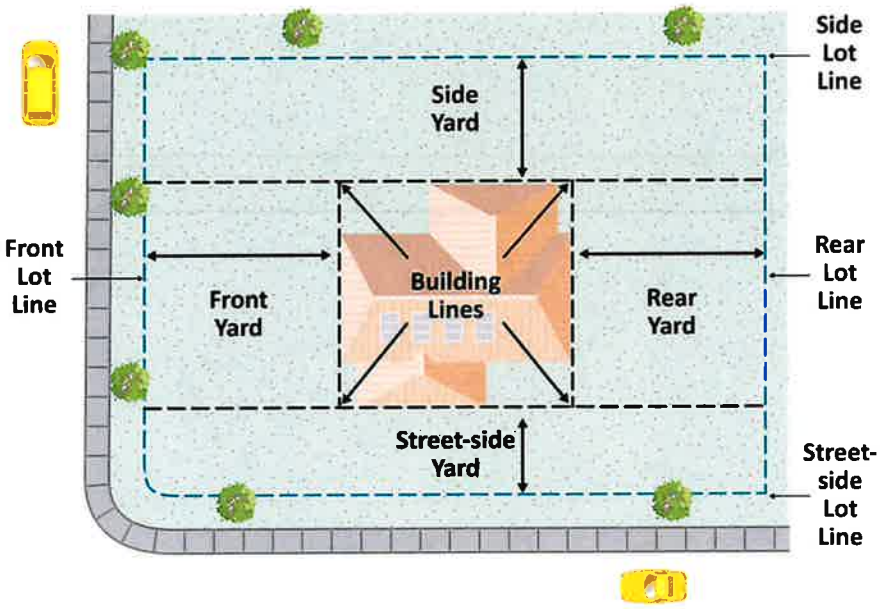
Figure 1-1 Measuring Building Height *NEW*



Building identification sign. A sign or signs which portray, through the use of words or symbols, the identifying name assigned to the building by the owner thereof.

Building line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.

Figure 1-2 Building Lines *NEW*



Building site shall mean:

(a) The ground area of one (1) lot or parcel, or

(b) The ground area of two (2) or more lots or parcels when used in combination for a building or permitted group of buildings, together with all open spaces as required by this chapter.

Business or *commerce*. The purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering services.

26-20 "C" Definitions

Cannabis shall have the same definition as that set forth in California Health and Safety Code section 11018.

(a) *Medical cannabis* shall mean cannabis used for medical purposes in accordance with California Health and Safety Code section 11362.5.

(b) *Cannabis cultivation* shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Canopy structure. A sheet of flexible material, fabric or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood or plastic or any other similar material. Canopy structures may be used as tents or to provide shelter or covering for storage of automobiles, boats, recreational vehicles, or other similar uses. Canopy structures include but are not limited to, prefabricated canopies ready-made for simple assembly, and canopies which are built, constructed or composed of parts joined together in some definite manner, but excludes awnings attached to buildings and temporary coverings used to protect property during government-ordered aerial sprayings.

Caliper. ***[RELOCATED FROM EX. SECTION 26-689]*** A The maximum diameter of the trunk of a tree measured at four-and-a-half (4.5) feet above the natural grade. In the case of multi-trunked trees, "caliper" shall mean the sum of the calipers of each individual trunk measured at four-and-a-half (4.5) feet above grade.

Car dealership shall mean a dealership selling new vehicles that has obtained permission and authority to sell vehicles as a direct agent of a major automaker.

Carport. A shelter for an automobile consisting of a roof; with or without walls, but not containing a door.

Child day care facility. A facility, licensed by the State of California, which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. Child day care facilities include day care centers, and family day care home.

Club, nonprofit. An association of persons for some common nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business. The serving of alcohol in conjunction with a club shall be permitted only when the use is as defined in Section 23428.9 of the California Business and Professions Code.

Commercial cannabis activity includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of: 1) cannabis and cannabis products, including medical cannabis, medical cannabis and medical cannabis products within the meaning of California Business and Professions Code Section 26000, et seq., and 2) Adult-use cannabis, cannabis products and,, cannabis and cannabis products, except for personal cultivation as permitted in Section 26-113 of the West Covina Development Code.

(a) *Cannabis dispensary* means a premises where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

(b) *Cannabis transport dispensary* means any person or entity that transports or offers to transport cannabis in any vehicle or by any other means. A person who is transporting cannabis to a qualified patient for whom he or she is the primary caregiver shall not be a "cannabis transport business."

(c) *Primary caregiver, cannabis* is an individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person as is further defined in California Health and Safety Code section 11362.7.

(d) *Qualified cannabis patient* is a person who is entitled to the protections of the California Health and Safety Code section 11362.7, inclusive of a person with an identification card as that term is defined in California Health and Safety Code section 22362.7.

Commission. The Planning Commission of the City.

Community Development Director. The Community Development Director, or their designee.

Composting. ***[RELOCATED FROM EX. SECTION 26-685.91]*** A method of waste treatment in which organic solid wastes are biologically decomposed under controlled, aerobic or anaerobic conditions.

Computer game/internet access centers. ***[RELOCATED FROM EX. SECTION 26-685.2]*** Any place of business providing one (1) or more computers for public use for the purpose of playing computer games, accessing the internet, or other computer use as a main use or as a secondary or incidental to another use. For the purpose of the chapter, government facilities providing computers for public use shall not be considered as computer game/internet access centers.

Convalescent home. An institution where nursing, dietary and other personal services are rendered to convalescents, but excluding mental cases and cases of contagious or communicable diseases and excluding surgery or primary treatment. Convalescents are persons who are gradually recovering health after an illness; or persons requiring post-operative attention.

Coordinated entry system. A centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

Court. Any portion of the interior of a lot or building site which is wholly or partially surrounded by buildings, and which is not a required front, side or rear yard.

26-21 "D" Definitions

Dance, cabaret. Any dance or dancing held or engaged in at any place or premises licensed by the state to sell, serve or dispense intoxicating liquor for consumption in or at such place or premises.

Dance or dancing schools. The teaching of dancing in any room or building where food is not served as a normal part of its operation and the hours of operation do not extend beyond 10:00 p.m.

Day care center. Any child day care facility, licensed by the State of California, other than a family day care home, and includes infant care centers, preschools, and extended day care facilities.

Decorative block. Masonry units having significant texture, scoring and/or clay faces.

Dedication. A conveyance of land from the private to the public interest for public use pursuant to a request for approval of a final map.

Density. The number of residential units per net acre of land.

Development activity. ***[RELOCATED FROM EX. SECTION 26-689]*** The work done pursuant to a development proposal approved by the City.

Development application. ***[RELOCATED FROM EX. SECTION 26-689]*** Any application for a construction permit, precise plan of design, conditional use permit, variance, tentative subdivision map, or a similar approval for the development of property.

Division. Synonymous with the term "subdivision" as used in Article VIII.

Dog-proof fence. A fence six (6) feet high of heavy gauge chain link, masonry block, or comparable weatherproof material, or a combination thereof, with a footing which is at least four (4) inches wide and twelve (12) inches deep, below grade.

Donation drop boxes. ***[RELOCATED FROM EX. SECTION 26-685.91]*** A Any metal, plastic, cardboard or wooden box, bin, container, trailer, accessory structure, or similar facility located outside of an enclosed building or in a parking lot or public place, provided by a person, organization, or collection center for the primary purpose of receiving or storing donated items, including household goods and clothing. The term "donation drop box" does not include any such box located inside of a building or structure.

Dripline. ***[RELOCATED FROM EX. SECTION 26-689]*** An imaginary line on the ground, at the furthest extension of the canopy around the circumference of the tree. Typically, the dripline is not a perfect circle.

Drive-through facility. Any establishment which is designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies and other commercial uses.

Driveway. A paved area for access to an approved parking area or for parking of vehicles.

(a) A "primary driveway" shall be defined as that area providing direct access from the street to a garage, carport, or required parking space(s). No driveway established prior to June 1, 1991, by permit, shall be considered nonconforming.

(b) A "secondary driveway" shall be defined as that area providing direct access to a fully-screened side or rear yard area for the purpose of parking or storing recreational vehicles, recreational equipment and trailers, and/or utility trailers.

Dwelling. A building or portion thereof designed and used exclusively for residential purposes and occupancy, with exception of permitted home occupations, including single family, and multiple dwellings, but shall not include hotels or motels.

(a) *Dwelling unit.* One (1) or more rooms in a dwelling or apartment house designed for occupancy by one (1) family or similar household unit for living or sleeping purposes, and having only one (1) kitchen.

(b) *Dwelling, single-family.* A detached building designed exclusively for occupancy by one (1) family or similar household unit and containing one (1) dwelling unit.

(c) *Dwelling, multiple.* A cluster of attached or detached dwelling units.

(1) *Apartment.* A room or group of rooms that is designed, used or intended to be used as a single-family unit and is located in a multiple-family dwelling.

(2) *Attached townhouse.* Two or more single-family dwelling units connected by common walls along the sides with either shared or unshared foundations.

(3) *Condominium.* The ownership of single units in a multi-unit project with common elements.

26-22 "E" Definitions

Eating place, bona fide. An eating place as defined in Section 23038 of the California Business and Professions Code.

Efficiency units. Also known as single-room occupancy (SRO) residential hotels. A facility that contains five (5) of more guestrooms containing no more than four hundred (400) square feet of habitable space.

Emergency shelters (homeless). A facility that provides immediate and short-term housing, limited to occupancy of six (6) months or less, to homeless persons or families on a first-come, first serve basis. The facility may offer minimal supplemental group services that may include counseling, food, and access to social programs. No individual or household may be denied emergency shelter because of an inability to pay (consistent with Section 50801(e) of the California Health and Safety Code).

Employee Housing. Employee Housing refers to housing that accommodated six (6) or fewer employees, as defined by Health and Safety Code section 17021.5.

Encroach. To extend beyond the allowed limits.

Entertainment, live (in conjunction with a commercial use). Any performance conducted in conjunction with and accessory to a commercial use including, but not limited to, live bands or performances, public singing (for karaoke, see separate definition), and similar activities.

26-23 "F" Definitions

Family. Family means one or more persons, related or unrelated, living together as a single household in a dwelling unit. ~~Family means an individual or group of individuals, related or unrelated, living together as a single housekeeping unit, including necessary servants. A family does not include institutional group living situations such as a residential facility, rest home, dormitory, or similar use, nor does it include such commercial group living arrangements such as a roominghouse, motel, hotel, or similar uses.~~

Family child care home. A home, licensed by the State of California, which regularly provides care, protection and supervision of children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and includes the following:

(a) *Large family child care home* means a home that provides family child care for up to twelve (12) children, or for up to fourteen (14) children if certain requirements are met per State law.

(b) *Small family child care home* means a home which that provides family child care for up to six (6) children, or for up to eight (8) children if certain requirements are met per State law.

Farmworker. An agricultural employee engaged in agricultural work or farming and any practices performed on a farm in conjunction with farming including the cultivation and tillage of soil, raising of animals and the preparation of agricultural products for market and or to carriers for transportation to market.

Farmworker Housing. Farmworker (agricultural) housing is a residential use of one or more single or multi-family dwelling units and accessory dwellings of the same type and in the same zone, and/or group quarters structures with common dining area.

Flag Lot. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than twenty (20) feet in width at any point connecting the main building site area to the frontage street.

Floor area. The square footage of lot areas under solid roof within the surrounding exterior walls of a building, including, but not limited to, habitable attics, basements, lofts, enclosed patios, and sunrooms.

Floor area ratio (FAR). The total gross floor area included within the surrounding exterior walls of all buildings on a lot divided by the net lot area of the subject property. Underground and above-grade parking structures shall not be included in the FAR calculations for commercial and/or multifamily residential development. Parking structures/garages on properties developed with a single-family residential use exceeding 650 square feet shall be included in the FAR calculations.

Frontage. Same definition as Building Frontage.

Front façade. One or more exterior sides of a primary structure, not screened by a solid six (6) foot tall fence/wall, that face the front property line.

Fund-raising events.

(a) Noncommercial purpose as used herein shall mean the stated purpose of a nonprofit organization as defined in the Internal Revenue Code Section 501(c) [a public entity raising money for an authorized program or purpose].

(b) Participants as used herein means an individual household, group, family or organization who will pledge or donate any and all proceeds and profits from the sale of such goods to the noncommercial purpose and does not include participants selling such goods for a commercial or personal purpose or profit.

(c) Sales events as used herein means the indoor or outdoor sale of items which are made or owned by the project sponsors or participants including but not limited to art work, crafts, baked goods, jewelry, quilts, clothing, potted plants, macrame, toys, games, novelties, and knick-knacks for a noncommercial purpose.

(d) Swap meets means "swap meets" as defined in the Business and Professions Code Section 21661 are prohibited in any zone.

26-24 "G" Definitions

Game arcade, main use. ***[RELOCATED FROM EX. SECTION 26-685.2]*** Any place of business containing one (1) or more games of skill or science not as an accessory to a main use.

Game arcade, accessory use. ***[RELOCATED FROM EX. SECTION 26-685.2]*** A use accessory to a main use, containing four (4) or more coin-operated games of skill or science.

Garage, private. An accessory building or an accessory portion of the main building designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building, having three (3) walls, a roof and a door.

Garage, public. A building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for remuneration, hire or sale.

Garage, subterranean. A garage which is a portion of the main structure and so located that (a) all sides but the side which has the main entrance are enclosed by finished grades which are parallel to the garage ceiling and (b) the main entrance is not visible from a street.

Garbage. Every refuse accumulation of animal, fruit, vegetable or other putrescible matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowls, fruit, vegetables or grains. See also "solid waste."

General Plan. The official statement of the City Council of the City of West Covina which sets forth its major long-range policies concerning desirable future physical development of the City.

Grade, average. The average of the finished grade at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the average grade shall be measured at the sidewalk.

Grade, existing. The surface of the ground as it exists prior to disturbance in preparation for a project regulated by this chapter.

Grade, finished. The manufactured surface of the ground as it exists after the completion of a project regulated by this chapter.

Grand opening event. A promotional event held for the purpose of advertising the original opening of a business, a reopening after closure, change in business name, or change in ownership, and completed within six (6) months of that opening or change.

Gross floor area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of:

(a) Shaft enclosure.

(b) Courts.

(c) Floor area space devoted entirely to heavy mechanical equipment (e.g., air conditioning unit).

(d) Public restrooms.

(e) Janitorial equipment room.

(f) Any other facility common to a central service core.

Group home. A group home shall mean any residential care facility for six (6) or fewer persons who are mentally disordered or otherwise handicapped or supervised. A group home must be licensed by the State under the provisions set forth in Chapter 2 of Division 2 of the California Health and Safety Code. Group home does not include any facility for wards of the juvenile court.

Gymnasium. A room or building equipped for physical training, sports or exercise that may include accessories such as locker rooms and showers.

26-25 "H" Definitions

Hardscape means any durable, pervious or imperious surface material, including paving for pedestrians and vehicles.

Health and Beauty Spas (Also known as Day spas). Bathhouse. A business that provides a variety of services for the purpose of improving health, beauty, and relaxation through personal care treatments such as massages, facials, body wraps, manicures/pedicures, saunas, steam rooms, or other relaxation treatments.

(a) Esthetician mean a person trained to administer facials, advise customers on makeup and the care of skin and hair and other cosmetic and maintenance procedures.

(b) Health officer means the county health officer or any other person exercising the duties of health officer of the City.

(c) License, health and beauty means the license to operate a health and beauty spa as required by the Development Code.

(d) License authority, health and beauty spa means the police chief or his/her designee charged with the administration of health and beauty spas.

(e) Massage means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibration, manipulating, or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or other appliance or device, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or similar preparations.

(f) Massage technician means any person who administers massage to another person for any consideration whatsoever. "Massage technician" shall include masseur and masseuse.

(g) Outcall service means the engaging in, conducting or carrying on of any massage or health and beauty spa service for consideration at a location other than a massage parlor or health and beauty spa which has been licensed pursuant to this article.

(h) Permit, health and beauty spa means the permit to engage in the activities of a massage technician or esthetician or health and beauty spa employee as required by this article.

(i) Recognized school of massage means any school or institution of learning which has been approved by the superintendent of public instruction of this state pursuant to Education Code Section 94300 et seq., and California Administrative Code, Title 5, Section 18823 et seq. or any successor statute or regulation. Any school or institution of learning offering or allowing courses of a massage technician not approved by the superintendent of public instruction shall not be deemed a recognized school of message.

Heritage tree. ***[RELOCATED FROM EX. SECTION 26-689]*** Any trees identified as such by the Planning Commission resolution upon the commission findings that the tree or group of trees:

(a) Is of historical value because of its association with a place, building, natural feature, or an event of local, regional, or national historic significance;

(b) Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site, or historic district;

(c) Is representative of a significant period of the City's development; or

(d) Is designated for protection or conservation in a specific plan, conditional use permit, precise plan of design, tract or parcel map or similar development approval.

Heritage tree ***[RELOCATED FROM EX. SECTION 26-689]*** shall also mean any of the Southern California black walnut tree species (Juglans californica), located in the San Jose Hills as found within West Covina's jurisdictional boundaries.

(a) This definition shall not affect those Southern California black walnut trees located on R-1 and R-A lots created by any subdivision approved and recorded prior to the effective date of the ordinance enacting this subsection.

(b) Any Southern California black walnut tree located on those O-S (Open Space) lots created under the density transfer standards outlined in section 26-59, shall further be protected under the guidelines contained in this section.

Hillside areas means those areas which form the complex of hilly topography commonly known as the San Jose Hills, and are so designated on the City's zoning map.

Home occupation. An accessory use or activity of a business nature conducted on residential property by the occupant(s) of the residence. A home occupation shall be clearly incidental and secondary to the primary residential use of the property and shall not change the residential character of said property or adversely affect the residential neighborhood within which it is located.

Hospital, animal. An establishment in which veterinary services, clipping, bathing, boarding, and other services are rendered to dogs, cats, and other animals.

Hospital and sanitarium. An institution specializing in giving clinical, temporary and emergency services of a medical or a surgical nature to injured persons and patients other than persons suffering from a mental sickness, mental disease, mental disorder or mental ailment.

Hospital, mental. An institution licensed by state agencies under provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders but not licensed to provide facilities and services in surgery, obstetrics and general medical practice. Establishments limiting services to juveniles below the age of five (5) years, and establishments housing and caring for cases of cerebral palsy are specifically excluded from this definition.

Hotel. A building where lodging in sleeping units or suites is available to the transient public and is provided with or without meals for compensation, all for the temporary use of a transient individual who remains as a guest of such establishment less than thirty (30) days, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under a legal restraint.

26-26 "I" Definitions

Indoor multi-tenant retail center and *indoor swap meet.* An indoor commercial area used to accommodate multiple vendors and/or multiple sales areas offering a variety of goods and/or services for sale wherein said sales areas are separated and/or distinguished from one another by means of (1) partitions, screens, walls, barriers, or similar physical devices; and/or (2) different business or sub-business names or other forms of identification as displayed on signs and/or as indicated on sales receipts.

Institution. An establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals.

26-27 "J" Definitions

Junior accessory dwelling unit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

26-28 "K" Definitions

Karaoke. A use whereby a song act is performed or participated in by one (1) or more persons when accompanied by audio and/or visual devices. Karaoke entertainment shall be permitted only when in conjunction with a bona fide eating place and when conducted in the main dining area or in an accessory lounge area open to the general public.

Kennel, boarding. Any lot, building, structure, enclosure or premises whereupon or wherein are kept seven or more dogs, cats, or similar small animals in any combination, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

Kennel, hobby. The owning, keeping or harboring for show or breeding purposes of four (4) or more adult dogs or five (5) or more adult cats maintained on the same lot and incidental to the occupancy of the lot for residential purposes, but shall exclude boarding kennels.

Kiosk. A small structure with one or more open sides that is used to vend or sale merchandise or other services.

Kitchen. Any room or any portion of a dwelling unit, guest house or accessory living quarter used, intended or designed to be used for cooking and/or preparing food, including but not limited to counter space, sink(s), microwave ovens, hot plates, refrigeration, and/or wet bars.

Kitchen, efficiency. Limited kitchen facilities which contains a sink, food preparation counter, food storage cabinet, and electric circuitry for common kitchen appliances.

26-29 "L" Definitions

Landfill. A facility located within California that is permitted by CalRecycle to accept and bury solid waste from jurisdictions within and outside of California.

Landscape means an area planted with vegetative materials, such as lawns, shrubs, flowers, trees, drought tolerant groundcover, or plants.

Landscape/vegetation, live means plant matter, including trees, shrubs and ground cover.

Legislative Body. The City Council is hereby designated as the legislative body referred to in the Subdivision Map Act. As such, it will be charged with approval or disapproval of final and parcel maps.

Lot as used in this chapter does not mean or include a condominium, but does include:

(a) A parcel of real property when shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the county recorder; or

(b) A parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the subdivision map act of the state in the office of the county recorder;

(c) A parcel of real property not delineated as in (a) or (b) above and containing not less than the prescribed minimum square footage required in the zone in which it is located and which abuts at least one (1) public street, an alley or a private easement determined by the commission to be adequate for purposes of access from a street, and provided further that before building improvements are erected upon such a lot or parcel the private easement right-of-way shall be improved to a standard not less than that defined by the city's specifications for a local street;

(d) A parcel of land registered under the Land Title Law (Torrens Title), and held under separate ownership from adjacent property on the effective date of this chapter.

Lot area or *parcel area.* The total horizontal area within the boundary lines of a lot or parcel.

Lot area, net. The lot/parcel area, excluding any public or private access easements such as an alley, highway, street, parkway, or similar right-of-way, or a private driveway serving another property, excluding the flag-strip portion of any lot necessary for vehicle ingress/egress access, and excluding above-ground easements for paved flood control channels not available for use by the property owner.

Lot, corner. A lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

Lot depth. The horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, flag. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than twenty (20) feet in width at any point connecting the main building site area to the frontage street.

Lot, hairpin. A lot having frontage on a single street comprising more than fifty (50) percent of the total perimeter of the lot.

Lot, interior. A lot other than a corner lot, reversed corner lot, hairpin lot, or through lot with a frontage on only one street.

Lot, key. The first lot to the rear of a reversed corner lot and whether or not separated by an alley.

Lot line, front. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot line, rear. A lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two (2) or more lines, the following shall apply:

(a) For a triangular or irregular lot, a line ten (10) feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;

(b) In the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line; or

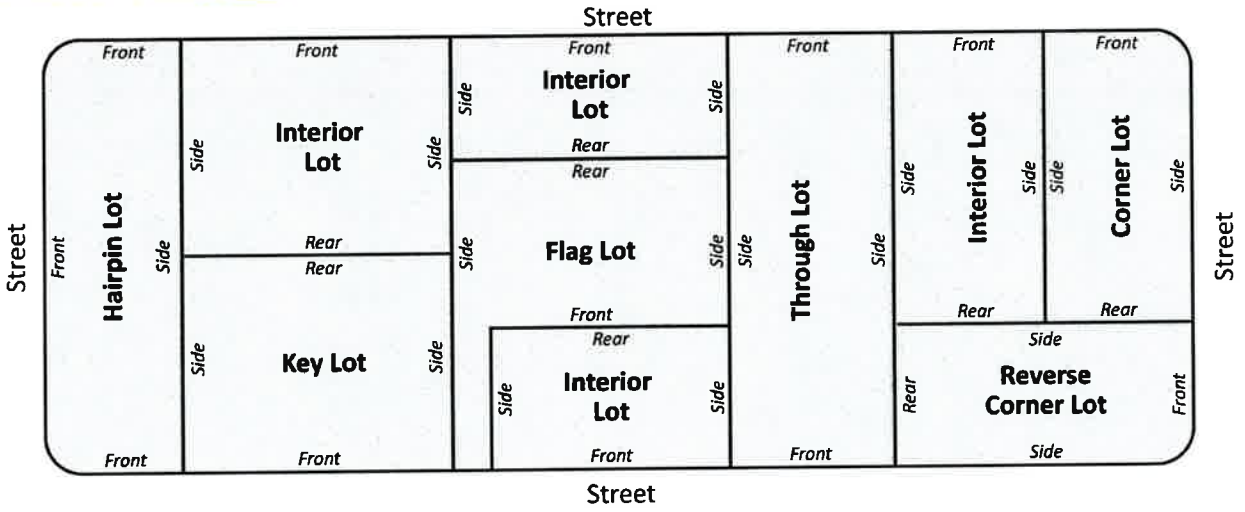
(c) In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

Lot line, side. Any lot boundary line not a front lot line or a rear lot line.

Lot, reversed corner. A corner lot, where the rear of such corner lot abuts the side of another corner lot.

Lot, through. A lot having frontage on two (2) parallel or approximately parallel streets.

Figure 1-3 Lots *NEW*



Lot width, average. The width of the lot as measured from a line drawn perpendicular to a line connecting the mid-points of the front and rear property lines and intersecting the line at a point located one-third the length of the line from the front property line. ~~The horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.~~

Low-and moderate-income and senior citizen housing. **[RELOCATED FROM EX. 26-677]**

(a) *Affordable housing costs.* Monthly housing expenses expressed as a proportion of gross monthly income that can be reasonably allocated for this purpose. Housing costs for rental dwelling units shall include (1) monthly rent, and (2) a reasonable allowance for utilities. Housing costs for "for-sale" dwelling units shall include the sum of the actual or projected monthly payments for (1) principal and interest on a mortgage loan, including

any loan insurance fees, (2) property taxes and assessments, (3) fire and casualty insurance, (4) property maintenance and repairs, (5) homeowners association fees (if any), and (6) a reasonable allowance for utilities. For households of the following income levels, affordable housing costs shall not exceed the following limits:

(1) Very low income households: Thirty (30) percent of fifty (50) percent of the area median income for Los Angeles County, adjusted for household size, divided by twelve (12).

(2) Lower-income households: Thirty (30) percent of seventy (70) percent of the area median income for Los Angeles County, adjusted for household size, divided by twelve (12).

(3) Moderate-income households: Thirty-five (35) percent of one hundred ten (110) percent of the area median income for Los Angeles County, divided by twelve (12).

(b) *Affordable sales price.* A sales price at which very low income and lower-income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the housing development.

(c) *Affordable unit.* A dwelling unit within a residential development which will be reserved for sale or rent to very low, low, or moderate-income households at an affordable sales price or affordable rents in a manner to qualify the residential development for a density bonus under this chapter.

(d) *Area median income.* Area median income for Los Angeles County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.

(e) *Common interest development.* Housing that qualifies as a common interest development under Civil Code Section 1551, such as condominiums and housing cooperatives, provided that all units in the development are offered to the public for purchase.

(f) *Concession, incentive or waiver* means one of the following for a housing development with a density bonus:

(1) A concession is a modification or deviation from a development standards (setbacks, lot coverage, open space and/or objective development standard in the Objective Development Standards document. The number of concessions granted for a development shall be subject to CGC 65915, as amended.

(2) A waiver is a modification for only objective development standards that results in an identifiable, financial sufficient and actual cost reduction of the housing development. A waiver cannot be requested for a codified development standard. Only waivers from objective development standards may be permitted.

(3) Other regulatory incentives or concessions proposed by the developer or the city that result in an identifiable, financially sufficient and actual cost reduction of the housing development.

(g) *Density bonus.* A density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density, as defined in Government Code Section 65915(f).

(h) *Density bonus housing agreement.* A legally binding agreement between a developer and the City of West Covina and/or the City of West Covina redevelopment agency to ensure that the requirements of this division are satisfied. The agreement, among other things, shall establish (1) the number, size, and location of target units, (2) terms and conditions of affordability, and (3) production schedule.

(i) *Density bonus units.* Units that are built due to a grant of a density bonus and which exceed the otherwise maximum allowable residential density for the development site.

(j) *Eligible household.* A household that satisfies the size and income requirements applicable to an affordable unit.

(k) *Eligible housing development.* A development project for five (5) or more residential units; a project to substantially rehabilitate and convert an existing commercial building to residential use; or the substantial rehabilitation of an existing multifamily dwelling as defined in Government Code Section 65863.4(d), where the result of the rehabilitation would create a net increase in residential units.

(l) *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 Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

(m) *Incentives, additional.* Incentives granted in addition to the incentives required to be granted pursuant to Government Code Section 65915(b).

(n) *Mandating operating period.* A period of at least thirty (30) years during which the affordable units, the qualified childcare facility, or the senior citizen housing development is operated in accordance with the requirements of state law and this chapter.

(o) *Moderate income household.* Households whose income does exceed the moderate income limits applicable to the Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

(p) *Senior citizen housing development.* A housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the Federal Fair Housing Amendments Act (42 U.S.C. § 3607(b)) and implementing regulations and as that phrase is used in California Civil Code Sections 51.2 and 51.3.

(q) *Specific adverse impact.* A "specific adverse impact" as defined in Government Code Section 65589.5.

(r) *State law.* California Government Code Sections 65915 through 65918.

(s) *Substantial rehabilitation.* The rehabilitation of dwelling units including correction of code violations, Title 24 upgrades, seismic rehabilitation (where appropriate) and accessibility upgrades such that the units is returned to the City's housing supply as decent, safe and sanitary housing. The minimum cost threshold for substantial rehabilitation is forty thousand dollars ($40,000.00) per unit, which shall be adjusted each calendar year, beginning in 2014, to account for the cumulative change in the Consumer Price Index published for Los Angeles County, or if such index is no longer published, such equivalent index as shall be selected by the planning community development director.

(t) *Target units.* Those dwelling units within a housing development that are produced in exchange for a density bonus and/or other incentives, including dwelling units that will be reserved for sale or rent to very low income households, lower-income households, and/or qualifying residents pursuant to the terms of a density bonus housing agreement.

(u) *Very low income households.* Households whose income does not exceed the very low income limits applicable to Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

Low barrier navigation center. A Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

26-30 "M" Definitions

Major hotel or major motel. A hotel or motel that has a minimum of one hundred (100) rooms or suites, and has conference rooms, banquet rooms or ballrooms available for hire by the public.

Major promotional event shall mean an outdoor or grand opening event where outdoor display, sale or dispensing of merchandise or food, temporary signs, and/or activities relating thereto, conducted wholly on private property, may encroach into any driveway, parking or landscape areas.

Manufactured home shall mean a residential building or dwelling unit which is either wholly manufactured or is in substantial part manufactured at an off-site manufacturing facility for installation and/or assembly at the building

site, bearing a label that the structure was constructed in compliance with the National Manufactured Home Construction and Safety Standards.

Maps: ***[FROM EX. CHAPTER 20]***

(a) *Final Map.* Refers to the land division map creating five (5) or more lots submitted to the City Council for final approval and to the city engineer for compliance with all applicable regulations of this chapter and of the Subdivision Map Act. Such map shall substantially conform to the tentative map approved by the planning commission. Subsequent to approval by the city council, the map shall be recorded with the county recorder.

(b) *Parcel map.* Refers to the land division map creating four (4) or less lots or as required by the Subdivision Map Act and subject to Administrative Review for final approval and to the city engineer for compliance with all applicable regulations of this chapter and of the Subdivision Map Act. Subsequent to approval, the map shall be recorded with the county recorder.

(c) *Tentative map.* A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.

Master plan of streets. The plan as adopted and amended by the City Council indicating the width and alignment of existing and proposed principal arterial, minor arterial and collector streets.

Materials recovery facility or *MRF*. A permitted recycling facility that receives recyclable material, including, but not limited to, any covered material, for mechanical or manual sorting into specification-grade commodities for sale to a broker or end market.

Medical services, clinic/office. A facility other than a hospital primarily focused on the care of outpatients where individuals receive medical, dental, mental health, surgery and/or other personal health care services from a State-licensed healthcare professional.

Membrane structure. A sheet of flexible material, fabric, or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood, or plastic or any other similar material. Membrane structures may be used as tents or to provide shelter or covering for storage of automobiles, boats, recreational vehicles, or other similar uses. Membrane structures include but are not limited to, prefabricated canopies ready-made for simple assembly, and canopies which are built, constructed, or composed of parts joined together in some definite manner, but excludes awnings attached to buildings and temporary coverings used to protect property during government-ordered aerial sprayings.

Miniature pot-bellied pig. A pig or hog and commonly referred to as a pygmy pig or mini pig, which stands no higher than twenty (20) inches at the shoulder, and is no longer than forty (40) inches from the tip of the snout to the end of the buttocks, and weighs no more than one hundred twenty (120) pounds.

Mobile food vendor. Mobile food vendor shall mean any person or entity operating a vehicle, trailer, cart, wagon bicycle, dray, conveyance, or structure on wheels, not firmly fixed to a permanent foundation and which is required to be registered with the California Department of Motor Vehicles, that offers the sale of food or beverages. This does not include food caterers providing services for private events and ice cream trucks selling exclusively ice cream products from a motor vehicle.

Mobile home shall mean a structure (including manufactures homes) used as semi-permanent housing and designed for human habitation, with or without a permanent foundation and can be transported by motor vehicle. Mobile homes shall be considered structures when such mobile homes are parked in a mobile home park.

Mobile home park. Any area used to accommodate one (1) or more mobile homes.

Mobile home marketing complex. A sales complex consisting of not more than ten (10) models, a sales office, a children's play area, landscaping and off-street parking designed and used only for the marketing of dwellings or lots within a subdivision or within a planned residential development overlay zone or in a planned community development zone.

Motel. A group of attached buildings containing individual sleeping units or suites available to the transient public for compensation where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients where such an individual remains as a guest of the establishment less than thirty (30) days; and such words of this definition shall include motor lodges.

Multi-family, definitions pertaining to Article II, Division 1.

(a) *Common areas* shall mean the entire condominium project excepting all units therein granted or reserved to individual ownership.

(b) *CC&R's* shall mean conditions, covenants, and restrictions of any condominium project, community apartment house or any other planned development.

(c) *Condominium:*

(1) Condominium shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in a space in a residential building on such property.

(2) *Stock cooperative:* A "stock cooperative" is a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

(3) *Community apartment:* An apartment in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

(d) Condominium project shall mean either of the following:

(1) The entire parcel of real property divided, or to be divided, into condominiums, including all structures thereon.

(2) The entire parcel of real property converted or to be converted into condominiums, as defined in section c above.

(e) *Unit, condominium* means either of the following:

(1) The element of a condominium project which is not owned in common with the owners of other condominiums in the project.

(2) Dwelling unit of a condominium project defined in section d above.

Multi-trunked tree. ***[RELOCATED FROM EX. SECTION 26-689]*** A tree with a division of its trunk at less than four-and-a-half (4.5) feet above natural grade.

26-31 "N" Definition

Nonconforming building. A building, or portion thereof, which was lawfully erected or altered and maintained, but which, because of the application of this chapter to it, no longer conforms to the development standards of the zone in which it is located.

Nonconforming use. A use which was lawfully established and maintained but which, because of the application of this chapter to it, no longer conforms to the use regulations of the zone in which it is located.

(a) *Illegal Non-Conforming Status.* A use, structure, site feature, or parcel shall be designated as having Illegal Non-Conforming status if it was not lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment or has not continuously remained in compliance with all terms and

conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter.

(b) *Legal Non-Conforming Status.* A use, structure, or site feature shall be designated as having Legal Non-Conforming status if it was lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment and has continuously remained in compliance with all terms and conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter, based on evidence provided by the property owner, tenant, or applicant. Legal Non-Conforming status shall also be assigned if non-conformities were created by a public improvement, such as a street widening project.

Noncommercial purpose. The purpose of any nonprofit organization which has obtained recognized state or federal tax-exempt status.

Nonprofit organization means an organization as defined in section 113841 of the Cal. Health and Safety Code

26-32 "O" Definitions

Open Space, as used in section Article II, Division 1, and Article II, Division 3, means land areas which are not occupied by buildings, structures, streets, or alleys excepting other special landscaped areas of recreationally oriented uses.

(a) *Common open space* (usable, maximum twenty (20) percent grade). Open space which is suitably located and improved for common recreational purposes.

(b) *Private open space* (usable, maximum twenty (20) percent grade). Open space which is designed and maintained for the sole and exclusive use of the occupants of not more than one (1) dwelling and may include covered patio areas.

Open space land. Any parcel or area of land or water which is primarily unimproved and devoted to an open space use, and which is designated in the city's environmental quality element and General Plan as any of the following:

(a) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other specific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(b) Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(c) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic corridors.

(d) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

Organization. Any partnership, corporation, or association, including any firm, company, society, congregation, assembly, or league, and shall include any director, officer, trustee, receiver, assignee, agent, or other similar representative.

Outdoor display. A display of a business' goods or services, placed outside the building.

Outside display. The storage of goods, equipment, merchandise, or exhibit outside of a building for any purpose other than outside display.

Outside storage. The storage of goods, equipment, or materials outside of a building for any purpose other than outside display.

26-33 "P" Definitions

Parapet. The extension of an exterior building wall above the roof structure.

Parcel. A legally divided plot of land. In the context of this chapter, "parcel" will be interchangeable with the word "lot."

Parties of interest. Any corporation or entity owning or controlling in fee or by easement land within the subdivision; any person, corporation or entity making application for the subdivision; any person, corporation or entity having a beneficiary interest in the subdivision, including lenders and mortgage holders.

Passageway shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Patio, covered means any attached or freestanding solid or lattice cover open on at least three sides.

Patio, enclosed means any attached or freestanding patio that is enclosed by walls on all sides.

Permanent make-up. The business of inserting pigment under the surface of the skin in the facial area by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. The application of permanent make-up is intended to principally consist of, but not necessarily limited to, the application of permanent eyeliner, eyebrows, lip liner, lip color, and beauty marks.

Pet store. Every person, place or premises engaging in the business of selling dogs, at retail, and by virtue of the sales of dogs is required to possess a permit pursuant to Section 6066 of the Revenue and Taxation Code, as defined in California Health and Safety Code Section 122125.

(a) *License authority* means the agency charged with the administration of this article.

(b) *Permit* means the permit to engage in the activities of a pet store as required by this article.

(c) *Person* means any individual, partnership, corporation or association.

Planter. An area devoted to vegetation and closely bounded by paving, building walls, garden walls, or other edge features.

Plot plan. A site plan showing construction or other improvements and the location of existing structures and construction on the site or plot.

Pool bathroom or detached bathroom. A bathroom that is detached and incidental to the house for the purpose of use by individuals outside the house and having only an exterior entrance to access the bathroom.

Porte cochere. A porch roof projecting over a driveway at the entrance to a building and sheltering those getting in or out of vehicles.

Porch means a roofed approach to a doorway extending from the exterior wall of the structure that has a floor, a roof, and structural supports but is not permanently, seasonally, or temporarily enclosed with solid materials.

Precise street plan. The plan indicating the exact width, grades and alignment of proposed streets as approved by the city engineer.

Proprietor. A person with an ownership or managerial interest in a business. An ownership interest is deemed to exist when a person has a ten (10) percent or greater interest in the stock, assets, or income of a business other than

the sole interest of security for debt. A managerial interest is deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

Public Tree. ***[RELOCATED FROM EX. SECTION 26-689]*** Any tree planted in or upon any street, park, parkway, or public area in the city.

Public transit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

26-34 "Q" Definition

26-35 "R" Definitions

Recreation equipment includes;

(a) A commercial coach, mobile home, recreational vehicle or travel trailer, as defined in the California Health and Safety Code, Division 13, Chapter 1, Part 2, Section 18000, et seq. This definition excludes pickups with shells that do not extend above the height of the cab, and vehicles not over six feet high and fourteen (14) feet long.

(b) A mobile home, camp trailer, house car, trailer coach, camper, trailer, or utility trailer as defined in the California Vehicle Code, Division 1, Sections 100, et seq.

(c) A boat, defined as a vessel or any other description of watercraft used, or capable of being used, as a means of transportation on water.

(d) A boat trailer, defined as a vehicle used to transport a boat.

(e) Any other vehicle or structure originally designed, or permanently altered in such a manner to permit occupancy or use for living or sleeping purposes. The vehicle or structure may be designed or equipped with wheels, or be capable of being mounted on wheels and used as a conveyance on roadways used by the public; it may be propelled or drawn by its own or other motive power.

Recreation vehicle shall mean a vehicle which is:

(f) Built on a single chassis;

(g) 400 square feet or less when measured at the largest horizontal projection;

(h) Designed to be self-propelled or permanently towable by a light duty truck; and

(i) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational center (private). Any use, on a site or enclosed in a building, that is operated by private enterprise and open to the public to provide recreation services or facilities, such as but not limited to tennis, racquetball, skateboard courses, and is not listed separately in Article II as a use allowed by right or with a conditional use permit, such as billiard parlors, bowling alleys, dance halls, game arcades, golf courses, gymnasiums, race tracks, skating rinks, slot cars, and theaters.

Recyclable material. ***[RELOCATED FROM EX. SECTION 26-685.91]*** Reusable material, including, but not limited to, metals, glass, plastic, and paper, which may be intended for reuse, remanufacture or reconstitution. Recyclable material does not include solid waste or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with sections 52250.11 and 25143.2(b)(4) of the California Health and Safety Code.

Recycle. ***[RELOCATED FROM EX. SECTION 26-685.91]*** The process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products and not intended for disposal.

Religious facility. Includes, but is not limited to, any building, structure, or place intended to be used primarily or exclusively by a religious body or organization for religious uses, including but not limited to: worship, religious meetings, study of religious texts, spiritual retreats, religious counseling, or other purposes connected with the body or organization's formal or informal system of beliefs and faith.

Rest home. A facility in which nursing, dietary and other personal services are furnished to invalids and aged persons; but in which are kept no persons suffering from a mental sickness, mental disease, mental disorder or mental ailment or from a contagious or communicable disease, and in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals or in which no person are kept or served who normally would be admittable to a mental hospital.

Retail uses. A use wherein goods or articles are sold directly to the consumer.

Rooming house. A residence or dwelling, other than a hotel, motel, or rest home, wherein either three (3) or more rooms are rented, or housing is provided to three (3) or more individuals, under three or more separate written or oral rental agreements, lodger agreements, leases or subleases or combination thereof, regardless of whether the owner, agent or rental manager resides within the residence.

Rubbish. Discarded bottles, cans, jars, scrap metals, paper, wood, glass, crockery, rags, garden and lawn trimmings, and other normal refuse except garbage.

26-36 "S" Definitions

Sanitarium. See "hospital."

Screening. Blocking of a potentially disruptive object from sensitive surroundings or blocking of a disruptive object from a potentially sensitive object.

Schools, charter, elementary, junior high and high. Institutions of learning which offer instruction in the several branches of learning and study required to be taught in the public schools by the education code of the state.

Second-hand store. A business involved in the retail sale of used goods and merchandise, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops.

Senior citizen housing. Projects designed only for senior citizen (age 55 or older) and handicapped housing.

Service station. A use where one (1) of the primary functions is the retail sale of motor fuel for motor vehicles. In addition, a service station may offer and consist of minor sales, services, and facilities. See section 26-129 of this chapter for permitted and prohibited sales, services, and facilities.

Setback. A portion of the lot required to remain free of construction and/or any structure.

Setback line, corner lot street side. A line which is the minimum required horizontal distance between the side street lot line and a line parallel thereto on the lot.

Setback line, required front. A line which is the minimum required horizontal distance between the front lot line and a line parallel thereto on the lot.

Setback line, required rear. A line which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot.

Setback line, required side interior. A line which is the minimum required horizontal distance between the interior side lot line and a line parallel thereto on the lot.

Short term rental. A rental of any dwelling, in whole or in part, to any person(s) suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Sign shop. A commercial space dedicated to the production of identification, advertising, and other signs (including banners). Sign shops are considered retail/service uses unless they include operations producing noise, dust, smoke, odor, or other irritants, such as but not limited to metal working, screen printing, casting, glass-working, outdoor storage of materials, or other industrial processes incompatible with a retail or mixed-use district. Such a business shall be classified as a "sign shop, industrial."

Significant Tree. ***[RELOCATED FROM EX. SECTION 26-689]*** A tree located on private and/or public property that meets one (1) or more of the following requirements:

(a) is located in the front yard of a lot or parcel and has a caliper of one (1) foot or more;

(b) is located in the street-side yard of a corner lot and has a caliper of one (1) foot or more;

(c) is located anywhere on a lot, has a caliper of six (6) inches, or more, and is one of the following species:

Common Name	Genus/Species
Oak (any oak tree native to California, including, but not limited to:	
Valley Oak	Quercus lobata
California Live Oak	Quercus agrifolia
Canyon Oak	Quercus chrysolepis
Scrub Oak	Quercus dumoso
Mesa Oak	Quercus engelmanii
Interior Live Oak	Quercus wislezenii
California Sycamore	Platanus racemosa
American Sycamore	Platanus occidentalis

Signs. **[RELOCATED FROM EX. DIVISION 2 OF ARTICLE VII]**

(a) *A-Frame sign.* A temporary freestanding sign, usually hinged at the top, or attached in a similar fashion, and widening at the bottom to form a shape similar to the letter "A."

(b) *Advertising sign.* A sign that identifies one (1) or more uses, products, or a service obtainable on the premises through the use of words, letters, symbols, or combination thereof.

(c) *Awning sign.* A non-electric sign printed on, painted on, or attached to a cloth awning. The awning structure itself shall be subject to building setbacks. Awning signs, for the purposes of the regulations of this article, shall be treated as wall signs.

(d) *Balloon display.* An arrangement of one (1) or more balloons, with or without any message thereon, which are individually less than thirty-six (36) inches in any dimension and inflated with air, helium, or gas, that are tethered at a fixed location and are primarily intended to draw attention to that location. Balloon displays shall not include balloons arranged in a manner that cumulatively spell out a word.

(e) *Banner.* A sign made of cloth, heavy duty plastic, or similar lightweight, flexible material (except paper), attached to or suspended from any structure, building, staff, pole, line, framing, or other projection, and used for temporary advertising purposes, not including "flags."

(f) *Canopy sign, building.* A sign, placed on a vertical plane, affixed flat against the fascia of a permanent covering that projects from the building (building canopy), and that does not extend above or below the edges of such fascia. As used in this definition, canopy shall not include awnings and other canopy covers made of cloth, metal, and other materials, which are not an integral part of the building. Building canopy signs, for the purposes of the regulations of this article, shall be treated as wall signs.

(g) *Canopy sign, cloth.* A non-electrical sign printed on, painted on, or attached to a cloth canopy. The canopy structure itself shall be subject to building setbacks. Cloth canopy signs, for the purposes of the regulations of this article, shall be treated as wall signs.

(h) *Commercial sign.* Any sign that does not meet the definition of a noncommercial sign, including, but not limited to, signs on commercial sites.

(i) *Detached signs.* A free-standing sign that is not attached to a building. Detached signs include monument signs, pylon signs, and pole signs.

(j) *Directional sign.* A sign intended for the purpose of directing pedestrians and/or motorists.

(k) *Double-faced sign.* A sign with two (2) faces, with each face oriented one hundred eighty (180) degrees from the other.

(l) *Flag.* Any fabric or bunting containing distinctive colors, patterns, symbols, or logos of a government agency, political subdivision, corporation, church, or other entity.

(m) *Hand-held sign.* A commercial sign held by a person or persons in a manner to attract attention to an area, development, business, or service.

(n) *Hanging sign.* A sign that is attached to, but hangs or projects below the underside of an awning, canopy, arcade, eave, overhang, or other covering that projects outward from the face of a building.

(o) *Sign height.* The vertical distance from the ground (measured from the adjacent street curb elevation) to the top of the highest element of a sign, including any structural element. Where specified, however, height may also mean the vertical dimension of the sign area or sign face.

(p) *Identification sign.* A sign that portrays, through the use of words, letters, logos, or symbols, the name and/or type of business conducted on the premises, or any product or service obtainable on the premises.

(q) *Information sign.* A sign that provides information related to a use, product, event, business, or activity on the premises and that is not displayed for the purpose of advertising products or services. Information signs include signs indicating the location of business facilities (e.g. entrances, walk-up windows, self-service operations), and operational information (e.g. hours of operation, menus, credit card logos, restroom labels).

(r) *Inflatable sign.* An inflated balloon, in any shape or in the form of any character or animal, and over thirty-six (36) inches in diameter in any dimension, made of vinyl, fabric, cloth, or other similar, lightweight, flexible material, held up by means of cold air, and primarily intended to draw attention to that location.

(s) *Logo.* A word, letter, symbol, design, or other graphic representation, separate from the sign text that identifies a business, activity, product, or company. A logo is considered a sign or part of a sign.

(t) *Menu board sign.* A sign on the site of a drive-through restaurant, either detached or attached to the building, displaying the type and price of food and beverages sold in connection with and oriented towards the drive-through lane.

(u) *Monument sign.* A detached sign with a wide base.

(v) *Moving sign.* A sign that moves or creates an appearance of movement, flashing, blinking, reflecting, revolving, or any other similar sign constructed or maintained to, in any way, simulate motion.

(w) *Nameplate.* A sign that contains only the name and/or address of the occupants of the building or portion thereof.

(x) *Neon lighting and sign.* Any electric gas tube lighting and any sign containing argon, neon, krypton, helium, or xenon.

(y) *Noncommercial sign.* A sign not connected with a commercial business or activity.

(z) *On-site sign.* A sign that identifies, informs, or advertises a use, product, activity, event, business message, or service located or provided at the site upon which the sign is located. On-site signs may include noncommercial signs.

(aa) *Off-site sign.* A sign that identifies, informs, or advertises a use, product, activity, event, business message, or service not located or provided at the site upon which the sign is located, including, but not limited to, billboards and noncommercial signs.

(bb) *Pageantry sign.* A type of signage that is intended to be elaborate and ceremonious. Examples include banners, kiosks, and similar signage used for advertising (on- or off-site), decorative purposes, or to announce festivals and other special events.

(cc) *Pennant.* Any lightweight plastic, paper, fabric, or other similar, flexible material, suspended from or attached to a rope, wire, string, or pole, usually in a series, designed to move in the wind.

(dd) *Pole sign.* A detached sign, other than a monument sign, affixed to the ground by a single support structure.

(ee) *Political sign.* A sign that contains a political message such as a message supporting a candidate for public office, a political party, or a position on a particular political or ideological issue. Political signs shall be considered as temporary noncommercial signs.

(ff) *Portable sign.* A temporary sign which is not permanently affixed to a building, structure, or on the ground, and is capable of being carried or readily moved from one location to another. This may include, but is not limited to, "A" frame or sandwich signs, or a sign which leans on a stationary object, building, or structure. Portable signs shall not include banners, pennants, flags, inflatable signs, vehicle signs, and hand held signs, which are defined separately.

(gg) *Primary frontage.* The side of a building where the main entrance for its pedestrian ingress and egress is located. If more than one (1) main entrance exists, the entrance that most nearly faces or is oriented toward the street of highest classification as portrayed on the current master plan of streets and highways shall be considered the primary frontage. If all streets are of the same classification, the side of the building with the shortest lineal dimension containing a main entrance shall be considered the primary frontage.

(hh) *Projecting sign.* A sign that projects from and is supported by a wall or building with the display surface of the sign at or near a ninety (90) degree angle to the building facade. Projecting signs are separate from "hanging signs" that are attached to the underside of a covering that projects from the building.

(ii) *Promotional sign.* A sign, in addition to permanent signage, placed on a temporary basis and used to promote a special event or product available at the site on which the sign is located.

(jj) *Pylon sign.* A detached sign affixed to the ground by two (2) supports.

(kk) *Readerboard sign.* A sign designed to allow the changing of copy through manual, mechanical, or electrical means.

(ll) *Roof sign.* A sign attached to a building that is characterized by one (1) or more of the following:

(1) Sign is placed atop, or projects above the top edge of, a roof, mansard roof, canopy, or a similar structure not at a vertical plane; or

(2) Sign is placed atop, or projects above the top edge of, a parapet wall, canopy fascia, or a similar structure at or near a vertical plane, or

(3) Sign is placed on a tower or similar wall structure that extends above the top of the roof or parapet wall of a building.

(mm) *Sign.* A device or structure for visual communication which shall include any announcement, declaration, demonstration, display, illustration, or insignia visible from outside, which is used to identify, inform, or promote the interests of any person, business, or organization.

(nn) *Sign area.* The entire area within straight lines that form up to a maximum of two rectangles outlining the extremities of the element (including panel, placard, cabinet) upon which the sign is placed. Where no such element exists (for example, individual channel letter signs mounted on a building), sign area shall mean the entire area within two rectangles and outline each individual character or symbol. Support structure shall not be included in this area unless such support structures are designed in such a manner as to form an integral part of the sign or display.

(oo) *Sign face or surface.* The surface of the sign upon, against, or through which the copy is displayed or illustrated on the sign.

(pp) *Sign copy.* The words, letters, logos, or symbols displayed on a sign.

(qq) *Sign program.* Comprehensive design standards and/or sign criteria for particular sites that signs are subject to, in addition to sign regulations contained in this Development Code.

(rr) *Single-faced sign.* A sign with one (1) face.

(ss) *Temporary noncommercial sign.* A sign, constructed of cloth, banner, canvas, light fabric, cardboard, wallboard, plywood, or other material, with or without frames, which is erected for a limited period of time to convey a noncommercial message, including signs regarding time specific events, such as elections. Temporary noncommercial signs shall include political signs.

(tt) *Tenant directory sign.* A sign listing two (2) or more tenants or occupants of a building, complex, or shopping center.

(uu) *Trademark.* A sign permanently or temporarily attached or placed on a vehicle or trailer, as defined by the California Vehicle Code.

(vv) *Wall sign.* A sign affixed flat against a building wall at a vertical plane that does not project above top edge of a parapet wall, and that does not extend above or below the edges of the building wall fascia. Building canopy signs, cloth canopy signs, and awning signs shall, for the purposes of this article, be treated as wall signs.

(ww) *Window sign.* A sign that is applied or attached to a window or located within two and one-half (2.5) feet of the inside of a window.

Single apartment. One (1) room and bath, with cooking facilities in a multiple dwelling.

Small collection facility, as distinguished from a MRF. ***[RELOCATED FROM EX. SECTION 26-685.91]*** A facility for the collection and acceptance by donation, redemption of purchase of recyclable materials. As used herein, such a facility does not occupy an area of more than five hundred (500) square feet unless operated on the same site and in conjunction with a materials recovery facility or solid waste transfer station. A recycling center does not include storage containers or collection activity located on the premises of a residential, commercial, or manufacturing use and is used solely for the recycling of material generated by that residential property, business or manufacturer and not held out for public use.

(a) Small collection facilities centers are further defined to include, but are not limited to, these following specific types:

(1) *Buy back recycling center.* A recycling facility which pays a fee for the delivery and transfer of ownership to the facility of source separated materials for the purpose of recycling or composting.

(2) *Drop-off center.* A facility which accepts delivery or transfer of ownership of source separated materials for the purpose of recycling or composting without paying a fee.

(3) *Reverse vending machine(s).* An automated mechanical device which accepts at least one (1) or more types of empty beverage containers, including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state.

(4) *Bulk reverse vending machines.* a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one (1) container at a time, and will pay by weight instead of by container.

Small residential rooftop solar energy system shall mean all of the following:

(b) A solar energy system that is not larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.

(c) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City of West Covina and all State of California health and safety standards.

(d) A solar energy system that is installed on one- and two-family homes of R3 occupancy as defined by the California Building Code.

(e) A solar panel or module array that does not exceed the maximum legal building height as defined by the City of West Covina.

Solar Energy Systems shall mean either of the following:

(f) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

(g) Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

Solicit and commercial [solicitations]. The request, directly or indirectly, for the purpose of selling, or taking orders for any goods, wares or merchandise for future delivery and shall include traveling, or going from door-to-door of residential dwellings, in any public street or sidewalk, or in any public place or building. A solicitation shall be complete when the request is made, whether or not the person being solicited makes a purchase or places an order.

Solid waste. ***[RELOCATED FROM EX. SECTION 26-685.91]*** All putrescible and non-putrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition, and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

Solid waste transfer or processing station or transfer station. ***[RELOCATED FROM EX. SECTION 26-685.91]*** A facility as defined and permitted under state law used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle including railroad cars for transport to a solid waste handling facility. Transfer station may also include material recovery facilities and recycling centers, except that permits shall be required only as required by state law.

Source separated material. ***[RELOCATED FROM EX. SECTION 26-685.91]*** The segregation, by the generator, of materials designated for separate collection for some form of materials recovery or special handling.

Special group residence. Special group residence includes, but is not limited to, fraternity and sorority houses, college dormitories, residential care facilities (for seven or more persons), convalescent hospitals, housing for persons with disabilities, halfway houses, communal housing, and military barracks. Special group residence does not include group homes as defined by this Development Code.

Stable, private. A detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

Stable, public. A stable other than a private stable.

Stand. A structure for the display and sale of products with no space for customers within the structure itself.

State freeway. Any section of a state highway which has been declared to be a freeway by resolution of the California Highway Commission pursuant to section 100.3 of the Streets and Highways Code.

Storage container. Any portable or moveable structure or container, constructed of varied materials including metal, wood, plastic or synthetic substances, or any combination thereof, which is designed and intended for the storage or transport of items, goods, clothing, furniture, equipment, or materials, etc. Storage containers that have been permanently fixed to a location on the ground shall still be deemed to meet this definition. Storage containers do not include non-habitable structures of less than one hundred twenty (120) square feet.

Storage lot. A site devoted to the commercial outdoor or indoor storage (mini-warehouses) of goods and vehicles.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, garage, or unused underfloor space is more than six (6) feet above finished grade for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above the finished grade at any point, such basement, cellar, garage, or unused underfloor space shall be considered as a story.

Streets and *Highways:*

(a) *Adjoining Exterior streets.* Streets contiguous to the boundaries of the subdivision and/or streets within which boundaries of the subdivision are contained. The streets may or may not provide direct access to the subdivision.

(b) *Private streets.* Undedicated streets built to the standards and specifications as adopted from time to time by resolution of the planning commission and shall be not less than twenty-eight (28) feet in width between curbs.

(c) *Street.* A public thoroughfare which affords primary means of access to abutting property.

(d) *Street, arterial* means any street or road passing adjacent to, or through a subdivision which carries the major flow of traffic and for which the traffic entering from side road and streets may be controlled.

(e) *Street line.* The boundary line between a street and the abutting property.

(f) *Street, side.* A street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

(g) *Subdivision Streets.* Streets contained entirely within the boundaries of the subdivision. The street's primary function is to provide access to the subdivision.

Structure. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height.

Structural alteration. Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Subdivision. The division, by any subdivider, of any units or unit of improved or unimproved contiguous land shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. Subdivision includes a condominium project, as defined herein or in California Civil Code Section 1351(f), a community apartment project, as defined herein or in California Civil Code Section 1351(d), a stock cooperative, as defined herein or in California Civil Code Section 1351(m), a cooperative apartment as defined herein, or 2 or more air space lots as defined herein. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. "Subdivision" does not include anything excluded from the definition of subdivision in the Subdivision Map Act unless otherwise provided for herein.

Sunroom. A room with large windows and sometimes a glass roof, designed to allow in a lot of sunlight.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Stock cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

26-37 "T" Definitions

Tandem parking shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Tattooing. The business of inserting pigment under the surface of the skin by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This definition is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice. Tattooing does not include application of permanent makeup that is performed as an incidental service in a beauty shop.

Theme shopping use. Retail uses sharing the same facility and selling merchandise similar in characteristics and related in kind, including but not limited to antique malls, jewelry marts, and other uses identified by the planning director.

Trailer park and public camp. Any area or tract of land used or designed to accommodate two (2) or more automobile trailers or two (2) or more camp parties, including tents or other camping outfits and including trailer camps as defined by law.

Tree permit. ***[RELOCATED FROM EX. SECTION 26-689]*** A tree removal and/or relocation permit, and pruning of any tree in the Oak family City protected tree.

Tree protection. ***[RELOCATED FROM EX. SECTION 26-689]*** The safeguarding of trees through proper maintenance, pruning, treatment, fertilizing, feeding, and any other necessary means (standards of California Certified Arborists.)

Tree removal. ***[RELOCATED FROM EX. SECTION 26-689]*** The uprooting, cutting, or severing of the main trunk of the tree or any act which causes, or may be reasonably expected to cause a tree to die or to be seriously damaged. These acts include, but are not limited to, damaging the root system by machinery, storage of materials within the dripline, soil compaction within the dripline, substantially changing the grade around the root system or trunk, excessive pruning, paving with concrete, asphalt, or other inadequate irrigation; or by attachment of signs or artificial material piercing the bark of the tree by means of nails, spikes, or other piercing objects.

Transitional Housing. Transitional housing refers to buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. Transitional housing facilities with supportive services exclusively designated and targeted for recently homeless persons that include families, youth, persons with physical and mental disabilities, people who are addicted to alcohol and drugs, people living with HIV/AIDS, veterans, the elderly, and pregnant women. "Transitional housing" includes self-sufficiency development and support services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

26-38 "U" Definitions

Unattended business. A business which does not have an attendant or other representative of the owner of the business on the premises at all times during which the business is open to the public.

Unmanned aircraft system or drone. An aircraft without a human pilot on board, that is controlled by an operator on the ground, and operated without the possibility of direct human intervention from within, or on the aircraft.

Use. The purpose for which land a building is arranged, designed or intended, or for which either is or may be occupied or maintained.

26-39 "V" Definitions

Vehicle definitions (for zoning purposes only).

(a) *Commercial vehicle.* A vehicle of a type required to be registered under the State Vehicle Code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

(b) *Inoperable vehicle.* Any vehicle (whether partially or fully assembled) in a state of being immobile, unlicensed, or otherwise unable to legally perform its design function on public streets.

(c) *Gross vehicle weight.* The maximum weight in pounds of the chassis of a truck or truck tractor with full payload as authorized by the chassis manufacturer.

(d) *Motor vehicle.* A self-propelled vehicle used for the transportation of people or goods on streets.

(e) *Passenger vehicle.* A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and sport-utility vehicles. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

(f) *Recreational vehicle.* A vehicle, with or without motive power which is for human occupancy on an intermittent basis, excluding boats. Recreational vehicle is divided into two (2) categories as follows:

(g) *Motor home.* A motorized vehicle designed for human occupancy on an intermittent basis. A pickup or other truck with a camper mounted on the back is considered to be a motor home. A pickup or other truck with a camper shell (i.e., a fiberglass or aluminum shell used strictly to cover or enclose a truck bed) mounted on the back of such vehicle is not considered to be motor home or recreational vehicle.

(h) *Accessory recreational vehicle.* Any nonmotorized vehicle designed for human occupancy on an intermittent basis, such as a vacation trailer or fifth-wheel trailer.

(i) *Recreational equipment and trailers.* Recreational vehicles designed for off-road use, such as off-road vehicles, motorcycles, dune buggies, and recreational boats and watercraft and trailers to accommodate them. Recreational equipment mounted or placed on an appropriate trailer are deemed as one (1) vehicle.

(j) *Truck.* A motor vehicle designed primarily for the movement of property or special purpose equipment, or a motor vehicle designed to carry more than ten (10) persons. Truck includes vehicles commonly called trucks, pickups, vans, cargo vans, buses, motor homes, and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration, in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Pickup trucks, passenger vans, and cargo vans are defined below.

(k) *Pickup truck.* A truck with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred (11,500) pounds, which is equipped with an open flat, stake, or box-type bed not exceeding nine (9) feet in length. "Pickup truck" includes a motor vehicle otherwise meeting the above definition that is equipped with a bed-mounted storage compartment unit commonly called a "utility body."

(l) *Passenger van.* A vehicle commercially available in configurations with seating for up to fifteen (15) passengers, with a single rear axle and single rear wheels, and with a gross vehicle weight of less than ten thousand (10,000) pounds.

(m) *Cargo van.* A vehicle otherwise available as a passenger van (as defined above) but without its normal passenger seating and often without windows.

(n) *Tow truck.* Motor vehicles specifically equipped to tow or otherwise transport passenger cars or trucks are considered either medium or heavy trucks, as appropriate.

(o) *Medium truck.* A truck or similar vehicle, other than a pickup truck, passenger van, or cargo van, with a single rear axle and single or dual rear wheels. Truck tractors are in the heavy truck category.

(p) *Heavy truck.* A truck, including a truck tractor, and similar vehicles with two (2) or more rear axles.

(q) *Utility trailer.* A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is sixteen (16) feet or less in length. Utility trailers that are longer than sixteen (16) feet in length are considered commercial vehicles.

(r) *Vehicle.* A device by which any person or property may be drawn or moved over a distance by way of a street, excepting devices moved by human power.

(s) *Vehicle code.* The Vehicle Code of the State of California. Where operation of vehicles on streets is concerned, the definitions in the vehicle code shall apply rather than those delineated here.

Vesting tentative Map. A "vesting tentative map" is a tentative map as defined in this Article which shall have printed conspicuously on its face the words "Vesting Tentative Map" and which is processed in accordance with Article VIII.

26-40 "W" Definitions

Wireless telecommunication facilities. **[FROM EX. SECTION 26-685.982]**

(a) *Accessory equipment* means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, vaults, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

(b) *Amateur and/or citizen band antenna* shall mean any antenna used for the operation of amateur and/or citizen band radio stations and which is licensed by the Federal Communications Commission.

(c) *Antenna* shall mean any system of wires, poles, rods, reflecting discs, or similar devices of various sizes, materials and shapes including but not limited to solid or wire-mesh dish, horn, spherical, or bar configured arrangements, used for the transmission or reception of electromagnetic signals.

(d) *Antenna array* shall mean two (2) or more antennas having active elements extending in one (1) or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

(e) *Antenna, building-mounted* shall mean any antenna, other than an antenna with its supports resting on the ground, that is directly attached or affixed to the fascia or side wall of a building or structure.

(f) *Antenna, ground-mounted* shall mean any antenna which is attached or affixed to a free-standing wireless facility with its base placed directly on the ground, specifically including, but not limited to, monopoles and faux trees.

(g) *Antenna, roof-mounted* shall mean any antenna, other than an antenna with its supports resting on the ground, that is directly attached or affixed to the roof of a building or a mechanical penthouse or parapet enclosure wall which is located on the rooftop of a building.

(h) *Antenna height* shall mean, when referring to any free-standing wireless facility, the distance measured from ground level to the highest point on the support structure, including antennas measured at their highest point.

(i) *Approval authority* means the city official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve, or deny such applications.

(j) Base station shall have the meaning as set forth in 47 C.F.R. § 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network (regardless of the technological configuration, and encompassing DAS and small cells). "Base station" does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

(1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cells).

(3) Any structure other than a tower that, at the time the relevant application is filed with the City under this division, supports or houses equipment described in subsections (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

(4) "Base station" does not include any structure that, at the time the relevant application is filed under this division, does not support or house equipment described in subsections (1) and (2) of this definition. Other structures that do not host wireless telecommunications facilities are not "base stations."

(5) *Cellular* means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

(6) *Collocation* shall mean the placement of antennas, dishes, or similar devices owned or used by two (2) or more telecommunication providers on one (1) antenna support structure, building, or structure.

(7) *Concealed* or *concealment* means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique.

(8) *COW* means a "cell on wheels," which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this division, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

(9) *Decorative pole* means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.

(10) *Direct broadcast satellite service (DBS)* shall mean a system in which signals are transmitted directly from a satellite to a small (not exceeding twenty-one (21) inches in diameter) receiving dish antenna.

(11) *Distributed antenna system or DAS* means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.

(12) *Eligible facilities request* means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment;

(iii) Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or

(iv) Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

(13) *Eligible facilities request* does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. "Eligible facilities request" does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code § 65850.6.

(14) *Eligible support structure* means any support structure located in the PROW that is existing at the time the relevant application is filed with the City under this division.

(15) *Existing* means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the City's applicable zoning or permitting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this division. However, a support structure, wireless telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when

it was built, but was lawfully constructed, is "existing" for purposes of this division. "Existing" does not apply to any structure that:

(v) Was illegally constructed without all proper local agency approvals; or

(vi) Was constructed in noncompliance with such approvals. "Existing" does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

(16) *Facility(ies)* means wireless telecommunications facility(ies).

(17) *FCC* shall mean an abbreviation which refers to the Federal Communications Commission.

(18) *FCC shot clock* means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC, and as may be amended from time to time. The shot clock shall commence on "day zero," which is the day the WTFP application is submitted.

(19) *Free-standing wireless facility* shall mean any free-standing mast, monopole, tripod, or tower utilized for the purpose of supporting an antenna(s). A free-standing wireless facility may be designed to resemble a tree, clock tower, light pole or similar alternative-design mounting structure that camouflages or conceals the presence of an antenna(s).

(20) *Ground-mounted* means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.

(21) *Lattice tower* means an open framework structure used to support one (1) or more antennas, typically with three (3) or four (4) support legs.

(22) *Modification* means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement, or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.

(23) *Monopole* means a structure composed of a pole or tower used to support antennas or related equipment. A monopole includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g., water tower).

(24) *Mounted* means attached or supported.

(25) *Obstruction-free reception window* shall mean the absence of manmade or natural physical barriers that would block the signal between a satellite and an antenna.

(26) *OTARD antennas* means antennas covered by the "over-the-air reception devices" rule in 47 C.F.R. § 1.4000 et seq., as may be amended or replaced from time to time.

(27) *Personal wireless services* shall have the same meaning as set forth in 47 U.S.C. § 332l(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

(28) *Pole* means a single shaft of wood, steel concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this Code.

(29) *Public right-of-way or PROW* means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, parkways, and parking strips. The PROW does not include land owned, controlled, or operated by the City for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

(30) *Radiofrequency emissions (RF)* shall mean the electromagnetic signals transmitted and received using wireless telecommunication antennas.

(31) *Reception window* shall mean the area within the direct line between a land-based antenna and an orbiting satellite.

(32) *Replacement* refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials, and style.

(i) In the context of determining whether an application qualifies as an eligible facilities request, the term "replacement" relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.

(ii) In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the "replacement" of the underlying support structure qualifies as a new pole proposal.

(33) *Small cell* means a low-powered antenna (node) that has a range of ten (10) meters to two (2) kilometers. The nodes of a "small cell" may or may not be connected by fiber. "Small," for purposes of "small cell," refers to the area covered, not the size of the facility. "Small cell" includes, but is not limited to, devices generally known as microcells, picocells and femtocells.

(34) *Small cell network* means a network of small cells.

(35) *Substantial change* has the same meaning as "substantial change" as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the planning director and based upon his/her reasonable consideration of the cabinet's proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the planning director may allow for a ground mounted cabinet. A modification or collocation results in a "substantial change" to the physical dimensions of an eligible support structure if it does any of the following:

(i) It increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;

(ii) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

(iii) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site. For purposes of this subsection, excavation outside the current site occurs where excavation more than twelve (12) feet from the eligible support structure is proposed;

(v) It defeats the concealment or stealthing elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections (1) through (4) of this definition.

(36) For all proposed collocations and modifications, a substantial change occurs when:

(i) The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) equipment cabinets;

(ii) The proposed collocation or modification would defeat the concealment elements of the support structure; or

(iii) The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this section.

(37) *Support structure* means a tower, pole, base station, or other structure used to support a wireless telecommunications facility.

(38) *SWF* means a "small wireless facility" as defined by the FCC in 47 C.F.R. 1.6002(1), as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

(i) The facility:

a) Is mounted on an existing or proposed structure fifty (50) feet or less in height, including antennas, as defined in 47 C.F.R. § 1.1320(d);

b) Is mounted on an existing or proposed structure no more than ten (10) percent taller than other adjacent structures; or

c) Does not extend an existing structure on which it is located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater;

(ii) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. § 1.1320(d)), is no more than three (3) cubic feet in volume;

(iii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;

(iv) The facility does not require antenna structure registration under 47 C.F.R. part 17;

(v) The facility is not located on tribal lands, as defined under 36 C.F.R. § 800.16(x); and

(vi) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).

(39) *Telecommunications tower or tower* bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

(40) *Transmission equipment* means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(41) *Utility pole* means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

(42) *Wireless telecommunication facility* shall mean a mechanical device, land and/or structure that is used to transmit and/or receive electromagnetic signals, including but not limited to antennas, microwave dishes, horn, and other types of equipment for the transmission or receipt of such signals, free-standing wireless facilities, equipment buildings or cabinets, parking areas, and other accessory development. Exceptions: The term "wireless telecommunications facility" does not apply to the following:

(i) Government-owned and operated telecommunications facilities.

(ii) Emergency medical care provider-owned and operated telecommunications facilities.

(iii) Mobile services providing public information coverage of news events of a temporary nature.

(iv) Any wireless telecommunications facilities exempted from this Code by federal law or state law.

(43) *Wireless telecommunications facilities master plan* shall mean a narrative and graphic representation of all existing and future wireless telecommunication facilities within the City for one (1) wireless communication provider or applicant.

(44) *Wireless telecommunications services* means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not be limited to, the following services: personal wireless services as defined in the Federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

26-41 "X" Definitions

26-42 "Y" Definitions

Yard. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

Yard, front. A required yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line and a line parallel thereto on the lot or parcel of land. Said distance shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

Yard, rear. A required yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

Yard, side. A required yard extending along the full length of the lot or parcel of land from the rear line of the required front yard to the required rear yard. The width of the required side yard shall be a specified horizontal distance measured from, and at right angles to, the nearest point of a side lot line toward a line parallel thereto.

26-43 "Z" Definitions

ARTICLE II. ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS

DIVISION 1 RESIDENTIAL ZONES (RA, R1, MF-8, MF-15, MF-20, MF-45) [COMBINED EX. ARTICLES VIII AND IX]

26-44 Purpose and Intent of Residential Zones *NEW*

The purpose of the residential zones is to classify and set standards for the orderly development of single and multi-family residential properties in a manner that will provide a desirable living environment compatible with surrounding properties and assuring protection of property values. It is intended that these zones be used to add to the variety of housing types and densities.

Table 2-1 Base Zoning Districts *TABLES ARE NEW, CONTENTS ARE EXISTING*

Map Symbol	Full Name	Purpose
R-1-6,000	Single-Family Residential Zone	The purpose of the single-family residential zoning district is to provide residential areas within the City that allow varying densities of single-family homes and other compatible uses. The district shall promote a suitable living environment by maintaining orderly flow of traffic and restricting traffic from other sources, providing space for community facilities that are complementary to residential areas and minimizing noise and disturbances in residential neighborhoods.
R-1-7,500		
R-1-9,450		
R-1-14,400		
R-1-20,000		
R-1-40,000		
R-A	Residential Agricultural Zone	The purpose of the residential agricultural zoning district is to provide residential areas within the City that allow varying densities of single-family homes and other compatible uses, where limited numbers of livestock may be raised and crops may be grown and where regulations promote and encourage a suitable environment for family life on large parcels of land.
MF-8	Multi-Family Residential Zone	The purpose of the multi-family residential zoning districts is to provide residential areas within the City that allow varying densities of multi-family homes where development is permitted with a relatively high concentration of dwelling units with amenities that promote a safe and healthy environment for existing and future residents.
MF-15		
MF-20		
MF-45		

26-45 Land Use Regulations and Allowable Uses

(a) Permitted Uses for residential zones:

Table 2-2 Uses and Permit Requirements*TABLES ARE NEW, CONTENTS ARE EXISTING*

Symbol	Permit Requirement	Procedure Section
X	Allowed by Right	–
AP	Administrative Permit	Article VI, Division 6
APH	Administrative Permit w/ Hearing	Article VI, Division 6; Article VI, Division 1
CUP	Conditional Use Permit	Article VI, Division 4: Article VI, Division 1
	Use not permitted	–

Permitted Uses and Permit Requirements for Residential Zones.	Zones						Special Regulations
Use Types	**RA**	**R1**	**MF-8**	**MF-15**	**MF-20**	**MF-45**	
Accessory uses							
Accessory uses and structures	X	X	X	X	X	X	
Accessory dwelling units (ADU), junior accessory units (JADU)	X	X	X	X	X	X	Article IV, Division 2
Agricultural uses							
Agricultural	X						Section 26-111
Agricultural Uses (on parcels of 10 acres or more)	X						Section 26-111
Beekeeping	APH	APH	APH	APH	APH	APH	
Residential uses							
Duplexes			X	X	X	X	
Employee Housing, farmworker (agricultural) Housing	X	X	X	X	X	X	
Group home (1 – 6 persons)	X	X	X	X	X	X	
Mobile home park			X	X	X	X	Section 26-122
Micro-units, efficiency units			X	X	X	X	
Multi-family residence			X	X	X	X	
Single-family residence	X	X	X				
Short term rental							
Special Group Residence	X	X	X	X	X	X	
Supportive housing	X	X	X	X	X	X	Section 26-133
Transitional housing	X	X	X	X	X	X	Section 26-133
Service, recreational, educational and public assembly uses							
Adult Day Care Centers	X	X					
Aircraft landing facilities							
Emergency	X	X	X	X	X	X	
Nonemergency	CUP	CUP	CUP	CUP	CUP	CUP	
Athletic Club/ Gymnasium					CUP	CUP	Section 26-119
Bed and breakfast inns							
Childcare facility, day care centers	CUP	CUP	CUP	CUP	CUP	CUP	
Large family day care (up to 14 children)	X	X	X	X	X	X	
Small family day care (up to 8 children)	X	X	X	X	X	X	
Conversions from apartments to Condominiums			CUP	CUP	CUP	CUP	Article VIII, Division 12
Golf Course, country club (serving alcohol allowed only with a club as defined in section 23428.9 of the	CUP	CUP	CUP	CUP	CUP	CUP	

Permitted Uses and Permit Requirements for Residential Zones.	Zones						Special Regulations
Use Types	**RA**	**R1**	**MF-8**	**MF-15**	**MF-20**	**MF-45**	
California Business and Professions Code.)							
Home occupations	X	X	X	X	X	X	Section 26-120
Hospitals (human)	CUP	CUP	CUP	CUP	CUP	CUP	
Institutions of philanthropic nature	CUP	CUP	CUP	CUP	CUP	CUP	
Mental health institutions and nursing homes					CUP	CUP	Section 26-130
Orphanages	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational centers (private)	CUP	CUP	CUP	CUP	CUP	CUP	
Religious facility	CUP	CUP	CUP	CUP	CUP	CUP	
Riding stables and riding schools (7 acres minimum site)	CUP	CUP					
Roominghouse	CUP	CUP	CUP	CUP	CUP	CUP	
Schools and colleges (public or private)	CUP	CUP	CUP	CUP	CUP	CUP	
Senior citizen housing	X	X	X	X	X	X	
Skilled nursing facilities, assisted living facilities	CUP	CUP	CUP	CUP	CUP	CUP	Section 26-130
Transportation, communications and utility uses							
Monopoles and alternative antenna support structures	CUP	CUP					Section 26-136
Public utility stations, yards, wells and similar facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Wireless telecommunication facilities (WTF) – Building and/or roof mounted facilities	AP	AP	AP	AP	AP	AP	Section 26-136

26-46 Development Standards for R-A and R-1 Zones *NEW*

New land uses, structures, and site development including alterations to existing land uses, structures, and site development within residential zoning districts shall be designed and constructed in compliance with the following requirements, and all applicable standards in Article III (Regulations Applicable to all Zones) and Article IV (Standards for Specific Land Uses) of this Development Code.

(a) Site size. In single-family residential districts, the minimum required building site area or width may be different from that set forth in the regulations of the district if so specific on the zoning district map. Such specifications shall be shown in the following manner:

(1) A number preceding and connected by a hyphen with the district symbol shall designate the minimum required building site width in feed. (i.e. 130-R)

(2) A number following and connected by a hyphen with the district symbol shall designate the minimum required building site area. Where the number is greater than one hundred (100), it shall indicate the area

in square feet; where the number is less than one hundred (100), it shall indicate the area in net acres. (i.e. R-1-6,000)

(3) The size of sites in R-A and R-1 zones shall be governed by the following table:

Table 2-3 Minimum Lot Dimensions and Lot Area for R-A and R-1 Zones *TABLES ARE NEW, CONTENTS ARE EXISTING BUT WERE LABELED AS "AREA DISTRICTS I THROUGH V" – REPLACED TABLE ON EX. SECTION 26-401*

Zone	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Minimum Lot Area (sq. ft.)
R-A	–	–	6,000
R-1-6,000	50	95	6,000
R-1-7,500	60	105	7,500
R-1-9,450	70	110	9,450
R-1-14,400	90	125	14,400
R-1-20,000	110	–	20,000
R-1-40,000	130	–	40,000

(b) Building coverage

(1) The maximum building coverage and floor area of all structures in the R-A and R-1 zones shall not exceed the standards set forth in Table 2-4.

Table 2-4 Allowable Building Coverage and Floor Area *CONTENTS OF TABLE ARE NEW – REPLACED TABLE ON EX. SECTION 26-401.5*

Lot Size	Allowable Total Building Coverage and Floor Area
5,000 square feet or less	50 percent of net lot area
5,001 to 6,000 square feet	2,500 square feet plus 30 percent of lot area over 5,000 square feet
6001 to 7,500 square feet	2,800 square feet plus 20 percent of lot area over 6,000 square feet
7,501 to 10,000 square feet	3,100 square feet plus 20 percent of lot area over 7,500 square feet
10,000 square feet or more	3,600 square feet plus 20 percent of lot area over 10

Additional Standards:

(i) Review thresholds for large houses. A conditional use permit shall be required for any project resulting in a total floor area above 10,000 square feet.

(ii) Review thresholds for large additions. An administrative permit shall be required for any project resulting in an addition greater than forty-five (45) percent of the existing floor area on the lot. If a project requires a conditional use permit under subsection (i), the conditional use permit application shall incorporate the review for the large addition.

(iii) Volume Space. Any space on a two-story house and/or addition to a proposed two-story house with a ceiling or top-plate height exceeding twelve (12) feet shall be considered as constituting two-stories for the purpose of calculating floor area. Any area under a sloped roof with a ridge height of sixteen (16) feet or less and an exterior wall height of twelve (12) feet or less are exempt. Areas directly above the stairs are exempt.

(c) Maximum Front Yard Pavement Coverage/Driveways [EX. SECTION 26-402.5]

(1) As used in this section, a "front yard" refers to all space between the main building (also the projection of the main building to the side property lines) and the front street property line. "Street side yard" refers to all space between the main building (also the projection of the main building to the front and rear property lines) and the side street property line of a corner lot. All open areas within the front yard, except for legally permitted driveways and walkways, as set forth in this section, shall be maintained with live-organic landscaping, or approved artificial turf/alternative landscaping as set forth by section 26-85 (General Landscaping Standards).

(2) Paved walkways shall be separated with a minimum forty-two inch (42") wide landscaped area. The driveway and walkway area may be connected for a span no greater than forty-two inches (42") in width. There shall be no more than two (2) paved walkway areas within the front yard.

(3) Review and approval of a new driveway is subject to approval of a driveway approach permit by the engineering division.

(4) A primary driveway providing direct access from the street to a garage, carport, or required parking space(s) shall have a minimum length of twenty-two (22) feet, measured from the edge of the driveway apron.

(5) The front yard driveway pavement shall be limited to the width of the garage or carport, plus an additional ~~six (6) feet on either or both sides of the garage or carport driveway, or an additional twelve (12) on one (1) side of the driveway and any secondary driveway~~twelve (12) feet (cumulative width). In instances where the property does not have a garage or carport, the front yard driveway pavement shall be limited to twenty (20) feet in width for properties developed with primary single-family residential dwelling units. Urban lot split properties shall comply with Article VIII (Subdivision Regulations). The installation of a circular/semicircular driveway shall require compliance with all standards listed within subsection (7), including the maximum primary driveway width. The installation of a secondary driveway shall require compliance with all standards and processes listed within subsection (8), including maximum primary driveway width.

(6) Pavement in the front yard shall be constructed and maintained with permanent, load-bearing pervious or impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances. The use of pervious surfaces is encouraged to facilitate on-site infiltration of stormwater. Substitutions of paved materials for the additional paved areas are permitted if found to be substantially similar to the requirements of this article. In cases of irregularly shaped lots or sites hampered by topographical features, the additions shall be parallel to and/or concentric with the access drive. Pavement in a street side yard is permitted only where a garage or carport in the street side yard is oriented to the street or six-foot-high masonry block wall or solid fence screens the pavement from all street views. Unscreened pavement in street side yards shall be treated as pavement in front yards.

(7) Circular drive additions are exempt from the provisions of subsection (5).

(i) New semicircular driveways are prohibited where the street frontage is less than seventy-five (75) feet.

(ii) Properties without a garage are prohibited from installing and/or maintaining a semicircular driveway.

(iii) The semicircular driveway portion shall not exceed twelve (12) feet in width.

(iv) The paved primary driveway portion leading to the garage shall not exceed the width of the garage plus six (6) feet.

(v) A minimum of fifty-percent (50%) of the front yard shall be maintained with live-organic landscaping, or approved artificial turf/alternative landscaping as set forth in section 26-85 (General Landscaping Standards). ***CODIFIES EXISTING POLICY***

(8) Paved areas for secondary driveways are exempt from the provisions of subsection (5). The approval of a secondary driveway shall be subject to the granting of an administrative permit with hearing as set forth in Article VI, Division 6 of this chapter, and further subject to the following conditions:

(i) Properties without a garage are prohibited from installing a secondary driveway.

(ii) The paved primary driveway portion leading to the garage shall not exceed the width of the garage.

(iii) Approval of a secondary driveway by the planning division shall require a plan indicating the location and improvements of the secondary driveway and the paved parking area in the side or rear yard.

(iv) The secondary driveway shall lead to a paved parking area intended for the parking or storage of vehicles in the side or rear yards which must be fully screened in compliance with section Article III, Division 6.

(v) The secondary driveway is strictly for the purpose of providing access to the rear or side yard for the purposes stated above. No vehicles may be parked or stored on the secondary driveway in the front yard.

(vi) The maximum width of the secondary driveway shall be twelve (12) feet.

(vii) The secondary driveway shall be made of grass-crete, turf-block, or similar material to allow grass/ground cover to grow in between the voids. The secondary driveway may be made of the same concrete/pavers/material of the primary driveway if it is designed as a ribbon driveway with two ribbon strips no wider than forty-two inches (42") for each strip and a minimum of forty-two inches (42") width of landscaping in between the ribbon strips and/or other paved areas.

(viii) A minimum of fifty-percent (50%) of the front yard shall be maintained with live-organic landscaping, or approved artificial turf/alternative landscaping as set forth in section 26-85 (General Landscaping Standards). ***CODIFIES EXISTING POLICY***

(d) Single-Family Building Height.

(1) No building or structure shall have more than two (2) stories or be more than twenty-five (25) feet above finished grade.

(2) Chimneys, vents and other such incidental appurtenances shall conform to the standards set forth in 26-65.

(3) Subterranean garages shall not be included in the measurement of height nor counted as a story.

(4) Buildings on lots in excess of twenty thousand (20,000) square feet may exceed the maximum height limit stated in subsection (a) by one (1) foot for every five hundred (500) square feet of floor area in excess of twenty-five hundred (2,500) square feet. Such increase in height shall increase the yard requirements on a foot-to-foot ratio, i.e., one (1) foot of additional height requires eleven-foot side yards and twenty-six-foot front and rear yards, five (5) feet of additional height requires fifteen-foot side yards and thirty-foot front and rear yards, however no structure shall exceed two (2) stories and thirty-two (32) feet maximum height.

(e) Setback regulations for R-A and R-1 Zones, except as set forth in 26-46(g).

(1) Front Yard Setback.

(i) Determination of Front Yard Setback on Corner Lots. On corner lots, the narrower street frontage is normally the front lot line. However, the Community Development Director or their designee may determine that a longer street frontage comprises the front lot line, in consideration of other factors including house orientation, orientation of nearby houses, and access. ***CONSISTENT WITH EXISTING DEFINITION OF "FRONT "YARD"***

(ii) For flag-lots extending from a street or right-of-way to the building area of the parcel, the front yard setback measurement shall be taken from the nearest point of the wall of the structure or support post to the point where the access point or "flag pole" meets the bulk of the parcel along a continuous line, establishing a parallel setback line. ***CODIFIES EXISTING POLICY***

(iii) Every lot or parcel zoned R-A or R-1 shall have a front yard not less than twenty-five (25) feet from the property line, except for lots with a gross lot area of 7,500 square feet which shall have a front yard setback of twenty (20) feet.

(2) Side Yard Setback:

(i) Five (5) feet for lots less than 14,400 square feet;

(ii) Seven (7) feet for lots between 14,400 and 20,000 square feet;

(iii) Ten (10) feet for lots greater than 20,000 square feet;

(iv) On any corner lot, no residence facing the side street shall be located within twelve and one-half (12½) feet of the side street property line.

(v) Reverse corner lots: Shall have the same side yard requirements as interior lots except the street side setback for the entire depth of the lot shall be no less than fifty (50) percent of the required front yard of the lot to the rear.

(3) Rear yard setbacks for lots zoned R-A and R-1.

(i) Lots not exceeding an area of 7,500 square feet shall have a rear yard setback of fifteen (15) feet.

(ii) Lots 7,500 square feet or more shall have a rear yard setback of twenty-five (25) feet;

(iii) For lots within the Hillside Overlay Zone with graded pads, a minimum ten-foot substantially flat area for pedestrian and emergency access shall be provided between the rear of the house and the slope, measured perpendicularly from the structure (a one-story open patio cover may be located in the level area in compliance with other development standards). Legal nonconforming structures in existence prior to February 21, 2014 that do not fully meet these requirements may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming structures were legally established and maintained.

(f) Permissible coverage of required rear yards.

(1) Sixty (60) percent of the required rear yard in R-A and R-1 zones shall remain open; and the remaining forty (40) percent of the required rear yard may be covered by single story construction with a height of no greater than fifteen (15) feet.

(i) Garages and/or storage sheds may exceed the fifteen (15) feet height limitation by no greater than five (5) feet, subject to an administrative review set forth Article VI, Division 6 (Administrative Permit), provided that the Community Development Director or their designee determines that the design of the proposed garage or storage shed is compatible with other structures on the property and is at least fifteen (15) feet away from any permitted structure and/or swimming pool located on a neighboring property.

(ii) No construction shall be permitted within five (5) feet of the rear property line, except as set forth in Article III, Division 2 (Accessory Structures).

(g) Special setback requirements and/or exceptions to basic setbacks.

(1) Nonhabitable accessory structures.

(i) All nonhabitable free-standing roofed accessory structures with a projected roof area of less than one hundred twenty (120) square feet or nonroofed structures with a total floor area of less than one hundred twenty (120) square feet, and no taller than seven (7) feet in height in yards which are screened by fencing or shrubs at least five (5) feet tall may encroach into the required interior side yard behind the main building, and the required rear yard.

(ii) All nonhabitable free-standing roofed accessory structures greater than one hundred twenty (120) square feet and greater than seven (7) feet in height shall be set back 4'-0" from the interior side and rear property lines provided that provisions within sections 26-46(f) and 26-46(g) are complied with.

(2) Flags and flagpoles shall be subject to the regulations found in subsection Article III, Division 8.

(3) Swimming pools, spas, and sports courts.

(i) Swimming pools, spas, sports courts, and other similar private recreation areas shall be setback a minimum of five (5) feet from the interior side and rear property lines.

a) Swimming pool/spa setback shall be measured from the property line to the back of the bond beam. ***CODIFIES EXISTING POLICY***

b) Sports court setback shall be measured from the property line to the sport court fencing and/or playing surface, whichever is closest.

(ii) Pools/spas and sports courts may be permitted within the front yard through an administrative permit process provided that there is a minimum five (5) feet setback to adjoining properties, the city engineer has determined that there will not be a line-of-sight safety concern and the Community Development Director determines that the lot configuration, building placement, and/or street location justify the proposed pool/spa location due to the uniqueness of the property.

(iii) Temporary playing surfaces on grass and/or on the driveway are not regulated by this zoning code provided that the equipment is moved and stored out of the required setbacks after each use.

(4) Mechanical equipment.

(i) Mechanical equipment (HVAC system, pool equipment, tanked water-heater, generator, or similar) shall be setback a minimum of five (5) feet from the side and rear property lines. **(Ex. Code requires compliance with structural setback requirements)**

(ii) Mini-split air-conditioning units, wall/window air-conditioning units, tankless water-heaters, or similar equipment may be located within the required side and rear setbacks provided that the equipment does not extend beyond the eave of the dwelling unit and is screened from public right-of-way views.

(iii) In no case shall mechanical equipment be located within the front yard.

(iv) All mechanical equipment shall be screened from public right-of-way views. ***CODIFIES EXISTING POLICY***

(v) Air conditioning and heating ducting shall not be exposed on roofs.

(vi) Roof-mounted mechanical equipment may be allowed, subject to review by the community development director (or their designee) and approval of an Administrative Permit as follows:

a) The house is existing and does not have an attic;

b) The unit is not visible from the street and can be screened from all ground level views;

c) A detailed description of the screening material and construction method shall be provided and shall be architecturally compatible with the building.

(5) Canopy structures.

(i) Canopy structures shall be prohibited in the front yard and street side yard (refer to Section 26-46 (d)), with the following exceptions:

a) Canopy structures with a projected canopy area of less than one hundred twenty (120) square feet and a height of less than seven (7) feet shall be permitted within a street side yard area that is fully screened by fencing or shrubs at least five (5) feet in height.

b) Canopy structures with a projected canopy area of no greater than two hundred (200) square feet, a height of no greater than twelve (12) feet, and a length of no greater than twenty (20) feet shall be permitted in front yard and street side yard areas where located at a distance of fifty (50) feet or greater from the front or street side property line and/or which are not readily visible from the street (as determined by the community development director or their designee) due to topographical conditions. Canopy structures shall be permitted in other areas of a lot with a projected canopy area of no greater than two hundred (200) square feet, a height of no greater than twelve (12) feet, and a length of no greater than twenty (20) feet, with the exception that canopy structures encroaching into the interior side yard and/or the rear five (5) feet of the rear yard shall only be permitted with a projected canopy area of less than one hundred twenty (120) square feet and a height of less than seven (7) feet.

(ii) *Repair and maintenance.* Canopy structures shall be maintained in good condition. Torn fabric, bent or broken support members shall be replaced or repaired as needed. Any canopy structure considered to be in disrepair, as determined by the community development director or their

designee, shall be repaired, replaced or removed from the site. Reflective, mirrored type, covering material shall be prohibited.

(iii) *Lot coverage.* Canopy structures requiring the issuance of a building permit (i.e., those that are considered structures as defined by the Uniform Building Code) with a projected roof area of one hundred twenty (120) square feet or greater shall be considered building coverage and shall be included in calculations of maximum building coverage as set forth in Section 26-46(c).

(6) Animal keeping areas. A minimum separation of thirty-five (35) feet shall be maintained between a structure used for habitable purposes, swimming pool or spa and animal keeping areas. Animal keeping areas shall include barns, corrals, or stables, to maintain a horse or any other animal mentioned in section 26-111. Legal nonconforming uses or buildings in existence prior to June 14, 2012 that do not fully meet the stated separation requirements, may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming uses and buildings were legally established and maintained. Any addition to, or expansion of, such structures, however, shall cause the stated separation requirements to apply.

(7) The provisions of this section shall not be construed to limit or interfere with the authority of homeowner associations that determine that such encroachments are undesirable in their particular case to incorporate the prohibition of such encroachments into their conditions, covenants and restrictions.

(8) All structures must conform to the requirements of the Uniform Building Code, if applicable.

(9) For the purpose of this section, the projected roof area shall mean the horizontal square feet of roof, excluding slope, but including overhang.

(h) Second-story setbacks regulations for R-A and R-1 Zones.

(1) *Front Yard:* When the first story of an existing single-family structure is built within thirty (30) feet or less of the front property line, the front yard setback of any future second story addition or expansion shall be a minimum of thirty (30) feet, except for lots less than 7,500 square feet in area, where the second story shall be set back a minimum of twenty-five (25) feet.

(2) *Side Yard:* When the first story of an existing single-family structure is built within ten (10) feet or less of the side property line, the side yard of any future second story addition or expansion shall be a minimum of ten (10) feet. The following exception may be allowed, subject to community development director (or their designee) review and the approval of an Administrative Permit, in cases where an existing second-story has a second-story setback that is less than ten (10) feet on an elevation:

(i) Said side yard second story setbacks may be the same as the existing second story setback if no portion of a building or structure (existing or proposed) encroaches through a daylight plane that is projected above each setback line and sloping inwards at a forty-five (45) degree angle measured at a point ten (10) feet above the finished grade level along the side property line toward the opposing side property line. **(REMOVED ANGLE-PLANE TABLE AND SIMPLIFIED CODE TO THE 45 DEGREE ANGLE PLANE FOR ALL LOTS RATHER THAN 45, 50, AND 55 DEGREE ANGLE PLANES DEPENDING ON LOT WIDTH)**

(ii) Said side yard second story setback shall not be required along any side yard which abuts property zoned for or developed with a nonresidential use (e.g. schools and parks) or a public right-of-way, flood control channel, or utility easement upon which no residential structures may be developed.

(iii) As used in this section, second story setback shall also apply to any portion of the first story under a sloped roof with a ridge height greater than sixteen (16) feet and/or an exterior wall height greater than twelve (12) feet above the finished adjacent grade. The gable end of a sloped roof shall not be included in the exterior wall height calculation.

(iv) The second story setbacks stated in subsections (1) and (2) above on lots of 20,000 square feet or more shall not be required for developments which utilize the additional height provisions pursuant to section 26-46(d).

26-47 Applicable Regulations for R-A and R-1 Zones

The provisions of this section are intended to reinforce community standards and to promote an attractive residential appearance in the City's neighborhoods. These regulations apply to all residential uses in R-1 and RA zones.

(a) Precise Plan of Design.

A precise plan of design pursuant to Article VI, Division 3 of this Chapter is required for subdivisions where a specific plan is proposed. Particular attention shall be given to compatibility with adjacent residential and commercial zoning and uses. A precise plan must be approved prior to any development.

(b) Lighting. Lighting shall be designed, installed, and maintained in such a manner that illumination spillover from such lighting does not exceed 2.0 foot candles above ambient illumination levels onto another residential property and glare spillover from such lighting will not negatively impact another residential property.

(1) Illumination and/or glare spillover onto other property shall be measured from any point five (5) feet above natural grade on a vertical plane on the other property. Ambient illumination shall include only non-artificial light and street lights present exclusive of the offending light source.

(2) If, upon inspection by authorized city staff, it is determined that a violation of this section is occurring, the community development director or their designee may require mitigation measures in order to minimize impacts, including, but not limited to: Relocation (setback, height restrictions) of the fixture, reduction of lamp wattage, the installation of hoods, shields, louvers, or other fixtures accessories to redirect light, the installation of coated or frosted lamp covers to soften glare, the re-aiming of the fixture, or the placement of landscaping or fencing as barriers.

(3) Sports court lighting shall be subject to the same standards and require the review and approval of the community development director or their designee prior to installation. During this review, photometric data and other information needed to determine compliance with these standards may be required by the community development director or their designee and are subject to the approval of an Administrative Permit.

(4) The restrictions of this subsection shall not apply to decorative, temporary, seasonal incandescent lights in place and in use during the period from November 1 and January 31.

(c) Certain objects and materials prohibited in all yards.

(1) No owner or occupant of any parcel of real property zoned for residential purposes shall maintain or permit to remain within the front yard, street side yard or any other portion of the property, except as otherwise permitted in this section:

(i) Any garbage or putrescible matter, whether mixed with rubbish or other matter or not.

(ii) Any rubbish, whether combustible or noncombustible, other than garbage or putrescible matter.

(iii) Any discarded, useless and unusable object, material or equipment.

(iv) Any pile or accumulation of lumber or building materials, provided, however, that this subparagraph (iv) shall not apply to any parcel upon which a building is in the process of construction.

(2) Objects and materials prohibited in paragraph (a) may be placed in the front yard or street side yard for a period not to exceed twenty-four (24) hours and may be stored in other portions of the property screened from public view for a period not to exceed ten (10) days.

(3) All garbage and putrescible matter, whether mixed with rubbish or other matter shall be kept in a watertight container with close-fitting lids and ties. All rubbish, other than garbage or putrescible matter shall be kept in a metal container or other substantial and adequate container.

(4) As used in this section, a "front yard" refers to all space between the main building (also the projection of the main building to the side property lines) and the front property lines. "Street side yard" refers to all

space between the main building (also the projection of the main building to the front and rear property lines) and the street side property line of a corner lot, which is not totally screened from public view by a six-foot-high solid fence or wall. "Other portions of property" shall mean those portions of property not included in the front yard or street side yard and screened from public view with a six-foot-high solid fence or wall.

(d) Landscape Maintenance.

(1) The purpose of this section is to protect the properties in residential neighborhoods by establishing minimum maintenance standards for maintenance of landscaping on residential properties. It shall be declared unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any residential property in the City to allow the existence of any of the following conditions on such property, which conditions are listed by way of example and not of limitation:

(i) Overgrown vegetation; unmaintained grass lawns and/or weed areas which are one (1) foot in height or greater; which are likely to attract or harbor rats or vermin; to become a fire menace when dry; or which are otherwise dangerous to the public health and welfare.

a) Weeds are those uncultivated, noxious plant groups that compete with cultivated garden plants for water, nutrients, light and space.

(ii) Dead, decayed, diseased or hazardous trees and/or other vegetation.

(iii) Lack of landscaping or the maintenance thereof.

a) Landscaping, as used in this section, shall, by example and not by limitation, mean healthy and viable cultivated vegetation common to most residences and/or planned drought-tolerant landscaping systems.

1) Drought-tolerant landscaping systems are generally characterized by alluvial rock garden formations and/or native California flora or other plants selected for drought tolerance, adaptability and relationship to West Covina environment; color, form and pattern; ability to provide shade; soil retention and fire resistance.

b) Maintenance, as used in this section, shall, by example and not by limitation, mean watering, weeding, pruning, trimming, mowing, insect control the replacement or irrigation equipment as needed to preserve the health and appearance of landscaping when visible from streets, rights-of-way, and adjacent properties at or above grade level.

(2) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Article III, Division 5 of this Development Code, and the Planning Commission Guidelines for Water Efficient Landscaping, unless specifically exempted by those water efficiency provisions.

(3) Violations of this section shall be subject to enforcement procedures found in Section 1-37.2 of the West Covina Municipal Code. This section shall not supersede any provisions or regulations required by public and governmental agencies that may conflict with the intent and provisions contained in this section.

(e) Maintenance of buildings and structures

(1) The purpose of this section is to protect the appearance, character, and integrity of residential neighborhoods and promote safe and decent housing by establishing minimum standards as they relate to the maintenance of residential buildings and structures. It shall be unlawful for any person owning, leasing, occupying, or having charge or possession of any residential property in the City to maintain on such property any of the following when viewable from the public right-of-way or abutting properties:

(i) Buildings or structures which are neglected as a result of abandonment, are partially destroyed or have remained in a state of incomplete construction for an unreasonable period of time as determined by the community development director or their designee and building official.

(ii) Buildings or structures with peeling, blistering or otherwise deteriorating paint, or unpainted surfaces, in excess of ten (10) percent of the surface area.

(iii) Roofs with loose, unstable or missing tiles, shingles or other material used as roof composition in excess of ten (10) percent of the roof area.

(iv) Buildings or structures that have broken, damaged or missing windows, doors, attic vents, and underfloor vents rendering these items unusable for their purpose and causing an attractive nuisance.

(v) Buildings or structures whose exteriors, porches, steps, stairs, walls, devices, fences, driveways, or walkways are cracked, broken, defective, deteriorating, in disrepair, or defaced due to writing, inscription, or figures rendering these items unusable for their purpose and constituting in the opinion of the community development director or their designee and building official a hazardous condition or an attractive nuisance.

(vi) Garage doors that are missing, broken, sag, or buckle to the extent that they cannot be either opened or closed, rendering the garage unusable for its purpose and causing an attractive nuisance.

(vii) Any structure or building or portion thereof which, as compared to adjacent properties, is unsightly in appearance and out of character by reason of its condition.

(f) Construction in Fire Hazard Severity Zones (FHSZ).

(1) The purpose of this section is to establish regulations for construction and development within FHSZ to mitigate the risk of wildfires, and protect life and property and promote public safety.

(2) This section shall apply to all properties within the FHSZ as designated by The Department of Forestry and Fire Protection (CAL FIRE).

(3) Construction Standards, Building Materials and Design.

(i) All structures within the FHSZ shall utilize fire-resistant materials and design techniques in accordance with Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure of the California Building Code.

(4) Vegetation Management and Defensible Space.

(i) All buildings and structures located within the FHSZ shall maintain the required hazardous vegetation and fuel management requirements pursuant to Section 4907.3 of the California Fire Code.

26-48 Development Standards for Multi-Family Zones.

New land uses, structures, and site development including alterations to existing land uses, structures, and site development within multi-family residential zoning districts shall be designed and constructed in compliance with the following requirements, and all applicable standards in Article III (Regulations Applicable to all Zones), Article VI (Standards for Specific Land Uses) of this Development Code and the West Covina Multi-Family Residential Objective Design Standards.

(a) Site size.

(1) The size of sites in multiple-family zones shall conform to the following table:

Table 2-5 Minimum Lot Size for Multi-Family Residential Zones

	MF-8	MF-15	MF-20	MF-45
Minimum Site Size	2 acres	1 acre	1 acre	20,000 sq. ft.
Minimum Width (feet)	150'	150'	150'	100'*
Minimum Average Depth	–	–	–	150'
*At the street line				

(b) Density.

(1) The maximum number of dwelling units per net acre shall be as follows:

Table 2-6 Maximum Dwelling Units Per Acre for Multi-Family Residential Zones

	MF-8	MF-15	MF-20	MF-45
Maximum dwelling units per net acre	8	15	20	45

(c) Lot Coverage

(1) The maximum building coverage of all structures multi-family residential zones shall not exceed the following:

(i) Lots zoned MF-8 – forty-five (45) percent of the total lot parcel area;

(ii) Lots zoned MF-15 and MF-20 – fifty-five (55) percent of the total lot parcel area;

(iii) Lots zoned MF-45 – seventy (70) percent of the total lot parcel area.

(2) Ground coverage shall be the total amount of land covered by residential structures, carports or garages, and all paved areas used for parking and accessways. Decks, patios, recreation rooms, pedestrian walkways, and terraces shall be excluded. Such coverage shall conform to the following table:

(d) Maximum building height.

(1) The maximum building height shall conform to the following table:

Table 2-7 Maximum Building Height for Multi-Family Residential Zones

	MF-8	MF-15	MF-20	MF-45
Maximum height, when not within 100 feet of single-family zones.	30'	45'	45'	55'
Maximum height, when within 100 feet of single-family residential zones.	25'	25'	35'	40'

(2) When there is a difference in site elevation and the abutting property zoned single-family is of such elevation that its view will not be impeded, at the discretion of the planning commission, the maximum building height limit may be waived.

(e) Building setbacks from property lines.

(1) *Front.* The front setback from the property line shall be governed by the following table:

Table 2-8 Minimum Required Front Yard Setbacks for Multi-Family Residential Zones

Zone	Minimum Setback (in feet)	Average Setback (in feet)
MF-8	15	20

MF-15	15	20
MF-20	15	20
MF-45	15	–

(2) *Side.* The side setback and upper-story setbacks from the property line shall be governed by the following table:

Table 2-9 Minimum Required Side Yard Setbacks for Multi-Family Residential Zones

Zone	Interior	Interior Abutting R-A/R-1 Zones	Adjacent to Street, Minimum Setback; Average Setback
MF-8	10 ft.	1 story: 10 ft.	15 ft.; 20 ft.
		2 story: 20 ft.	
MF-15	10 ft.	1 story: 10 ft.	15 ft.; 20 ft.
		2 story: 20 ft.	
		3 story: 30 ft.	
MF-20	10 ft.	1 story: 10 ft.	15 ft.; 20 ft.
		2 story: 20 ft.	
		3 story: 30 ft.	
MF-45	2 story: 5 ft.	1 story: 5 ft.	
	3 or more: 10 ft.	2 story: 10ft.	
		3 story: 15 ft.	
		Plus 5 ft. per each additional story	
Notes: In the MF-45 zone, on reverse corner lots, the side yard abutting the street shall be a minimum of 15 ft.			

(3) *Rear.* The rear setback and upper-story setbacks shall be governed by the following table.

Table 2-10 Minimum Required Rear Yard Setbacks for Multi-Family Residential Zones

Zone	Minimum Setback	Abutting R-A/R-1, Minimum Setback
MF-8	20 ft.	20 ft.
MF-15	20 ft.	1 story: 20 ft.
		2 story: 20 ft.
		3 story: 30 ft.
MF-20	20 ft.	3 story: 30 ft.
MF-45	15 ft.	15 ft.
		20' for stories above 2nd floor

(f) Yards around buildings.

(1) In the MF-8, MF-15, and MF-20 zones: There shall be a minimum yard requirement around all main building exterior walls of ten (10) feet plus two (2) feet per additional story in height above the first floor plus one (1) foot per each twenty (20) feet of linear exterior wall or fraction of the building adjoining said yard. In the MF-45 Zone, the yard requirement shall be ten (10) feet plus two (2) per additional story in height above the first floor.

(2) The sum of the minimum yard requirements around all main buildings as set forth in (a) above, shall constitute the minimum distance between all main buildings.

(3) Yards as per this section shall be open from the ground to the sky and shall be landscaped. Exterior stairways, balconies, and patios may extend into said yards not more than twenty-five (25) percent.

(4) If parking is provided under the first story of a building, the landscaping requirements are waived for the distance of the parking spaces.

(5) Accessory buildings shall not encroach into any yard requirement of a main building, except as set forth in 26-48 of this Article.

(6) The yard requirement of an obliquely-aligned building may overlap if approved by the planning commission.

(7) Yards around buildings, as set forth in this section, may coincide with setbacks from property line as required in 26-48(e) of this Article; the one having the greater distance shall prevail.

(8) At the time of precise plan review as per Article VI, Division 3 of this Chapter, the Planning Commission may modify the required yards around buildings as set forth in this section, providing the following criteria have been met:

(i) The amount of site area involved shall be relocated within the recreational-leisure space areas as set forth in 26-48(i).

(ii) The end result shall be an improved overall project design other that otherwise would not occur if the modification were not granted.

(iii) The maximum permitted ground coverage set forth in 26-48(c) shall not be exceeded.

(g) Building length

(1) In the MF-8, MF-15, and MF-20 zones, no building shall exceed a length of two hundred (200) feet. In the MF-45 zone, no building shall exceed a length of four hundred (400) feet. Buildings may be connected with walkways or at the roof, provided minimum distances between buildings as per section 26-48(f) of this chapter is met and approved by the planning commission.

(h) Minimum floor area per dwelling.

(1) The minimum floor area per dwelling unit, in square feet, shall be as follows:

Table 2-11 Minimum Floor Area for Multi-Family Residential Zones

Zone	Number of Bedrooms					
	Studio	1	2	3	4	Each Additional Bedroom Over 4
MF-8	600	900	1,050	1,250	1,650	+200
MF-15	600	800	1,000	1,200	1,350	+150
MF-20	600	725	900	1,100	1,250	+150
MF-45	500	600	800	990	1,125	+125

(i) Required Open Space~~Recreational-leisure space~~.

(1) Common open space shall be provided in conformance with the standards set forth in the West Covina Multi-Family Objective Design Standards (2022). ~~A minimum of two hundred (200) square feet of usable recreational/leisure space for each dwelling unit shall be provided. Such space shall have a minimum horizontal dimension of fifty (50) feet for one (1) and two (2) story, and seventy-five (75) feet for three (3) story to qualify as usable recreational/leisure space. Recreational/leisure space shall be distributed throughout the development and readily accessible from all dwelling units. Such space may extend into the required side or rear yards, and only that portion which is utilized for recreational/leisure space shall be included in calculating the total area. Swimming pools, putting greens, court game facilities, recreational buildings, and other similar facilities may be included in this area.~~

(2) Private open space. A minimum of two hundred (200) square feet per dwelling unit of usable private open space shall be provided. Such space shall have a minimum dimension of five (5) feet in width and depth. Balconies, patio areas, and other similar space that is directly accessible from the unit may be included as private open space areas. Storage of any equipment other than patio furniture shall not be allowed within balconies and/or patio areas.

(j) Micro-units.

(1) A micro-unit project shall conform to the development standards set forth in 26-48, Development Standards for Multi-Family zones.

(2) Standards:

(i) Kitchen and bathrooms. Each micro-unit shall include a private kitchen and bathroom.

(ii) Kitchens shall include at least the following:

a) Sink;

b) Stove with two burners;

c) Refrigerator with freezer;

d) Counter that is at least 18 inches by 24 inches; and

e) A pantry and dry good storage cabinets with a minimum area of twenty (20) cubic feet.

(iii) Bathrooms shall include the following:

a) Toilet;

b) Sink; and

c) Shower.

(iv) Storage space. Each micro-unit shall have a closet with a minimum of 48 square feet of storage.

(v) Micro-unit developments shall provide a shared laundry room accessible to all units with one washer and dryer for every 12 micro-units.

(vi) Operations, management and security:

(vii) All micro-unit developments shall submit the following information describing the operational, management and security details of the project:

a) Description of general operations and onsite security plans;

b) 24-hour onsite management for projects with fifteen (15) units or more;

c) Emergency procedures.

26-49 Applicable Standards for Multi-Family Zones

The provisions of this section are intended to reinforce community standards and to promote an attractive residential appearance in the City's neighborhoods. These regulations apply to all residential uses in multi-family zones.

(a) Precise Plan of Design

(1) The filing of a precise plan of design shall be required as part of an application for multiple-family zoning and as specified in Article VI, Division 3 of this chapter, or a planned residential development overlay zone and development plan as specified in Section 26-60 of this chapter. Such precise plans of design shall conform to Planning Commission Resolution No. 567. This shall not apply to development applications subject to administrative review pursuant to State Law or other sections of the West Covina Municipal Code.

(2) The review and approval process for an eligible Senate Bill 35 (SB35) housing project shall adhere to CGC Section 65913.4, as amended. For eligible SB35 projects, the community development director shall approve or deny the ministerial Precise Plan based on the West Covina Multi-Family Objective Design

Standards (2022) adopted by the City. Within 30 days of such action, the community development director shall prepare a report to the Planning Commission, providing a description of the project and the nature of the approval. Any such Precise Plan approved under SB35 shall be valid for a period of three (3) years, with one (1) additional extension of time in a one-year increment. The Community Development Director or their designee may approve a one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready, such as, but not limited to, the filing of a building permit application that is kept active.

(b) Underground Utilities

(1) All utilities shall be underground in accordance with the Municipal Code and approved by the city engineer.

(2) All utility hardware shall be placed underground or shall be screened from view with a decorative block or masonry wall or landscaping, to the maximum extent as allowed by the utility provider. Such screening shall be as high as the highest portion of the equipment and shall be permanently maintained.

(c) Refuse and recycling collection and storage within multi-family residential zones.

(1) Any new or existing multi-family development project of five (5) or more living units, an application for one (1) or more building permits for single or multiple alterations to be conducted within a twelve-month period which collectively add fifty (50) percent or more to the existing floor area of a living unit shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials as defined in this section.

(2) All outdoor trash, garbage, recycling and refuse containers shall be screened on all sides from public view by a minimum five and one-half (5½) foot high concrete, masonry or decorative block wall and the opening provided with a gate of durable wood or comparable material. Such area shall be so located as to be easily accessible for trash and recyclable material pick up. Type, texture and color shall be approved by the planning commission or planning director.

(3) The following guidelines will be applied to new and expanded development projects:

(i) Free-standing or exterior recycling areas shall be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation.

(ii) The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

(iii) A sign clearly identifying all recycling collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

(iv) Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.

(4) The community development director or their designee shall review each application for adequate design and area allocation suitable to the particular recycling program or process to be in effect at the development project and shall apply these requirements and guidelines accordingly.

(5) Any and all separate recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be part of or adjacent to the solid waste collection areas.

(d) Lighting

(1) All lighting of the building, landscaping, parking area, or similar facilities shall be shielded and directed to reflect away from adjoining properties.

(e) Mechanical equipment in multi-family zones.

(1) In multi-family residential zones, all ground-mounted mechanical equipment shall be completely screened behind a permanent structure, and all roof-top mechanical equipment shall be placed behind a permanent parapet wall and shall be completely restricted from views of the public rights-of-way abutting the site and from the first floor of neighboring properties. Such screening shall be as high as the highest portion of the equipment or ducting and shall be permanently maintained. All wall air-conditioner units shall be screened from view with material that is compatible and in harmony with the architectural styling and detailing of the building.

(f) Clothes drying areas.

(1) All clothes drying areas shall be screened on all sides by a fence or wall not less than six (6) feet high.

(g) Maintenance of Standards, Buildings and Structures.

(1) *General.* All improvements in the multiple-family zone shall be continuously maintained in a neat, orderly, and healthy condition. Said improvements shall include (but not be limited to) signs, landscaping, off-street parking, storage areas, and walls.

(2) *Buildings and structures.* The purpose of this section is to protect the appearance, character and integrity of multiple-family zoned properties and promote safe and decent housing by establishing minimum standards as they relate to the maintenance of residential buildings and structures. It shall be unlawful for any person owning or having charge or possession of any of the following when viewable from the public right-of-way or abutting properties.

(i) Buildings or structures which are neglected as a result of abandonment, are partially destroyed, or have remained in a state of incomplete construction for an unreasonable period of time as determined by the community development director or their designee and building official.

(ii) Buildings or structures with peeling, blistering or otherwise deteriorating paint, or unpainted surfaces, in excess of ten (10) percent of the surface area.

(iii) Roofs with loose, unstable or missing tiles, shingles or other material used as roof composition in excess of ten (10) percent of the roof area.

(iv) Buildings or structures that have broken, damaged or missing windows, doors, attic vents, and underfloor vents rendering these items unusable for their purpose and causing an attractive nuisance.

(v) Buildings or structures whose exteriors, porches, steps, stairs, walls, devices, fences, driveways, or walkways are cracked, broken, defective, deteriorating, in disrepair, or defaced due to writing, inscription, or figures rendering these items unusable for their purpose and constituting in the opinion of the community development director or their designee and building official a hazardous condition or an attractive nuisance.

(vi) Garage doors that are missing, broken, sag, or buckle to the extent that they cannot be either opened or closed, rendering the garage unusable for its purpose and causing an attractive nuisance.

(vii) Any structure or building or portion thereof which, as compared to adjacent properties, is unsightly in appearance and out of character by reason of its condition.

(h) Certain objects and materials prohibited in all yards.

(1) The standards set forth in section 26-47(c) shall also apply to properties zoned for multi-family residential uses.

(i) Construction in Fire Hazard Severity Zones (FHSZ).

(1) The purpose of this section is to establish regulations for construction and development within FHSZ to mitigate the risk of wildfires, and protect life and property and promote public safety.

(2) This section shall apply to all properties within the FHSZ as designated by The Department of Forestry and Fire Protection (CAL FIRE).

(3) Construction Standards, Building Materials and Design.

(i) All structures within the FHSZ shall utilize fire-resistant materials and design techniques in accordance with Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure of the California Building Code.

(4) Vegetation Management and Defensible Space.

(i) All buildings and structures located within the FHSZ shall maintain the required hazardous vegetation and fuel management requirements pursuant to Section 4907.3 of the California Fire Code.

DIVISION 2 COMMERCIAL MIXED-USE, OFFICE MIXED-USE, AND MANUFACTURING ZONES (OPMU, NMU, SMU, RMU, M-1) [COMBINED EX. ARTICLES X AND XI, AND DIVISION 5 OF ARTICLE XIII]

26-50 Purpose and Intent by Zone [DELETED COMMUNITY-COMMERCIAL, C-2, C-3, PLANNED-INDUSTRIAL ZONES, RELOCATED OPEN SPACE ZONE]

(a) Office-Professional Mixed-Use (OPMU) Zone.

(1) The purpose of the office-professional mixed-use (OPMU) zone is to classify and set standards for those business, office, administrative or professional land uses which by their nature are of relative low intensity and therefore, when properly located and designed are compatible with adjacent residential zoning and the development therein.

(2) Office-professional mixed uses should have access to four-lane or wider streets as specified on the master plan of streets and highways; on land that is topographically suited to such uses without major earth movement, resulting in unsafe or unsightly cut or fill slopes; situated to serve several neighborhoods; and capable of serving as a buffer separating residential land uses from the more intense community, regional, service, or highway commercial uses.

(b) Neighborhood-Commercial Mixed-Use (NMU) Zone.

(1) The purpose of the neighborhood-commercial mixed-use (NMU) zone is to classify and set standards for those retail and service commercial uses which by their nature are of moderate intensity; are necessary in order to provide convenient daily shopping facilities to residential home and apartment dwellers; and are generally adjacent to or within close proximity to residential zoning or development and, therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection to surrounding properties and their values.

(2) Neighborhood-commercial mixed-use centers should serve several neighborhoods and be located with primary access to a four-lane or wider street, preferably at the intersection of a major and collector street or two (2) four-lane or, wider streets. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slopes.

(c) Regional-Commercial Mixed-Use (RMU) Zone.

(1) The purpose of the regional-commercial mixed-use (RMU) zone is to classify and set standards for a regional business center which provides a complete line of shop and store types, eating and entertainment facilities, business and financial services and multi-family residential uses. The dominant establishments are one (1) or more department stores flanked by specialty shops.

(2) Regional-commercial business and mixed-use centers shall be in a strategic location to serve the general regional area of the East San Gabriel Valley and have direct access on major traffic carriers (i.e., freeways or four-lane or wider streets or highways). Land should be topographically suited for such use.

(d) Service-Commercial Mixed-Use (SMU) Zone.

(1) The purpose of the service-commercial mixed-use (SMU) is to classify and set standards for those retail and service commercial, recreational, business office and multi-family residential land uses which by their nature are of a relative high intensity; are unique in that their success depends upon direct motorist exposure and excellent access; require special traffic circulation patterns that will not unduly restrict rapid traffic flow and extraordinary physical treatments in order to create compatibility with adjacent zoning and the development thereon.

(2) Service-commercial uses should have access to a four-lane or wider street or highway as specified on the master plan of streets and highways, on land that is the same grade level as the street or highway without major earth movement, resulting in unsafe or unsightly cut or fill slopes.

(e) Manufacturing (M-1) Zone.

(1) The purpose of the manufacturing zone is to classify and set standards for those industrial and incidental commercial facilities which are of moderate to heavy intensity and have no objectionable or obnoxious effect on any adjacent property. The developmental and operational standards are intended to provide compatibility with and protection to surrounding properties by minimizing traffic congestion, noise, glare, vibration, emission of odorous, toxic or noxious matter, and to provide adequate off-street parking, landscape buffering, and the proper placement of buildings.

(2) Manufacturing uses should have primary access to a four-lane or wider street or highway as specified on the master plan of streets and highways. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slope.

26-51 Land Use Regulations and Allowable Uses

(a) Permitted uses. Table 2-12 identifies land uses permitted in each commercial, office and industrial zoning districts.

Table 2-12 Uses and Permit Requirements [CHANGED AUP TO ADMINISTRATIVE PERMIT W/HEARING, CHANGED ADMINISTRATIVE REVIEW TO ADMINISTRATIVE PERMIT; USES ORGANIZED BY CATEGORY AND CONSOLIDATED INTO ONE LARGER TABLE]

Symbol	Permit Requirement	Procedure Section
x	Allowed by Right	–
AP	Administrative Permit	Article VI, Division 6
APH	Administrative Permit w/ Hearing	Article VI, Division 6; Article VI, Division 1
CUP	Conditional Use Permit	Article VI, Division 4; Article VI, Division 1
	Use not permitted	–

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Residential Accessory Uses						
Accessory uses and structures	X	X	X	X		
Accessory dwelling units, junior accessory units	X	X	X	X		Article IV, Division 2
Agricultural uses						
Agricultural						Section 26-111
Agricultural uses (on parcels of 10 acres or greater)						Section 26-111
Beekeeping					APH	
Residential uses						
Duplexes	X	X	X	X		
Employee Housing, farmworker (agricultural) Housing	X	X	X	X		Section 26-134
Emergency shelters (Homeless), up to 30 occupants within City	X	X	X	X	X	Section 26-118
Emergency shelters (Homeless), greater than 30 occupants within City					CUP	Section 26-118
Live/work units	X	X	X	X		

Uses and Permit Requirements for Mixed-Use Zones	Zones					
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	**Special Regulations**
Low barrier navigation centers	X	X	X	X		Article IV, Division 7
Mobile home park	X	X	X	X		Section 26-122
Micro-units, efficiency units	X	X	X	X		
Multi-family residence	X	X	X	X		
Orphanages						
Roominghouse						
Short-term rentals						
Supportive housing	X	X	X	X		Section 26-133
Transitional housing	X	X	X	X		Section 26-133
Industrial and Manufacturing uses[1]						
Administrative, research, professional or sales office related.					X	
Agricultural, industrial and construction equipment sales and rental.					AP	
Aircraft factories.					AP	
Automobile assembly, body and fender works, dismantling and used parts storage when operated or maintained wholly within a building.					AP	
Automobile painting. All painting, sanding and baking shall be conducted wholly within a building.					AP	
Bakeries, industrial or wholesale.					AP	
Blacksmith shops.					AP	
Body and fender works, including painting.					AP	
Bottling plants.					AP	
Breweries and distilleries, with or without tasting or tap rooms			AP	AP	AP	Section 26-109
Building material storage yard.					AP	
Carpet cleaning plants.					AP	
Cleaning and dyeing plants.					AP	
Contractor's storage yards.					AP	
Creameries.					AP	
Dairy products manufacture.					AP	
Disposal company.					AP	
Draying, freighting or trucking yards or terminals.					CUP	
Dry cleaning, wholesale.					AP	
Dry cleaning or laundry, non-retail (non-flammable and nonexplosive cleaning fluid to be used exclusively)					AP	
Dwelling (one) for caretaker or superintendent and his family on a factory site.					AP	

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	
Fabricating from steel or metals.					AP	
Feed and fuel yards.					AP	
Fence manufacture.					AP	
Food products manufacture.					AP	
Frozen food locker.					AP	
Fruit and vegetable canning, preserving and freezing.					AP	
Fruit packing houses.					AP	
Furniture manufacturing.					AP	
Garages, public.					AP	
Garment manufacture.					AP	
Gas (petrol) distributor.					AP	
Ice and cold storage plants.					AP	
Kennels.					AP	
Laboratories, experimental, motion pictures, testing.					AP	
Landscaping service.					AP	
Laundries.					AP	
Limited manufacturing, assembling testing, and repairing of components, devices, electrical, electronic, or electromechanical equipment, optical devices, and other similar equipment and systems such as but not limited to: television, radio, phonographs, and other audio units and systems, Data processing equipment and systems, and electrical appliances.					AP	
Limited manufacturing, assembling, compounding, or treatment of articles or merchandise from previously prepared materials such as but not limited to: cloth, fiber, glass, metals and plastics					AP	
Lumberyards.					AP	
Machine shops.					AP	
Manufacturing.					AP	
Manufacturing, compounding processing, packaging or treatment of products from previously prepared materials including, but not limited to: bakery goods, cosmetics, food products and pharmaceuticals					AP	
Manufacture of prefabricated buildings.					AP	
Model making for industrial and architectural designing.					AP	
Paint mixing, provided a boiling process is not employed.					AP	
Petroleum distributing stations					AP	

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	
(wholesale).						
Plastics, fabrication form.					AP	
Poultry slaughter.					AP	
Printing, publishing, blueprinting, photocopying, and other photo reproduction services.					AP	
Rubber, fabrication of products made from finished rubber.					AP	
Shoe manufacturers.					AP	
Sign shop, industrial.					AP	
Soap manufacture, cold mix only.					AP	
Storage space for transit and transportation equipment, except freight classification yards.					AP	
Textile manufacture.					AP	
Tire rebuilding, recapping and retreading.					AP	
Transfer, moving, and storage facilities.					AP	
Truck repairing and overhauling.					CUP	
Vending machine service and repair.					AP	
Wholesale business, storage buildings and warehouses.					AP	
Service, recreational, educational and public assembly uses						
Adult care centers	CUP	CUP	CUP	CUP		
Adult oriented businesses, with or without live entertainment			CUP	CUP		Section 26-108
Aircraft landing facilities, Emergency	X	X	X	X		
Aircraft landing facilities, Nonemergency	CUP	CUP	CUP	CUP		
Artisanal and craft manufacturing[1]			AP	AP	X	
Alcohol off-sale, accessory; No more than 10% of total gsf.	AP	AP	AP	AP		Section 26-109
Alcohol off-sale, service stations, accessory	CUP	CUP	CUP	CUP	CUP	Section 26-109
Alcohol off-sale, instructional tasting, accessory		APH~~CUP~~	APH~~CUP~~	APH~~CUP~~	APH~~CUP~~	Section 26-109
Alcohol on-sale; for nonprofit clubs and country clubs, see separate headings)		CUP	CUP	CUP		Section 26-109
Alcohol Sales (off-sale), up to 10,000 sq. ft. in GFA –areas of undue concentration		CUP	CUP	CUP	CUP	Section 26-109
Alcohol Sales (off-sale), up to 10,000 sq. ft. in GFA – not within an area of undue concentration		APH	APH	APH	APH	Section 26-109
Alcohol Sales (off-sale), greater than 10,000 sq. ft. in GFA		APH	APH	APH	APH	Section 26-109
Alcoholic treatment institutions	CUP	CUP	CUP	CUP		
Ambulance service	CUP		CUP	CUP	CUP	
Appliance repair shops			X	X	X	
Art galleries	X	X	X	X		

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	
Art studio	X	X	X	X		
Athletic club/Gymnasium	APH	APH	APH	APH	APH	Section 26-119
Automated teller machines (walk-up) on the premises of a financial institution	AP	AP	AP	AP	AP	
Automated teller machines (walk-up) not on the premises of a financial institution	AP	AP	AP	AP	AP	
Automated teller machines (drive-up)	CUP	CUP	CUP	CUP	CUP	
Auto rentals (outdoor display)		CUP	CUP	CUP		
New automobile, motorcycle, auto or truck trailers, truck sales, including accessory used vehicle sales, vehicle sales, accessory servicing, repairs, and incidental auto rental (sales and display areas need not be within buildings, but all other provisions of this code shall apply) (outdoor display)			X	X		
Used automobile, motorcycle, auto or truck trailers, truck sales, including accessory servicing, repairs, and incidental auto rental (sales and display areas need not be within buildings, but all other provisions of this code shall apply) (outdoor display)			CUP	CUP		
Motor vehicle sales, new or used including any accessory services (Outdoor Display) Less than 1-Acre			CUP	CUP		
Auto service stations		CUP	CUP	CUP	CUP	Section 16-128
Auto repair garage (includes major overhaul, paint and body repair, but excludes tire recapping)				CUP	X	
Auto repair garage including public storage of vehicles					AP	
Auto supply stores (w/installation)		CUP	X	X		
Auto supply stores (excludes installation)	CUP	X	X	X	X	
Bail bond service			X	X		
Bakery shops, food manufacturing, less than 5,000 square feet.	X	X	X	X	X	
Bank, savings and loan associations, and similar financial institutions (also see automated teller machines)	X	X	X	X	X	
Bars, cocktail lounges, without incidental food use			CUP	CUP	CUP	Section 26-109
Barber and beauty shops with accessory permanent make-up use	X	X	X	X	X	
Barber, beauty, and jewelry shops with accessory body piercing use			AP		AP	Ear-piercing allowed by-right as accessory use
Billiard parlor and pool halls		CUP	CUP	CUP	CUP	
Boat sales, new or used, including related servicing and repairs (out-door display)			X	X		
Boat sales, new or used, including related servicing and repairs (out-door display) and			CUP	CUP		

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	
(adjacent to residential)						
Bowling alley			CUP	CUP		
Building material sales (excludes lumberyards) (outdoor display)			X	X	X	
Building material sales (excludes lumberyards) (outdoor display) CUP when adjacent to residential			CUP	CUP	CUP	
Building material sales (outdoor display)				CUP	X	
Business equipment sales (includes repairs)		X	X	X	X	
Cabinet shops				X	X	
Cannabis dispensaries, cultivation, processing manufacturing and dispensing						Section 26-113
Car wash (for accessory use)			CUP	CUP	CUP	
Catering service	X	X	X	X	X	
Cemeteries, columbarium, crematories and mausoleums						
Churches	CUP	CUP	CUP	CUP	CUP	
Club, private non-profit (serving of alcohol allowed only with a club as defined by Section 23428.9 of the California Business and Professions Code;	CUP	CUP	CUP	CUP	CUP	
Cocktail lounge: Serving of alcohol permitted only in conjunction with a bona fide eating place as defined in section 23038 of the California Business and Professions Code		CUP	CUP	CUP	CUP	Section 26-109
Coffee/snack shop	X	X	X	X	X	
Collection agencies	X	X	X	X		
Commercial radio or television stations	CUP	CUP	CUP	CUP	CUP	
Computer game/internet access centers, accessory, up to nine (9) computers		AP	AP	AP	AP	
Computer game/internet access centers, accessory, up to ten (10) or more computers		CUP	CUP	CUP	CUP	
Computer game/internet access centers, main use		CUP	CUP	CUP	CUP	
Contracting services	X	X	X	X	X	
Counseling services	X	X	X	X	X	
Convention hall, trade show, exhibit building	CUP	CUP	CUP	CUP	CUP	
Conversions from apartments to condominiums	CUP	CUP	CUP	CUP		Section 26-364
Country clubs (serving of alcohol allowed only with a club as defined in Section 23428.9 of the California Business and Professions Code						Section 26-109
Community assembly facility (public or private)			CUP	CUP		Section 26-114

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	
Dancing in conjunction with a commercial use		CUP	CUP	CUP	CUP	
Data processing	X	X	X	X		
Day care centers	CUP	CUP	CUP	CUP		
Delicatessens	X	X	X	X	X	
Department stores		X	X	X		
Drive-in, drive-through, walk-up commercial uses (pharmacies and bank/atms ONLY)	CUP	CUP	CUP	CUP	CUP	
Drive-through (food establishments)						
Dry cleaning or laundry, retail only, (non-flammable and nonexplosive cleaning fluid to be used exclusively)		X	X	X		
Electronic and TV repair shops	X	X	X	X	X	
Entertainment (live) in conjunction with a commercial use (excludes karaoke and solo musicians, excludes adult oriented businesses)		CUP	CUP	CUP	CUP	
Entertainment (live) solo musicians as background music and Karaoke in conjunction with a commercial use (excludes adult oriented businesses)		AP	AP	AP	AP	
Exterminators				X	X	
Feed and grain stores				X	X	
Florist shops	X	X	X	X		
Fortune-telling			X	X		
Game arcades, escape rooms, laser tag, virtual reality rooms, and other indoor recreation facilities with alcohol service in conjunction with food sales		CUP	CUP	CUP	CUP	Section 26-110
Game arcades, escape rooms, laser tag, virtual reality rooms, and other indoor recreation facilities, no alcohol service		APH	APH	APH	APH	Section 26-110
Glass shops (excludes edging, beveling, silvering and staining)		X	X	X	X	
Glassworks and glass studios, includes edging, etc.				X	X	
Golf course, indoor miniature				APH		
Golf course, outdoor miniature				x		
Golf courses or golf driving ranges	CUP	CUP	CUP	CUP	CUP	
Grocery stores		X	X	X	X	
Gun shops		X	X	X		
Hospitals (human)	CUP	CUP	CUP	CUP		
Hotels (excluding adult hotels/motels)			CUP	CUP		
Ice Cream Stores	X	X	X	X	X	
Institutions of philanthropic nature	CUP	CUP	CUP	CUP		
Jewelry stores		X	X	X	X	

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	
Jewelry stores with accessory body piercing use			AP		AP	
Kennel, Accessory			CUP			
Laboratories (medical and dental)	X	X	X	X	X	
Landscaping service (office only)	X	X	X	X		
Locksmith shops		X	X	X		
Massage parlor and health and beauty spa					CUP	Section 26-121
Massage parlor and health and beauty spa,Centers greater than 500,000 sq. ft. in GFA			CUP			Section 26-121
Massage, Accessory	AP	AP	AP	AP		Section 26-121
Meat markets		X	X	X	X	
Medical and dental clinics	X	X	X	X	X	
Medical (Minor non-surgical procedures)	X	X	X	X	X	
Mental health institutions and convalescent homes	CUP	CUP	CUP	CUP		
Mobile services	X	X	X	X	X	Section 26-123
Monument, tombstone, and funeral merchandise				X	X	
Mortuaries		CUP	X	X		
Motels (excluding adult hotels/motels)			CUP	CUP		
Movie/video game rental	X	X	X	X		
Newspaper and printing shops				X	X	
Newsstands (not on public right-of-way)	X	X	X	X	X	
Office (General)	X	X	X	X	X	
Outdoor recreation facility	CUP	CUP	CUP	CUP		
Outdoor amusement devices, vending machines, weighting scales and similar as an incidental, auxiliary or accessory use of those allowed in the zone		X	X	X	X	Section 26-110
Outdoor seating area in conjunction with a commercial use		AP	AP	AP	AP	
Parcel delivery terminals				X	X	
Parks	X	X	X	X	X	
Pawnshops			X	X		
Permanent makeup and/or body piercing use, accessory or primary	X	X	X	X		Section 26-112
Pet grooming shop		X	X	X		
Pet shops		X	X	X	X	
Pharmacies	X	X	X	X		
Pharmaceutical research and development	X				X	
Physical rehabilitation center	X	X	X	X		
Photo engraving and blue print shop		X	X	X	X	
Photo studios		X	X	X	X	

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	
Picture framing stores		X	X	X		
Plant nurseries and related packaged sales or storage (outdoor display)		X	X	X	X	
Plant shop		X	X	X		
Plumbing shops		X	X	X	X	
Postal services	X	X	X	X	X	
Professional, business and trade schools	CUP	CUP	CUP	CUP	CUP	
Public administration buildings and civic centers	X	X	X	X	X	
Public utility stations, yards, wells and similar facilities	CUP	CUP	CUP	CUP	CUP	
Public storage facility				CUP	CUP	
Recording studio	AP	AP	AP	AP	AP	
Recycling centers; Small collection facilities not in conjunction with materials recovery facility or solid waste transfer and processing station, reverse vending machine(s)/bulk reverse vending machine, recycling centers Donation; drop boxes (attended); water service facilities (attended)		AP	AP	AP	AP	Section 16-127
Recycling center; Reverse vending machine(s) located within or under the roof line of a commercial structure		X	X	X	X	Section 16-127
Recycling centers; Materials recovery facility					CUP	Section 16-127
Recycling centers; Solid waste transfer and processing stations					CUP	Section 16-127
Religious facility, reading rooms	CUP	CUP	CUP	CUP	CUP	
Rental service as listed in this section as retail providing all storage of rental equipment shall be within an enclosed building unless specifically stated otherwise			X	X	X	
Rental service as listed in this section as retail providing all storage of rental equipment shall be within an enclosed building unless specifically stated otherwise, with outdoor display of rental				CUP	X	
Reprographics	X	X	X	X	X	
Restaurant, with or without seating (e.g. ghost kitchens.		X	X	X	X	Section 26-128
Restaurant, commercial test kitchen	X	X	X	X	X	Section 26-128
Restaurant with Alcohol		AP	AP	AP	AP	
Restaurant with dancing		CUP	CUP	CUP	CUP	
Restaurant with outdoor seating		AP	AP	AP	AP	Section 26-125
Restaurant Self Service Kiosk	X	X	X	X		
Retail (General)	X	X	X	X		

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	**OPMU**	**NMU**	**RMU**	**SMU**	**M-1**	
Retail, Kiosk accessory use	AP	AP	AP	AP		
Riding stables and riding schools (7 acres minimum site)						
Schools and colleges (private or public)	CUP	CUP	CUP	CUP		
Schools (dancing, martial arts, music, art and similar type schools)	AP	AP	AP	AP	AP	
Studio-art, dance, martial arts, music, etc.	AP	AP	AP	AP		
Secondhand stores		AP	AP	XAP		
Security guard services	X	X	X	X		
Shoeshine stands (as integral part of other building)	X	X	X	X	X	
Senior citizen housing	X~~CUP~~	X~~CUP~~	X~~CUP~~	X~~CUP~~		
Skilled nursing facilities, and assisted living facilities	CUP	CUP	CUP	CUP		Section 26-130
Supermarkets		X	X	X		
Storage, new vehicles when in conjunction with an automobile dealership				AP		
Surveying services		X	X	X		
Swimming pool sales and service (outdoor display)			CUP	CUP		
Swimming pool sales and service (indoor display)			X	X		
Swim schools, indoor		AP	AP	AP		
Swim schools, outdoor			CUP	CUP		
Systems, private closed circuit motion picture transmission systems not licensed by the FCC, in any hotel or motel			CUP	CUP		
Tailor shops		X	X	X		
Tanning salon	X	X	X	X		
Tattooing			CUP		CUP	
Tattooing with accessory permanent makeup and/or body piercing use			CUP		CUP	Section 26-112
Taxidermist				X	X	
Theaters, open air	CUP	CUP	CUP	CUP	CUP	
Theaters (not open air)			CUP	CUP		
Trailers, (temporary only) in conjunction with a school, hospital, church or other similar institutional use (not permitted with commercial uses)	AP	AP	AP	AP		
Tutoring facility	AP	AP	AP	AP	CUP	
Unattended businesses as accessory use (see also retail kiosk) ~~(also see automated teller machines)~~	AP	AP	AP	AP	AP	
Upholstering shops			X	X	X	
Urgent care facility	X	X	X	X	X	
Veterinary Hospital	CUP	CUP	CUP	CUP	X	

Uses and Permit Requirements for Mixed-Use Zones	Zones					Special Regulations
Use Types	OPMU	NMU	RMU	SMU	M-1	
Transportation, Communications and Utilities						
Electronic Vehicle Charging stations	X	X	X	X	X	Section 26-117
Solar carports	AP	AP	AP	AP	AP	Section 26-117
Wildlife and botanical preserves						
Wireless telecommunication facilities—Building and/or roof-mounted facilities	AP	AP	AP	AP	AP	Section 26-136
Monopoles and alternative antenna support structures	CUP	CUP	CUP	CUP	CUP	Section 26-136
[1] Service or Industrial and manufacturing type uses are allowed provided they are not obnoxious or offensive by reason of emission of odor, just, smoke, gas noise or hazard, or other similar causes. Such uses may require the submittal of an air quality study.						

(b) Temporary Uses subject to an administrative permit. No temporary use provided for in this section shall be permitted, commenced or engaged in until a written permit therefore has been obtained from the community development director or their designee.

(1) Major Temporary Uses - Submittal requirements and review process.

(i) An application for a temporary use permit shall be filed with the Planning Division at least thirty-five (35) days prior to the proposed use. Applicants are encouraged to apply earlier for larger events/projects. All fees are collected upon application submittal. Written evidence of waived fees shall be obtained prior to application submittal and shall be submitted with the application. The Planning Division shall route the application to the Engineering Division, Police Department, and Fire Department for comments, conditions of approval, and/or recommendations.

(ii) The community development director shall render a decision ~~within fifteen (15) days after acceptance of a written application as complete~~at least twenty (20) days prior to the proposed use.

(iii) Any applicant may appeal the action or decision of the community development director or their designee to the ~~City Council~~ Planning Commission within ten (10) days after such action or decision in which case the ~~City Council~~ Planning Commission shall grant or deny such permit. The Planning Commission's decision shall be final.

(iv) To approve the application, the community development director (or their designee), or the Planning Commission shall find that the site is adequate to accommodate such use and that such proposed use, under the conditions imposed, will not have a substantial adverse effect upon the use or enjoyment of property in the neighborhood of the proposed use or upon the public safety, health, or general welfare. Failure to comply with any imposed conditions shall void the permit. No formal public hearings need be conducted, nor any notice given except to the applicant in connection with the granting or denial of such permit.

(2) Events/projects considered as a major temporary use.

(i) Carnivals, circuses, and rodeos.

a) Temporary carnivals, circuses and rodeos may be permitted for a period of ten (10) days in any calendar year, and no such activity shall be conducted for longer than five (5) consecutive days at any one time. Certification of the safety of rides and all pertinent equipment for the carnivals, circuses and rodeos shall be made by a professional engineer, registered in the state, with such certification being given to the building department prior to the commencement of use of the equipment.

(ii) Christmas tree and pumpkin sales.

a) The outdoor sale of Christmas trees, pumpkins, and related ancillary items may be permitted in any zone (residentially zoned property must be vacant and located so as not to be detrimental to nearby residents). Outdoor pumpkin lots may operate during the month of October only. Christmas tree sales may begin the Friday after the Thanksgiving Day holiday. Christmas tree lots may set up no more than fourteen (14) calendar days prior to the Friday after the Thanksgiving Day holiday.

b) Indoor sale of items stated in subsection (a) accessory to a permanent use shall not require an administrative permit.

c) One single-faced or multifaced sign not to exceed thirty-two (32) square feet per face, consisting of not more than three (3) faces, will be allowed on site. A sign permit is not required.

(iii) Construction buildings.

a) Temporary structures for the housing of tools and equipment or containing supervisory offices in connection with major construction on major construction projects may be established and maintained during the progress of such construction on such project; provided that, such temporary structure may not be maintained for a period to exceed one (1) year.

(iv) Firewood sales.

a) The outdoor sale of firewood and temporary signs relating thereto may be permitted in any nonresidential zone for a period not to exceed thirty (30) days in any calendar year with one (1) extension of thirty (30) days if the conditions of the original permit have been met, subject to the following conditions:

1) All firewood shall be neatly stacked and delivered to a fenced site in such a condition as to require no additional cutting, splitting, or sawing.

2) There shall be no power equipment, other than that necessary for the movement of such wood, on the site.

3) The site shall be treated with gravel, decomposed granite, or other similar material to eliminate wet ground conditions.

4) The site must be maintained and left in a neat and orderly condition, free of all debris or residue directly attributable to this use of the property.

(v) Vehicle storage. Primary and permanent use of vehicle storage shall not be permitted in any zone. A temporary use as an accessory use for the storage of vehicles may be permitted subject to all of the following conditions:

a) Temporary use of vehicle storage shall be granted only to an auto dealership with a valid existing business license.

b) Temporary use of vehicle storage may be permitted on a vacant lot with no discretionary review. Vacant lots used for such purposes shall comply with the following standards:

1) Lots shall be gated and fenced with posts that are anchored into the ground and shall not be located on public property or right-of-way.

2) The gates on the fencing to allow vehicle access shall be set back from the curb a minimum of twenty (20) feet.

3) Lots shall have a finished surface of a minimum three (3) inches of gravel base, asphalt concrete or Portland concrete.

4) In such cases where gravel base is installed, a stabilized construction entrance/exit shall be provided in compliance with the most current edition of the Los Angeles County Department of Public Works Best Management Practice Manual.

c) Temporary use of vehicle storage may be permitted on surplus parking spaces based on standards as set forth in Article III, Division 6 and shall require the approval of an administrative permit pursuant to Article VI, Division 6. Time frames for approval shall be as follows:

1) Temporary use shall be permitted up to one (1) calendar year from the date of approval. A one-year extension may be approved if the conditions of the original permit have been met.

2) Any request for an extension of time for a temporary use beyond two (2) years shall be subject to planning commission review and approval.

(vi) Cultural Events.

a) Events of any educational, civic, or cultural nature may be permitted without time restrictions except as fixed in the conditions of approval.

(vii) Major promotional event; commercial center and a business on its own site (not in O-S Zones)

a) A major promotional event may be permitted for a commercial center or a business on its own site (not in O-S zones) subject to the following conditions:

1) No more than two (2) such events shall be permitted in any calendar year, with the exception that commercial centers with a gross floor area of more than five hundred thousand (500,000) square feet shall be permitted up to six (6) such events in any calendar year.

2) No such event shall start within fourteen (14) days of the end of the previous such event.

3) No more than a total of twenty (20) days shall be permitted for such events in any calendar year, with the exception that commercial centers with a gross floor area of five hundred thousand (500,000) square feet or greater shall be permitted up to thirty (30) days for such events in any calendar year.

4) Events held by commercial centers shall be center wide.

5) Temporary promotional signage may be permitted as set forth in Article III, Division 8 (Sign Regulations).

6) Such other conditions as are deemed necessary by the Community Development Director or their designee and reasonably relate to the provision of adequate parking access for public safety personnel, security, and maintenance of the health, safety, and general welfare of the community.

(viii) Major promotional event; uses with designated outdoor display areas on approved precise plans.

a) The outdoor display, sale or dispensing of merchandise or food, temporary signs, and/or activities relating thereto during a major promotional event (defined in section 26-30) conducted wholly on private property, may be permitted for a business located on a seventy-five thousand (75,000) square foot or larger site with an approved precise plan designating a minimum four thousand (4,000) square feet of area for "outdoor display,", subject to the following conditions:

1) Events are permitted for a total of one hundred and sixty (160) days per calendar year. Individual events shall be limited to a maximum duration of sixty (60) days.

2) The Planning Commission may approve an extension of up to fifty (50) days per calendar year in cases of grand openings or change of ownership of sixty (60) percent or more.

3) The Community Development Director or their designee may limit the duration of events that are determined to have a potential adverse impact on surrounding areas. These events may include, but are not limited to, catered events and events with outdoor amusement or live entertainment.

4) No such event shall start within fourteen (14) days of the end of the previous such event.

5) Temporary promotional signage may be permitted as set forth in Article III, Division 8.

6) Such other conditions as are deemed necessary by the Community Development Director or their designee and reasonably relate to the provision of adequate parking, access for public safety personnel, security, and minimizing of potential adverse impacts on surrounding areas.

(ix) Real estate office.

a) One temporary real estate office may be located on any new subdivision in any zone, provided that such office shall be removed prior to the building permit final of the last construction phase. If building permits for the site expires and are not renewed, the temporary real estate office must immediately be removed. Said real estate office is to be erected only for use in sale of the subdivision.

(x) Aircraft takeoff and landing.

a) The temporary takeoff or landing of any aircraft, airplane or helicopter may be permitted from property within any zone (residentially zoned property must be vacant, of sufficient size and located so as not to be detrimental or a danger to existing residential developments), for a period not to exceed five (5) consecutive days or fifteen (15) calendar days a year.

b) An administrative permit shall not be granted for any temporary use involving a powered aircraft, airplane or helicopter within one thousand (1,000) feet of any public or private schools (Grades K-12).

c) Aircraft activity subject to administrative permit requirements shall not include carnival rides involving helicopters, tethered hot-air balloons or other aircraft.

d) The landing or liftoff of any manned hot-air balloon used for untethered flight is prohibited on property within the City.

e) Application for such use shall also include a location map designating the landing area, significant structures within the surrounding area, land uses within three hundred (300) feet of the landing site and proposed approach and departure routes.

(xi) Nonrecurring fund-raising events in residential and open-space zones.

a) Swap meets are prohibited in any zone.

b) No more than three (3) fund-raising events shall be conducted in any one (1) calendar year on any one (1) site.

c) Fund-raising events are permitted in residential and open space zones not developed with a residential use. Such events are permitted in the commercial portion of the mixed-use zone.

d) A fund-raising event may continue up to a maximum of two (2) consecutive days. If a holiday is concurrent with a weekend, the sale days may include the two-day weekend and the holiday. The hours of operation shall be regulated by the administrative permit.

e) No such event shall start within 30 days of the end of the previous event.

f) No sign advertising the fund-raising event, displays, items for sale, or activities may be placed or maintained on or in any public right-of-way. It shall be the responsibility of the project sponsor and participants to (i) remove all sale-related signs and merchandise from the property at the conclusion of the event; (ii) ensure that the site is maintained in a neat and orderly condition during and after the event; and (iii) meet all administrative permit requirements.

g) Notwithstanding the foregoing, the incidental or accessory sale of items including but not limited to food, beverages or souvenirs, subject to all legally required permits, shall not be prohibited hereunder.

(3) Minor Temporary Uses or Special Events

(i) No minor temporary use or special event, as established under this section, and/or promotional signs as required under Article III, Division 8 shall be permitted, commenced or installed until the business owner, property owner, or property manager obtains a special event permit from the planning

division. An application for a special event permit shall be filed with the planning division on the forms prescribed by the planning division. All fees are collected upon application submittal. The community development director or designee shall review said application for compliance with applicable provisions of the municipal code and shall make a recommendation to modify, approved or deny said application. Approval of said application may be subject to conditions of approval that may be determined necessary to protect the health, safety, general welfare, and aesthetics of the community. The written decision of the community development director or their designee shall become final and effective unless appealed in writing within five (5) calendar days.

(ii) Special event – minor promotional event; commercial business (not in O-S zone).

a) Minor promotional events are short term promotional or grand opening events held by an individual commercial business where goods and/or promotional signs may be displayed on the outside of the building, but which does not encroach into any driveway, parking or landscape areas. This may include special sales events and sidewalk sales and does not apply to uses with outdoor designated outdoor display areas or commercial/retail centers.

b) A special event permit shall be granted for a minor promotional event subject to the following conditions:

1) No more than twelve (12) events, with a maximum of thirty-six (36) days, shall be permitted per calendar year.

2) Grand opening events shall be held within six (6) months of the original opening of the business or the effective date of the business name change.

3) Temporary promotional signage may be permitted as set forth in Article III, Division 8 (Sign Regulations).

4) Such other conditions as deemed by the community development director or their designee to be necessary and reasonably relate to reducing potential adverse impacts on surrounding areas.

(4) Temporary Uses Not Listed

(i) For other temporary uses not listed, the community development director may, at their discretion, determine whether an unlisted temporary use should be classified as a major or minor temporary use. This determination shall be based upon the similarities and differences with the above listed uses and an assessment of the proposed temporary use's compatibility with the zoning district and surrounding land uses.

(5) Events not subject to Planning Division approval of temporary use permits.

(i) Noncommercial weddings and other single-day life events such as birthdays in any residential zone or residential segment of the mixed-use zones shall not be subject to a temporary use permit.

(ii) Civic events or events requiring a reservation/use agreement from the Public Services Department solely located on a City owned/operated park or the Civic center shall not be subject to a temporary use permit. City owned/operated parks and the civic center are designed and intended for public assembly uses.

(iii) School functions (student sport events, graduation, etc.) on permitted/approved school sites shall not be subject to a temporary use permit. Events not related to a school function shall require approval of a temporary use or special event permit pursuant to this section.

(iv) Uses that are allowed as a home occupation pursuant to Section 26-120 (Home Occupation).

(v) Uses that are approved through the film permit process pursuant to Article VI, Division 8 (Film Permit).

26-52 Development Standards

New land uses, structures, and site development including alterations to existing land uses, structures, and site development within office mixed-use, commercial mixed-use and manufacturing zoning districts shall be designed and constructed in compliance with the following requirements, and all applicable standards in Article III (Regulations Applicable to all Zones) and Article IV (Standards for Specific Land Uses) of this Development Code.

(a) Site size.

(1) All sites shall conform to the dimensions set forth in this section. A development or center may be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

Table 2-13 Minimum Lot Size for Commercial and Office Mixed-Use and Industrial Zones

	NMU, OPMU	RMU	SMU	M-1
Minimum Size	15,000 sq. ft.	30 Ac.	15,000 sq. ft.	–
Minimum Width	70'	–	100'	–
Minimum Average Depth	140'	–	140'	–

(b) Yards.

(1) No building or above ground structure shall be constructed within:

(i) (See chart in this section for feet) of the front or rear property lines.

(ii) (See chart in this section for feet) of each side property line adjacent to residential zoning or development. The five (5) feet of the front yard nearest the front property line shall be landscaped and the remaining footage may either be landscaped or utilized as a portion of a driveway or off-street parking area. The six (6) feet of either a rear of side yard adjacent to residential zoning or development shall be landscaped with specimen-size plant material (a combination of thirty (30) inch boxed and fifteen (15) gallon trees and minimum five (5) gallons for shrubs) appropriate in type and size to create a solid plant screen. Trees shall be placed at a minimum of 30 feet on center, on average, for this screen. Such landscaping shall be to the approval of the community development director or their designee as represented on the approved landscaping plan.

(iii) When the rear of a site zoned OPMU, NMU, RMU or SMU abuts a public street, at the discretion of the Planning Commission, the minimum rear setback may be reduced to five (5) feet, providing that such a reduction will result in an improved design of the development.

Table 2-14 Minimum Required Setbacks for Commercial and Office Mixed-Use and Industrial Zones Adjacent to Residential Zones

Adjacent to Residential	NMU, OPMU	RMU	SMU	M-1
Front	15'	15'	15' Min. 20' Ave.	25'
Side	10'	15'	10'	PP*
Rear	15'	15'	15'	15'
PP*: No yards/setbacks required except such as may be incorporated in a precise plan, conditional use permit and/or variance.				

Table 2-15 Minimum Required Setbacks for Commercial and Office Mixed-Use and Industrial Zones Adjacent to Nonresidential Zones

Adjacent to Nonresidential	NMU, OPMU, RMU, SMU		M-1
Front	Average 15'	Minimum 5'	PP*

Side	–	–	PP*
Rear	Average 15'	Minimum 5'	PP*
PP*: No yards/setbacks required except such as may be incorporated in a precise plan, conditional use permit and/or variance.			

(c) Building Coverage.

Building coverage of any lot, parcel or center shall not exceed fifty (50) percent of the lot, parcel, or site after all necessary street or alley dedications. A parking structure shall not be calculated as building area provided that a minimum of twelve (12) percent of the total net area of the development is landscaped.

(d) Height limit.

(1) Buildings within the nonresidential zone, when within charted feet of a single-family zone, shall have a maximum height as follows:

Table 2-16 Maximum Building Height for Office and Commercial Mixed-Use and Industrial Zones

Zone	OPMU, NMU, RMU	SMU	M-1
Single-Family Within	**100'**	**100'**	**–**
Maximum Height	25'	35'	45'
Maximum Stories	–	–	4

26-53 Additional Regulations for Commercial mixed-use, Office mixed-use and Manufacturing Zones

(a) Precise plan of design.

(1) A precise plan of design will be required as specified in Article VI, Division 3 of this chapter, with particular attention given to compatibility with adjacent residential and commercial zoning and uses, and must be approved prior to development. In addition, all municipal parks and recreational areas shall be developed in a manner consistent with the adopted specific plans of design for parks contained in the City's adopted environmental quality element. Such precise plans of design shall conform to Planning Commission resolution No. 567.

(2) The filing of a precise plan of design shall be required as part of an application for a mixed-use development and as specified in Article VI, Division 3, of this Chapter. Such precise plans of design shall conform to Planning Commission Resolution No. 567. The review and approval process for an eligible Senate Bill 35 (SB35) housing project shall adhere to CGC Section 65913.4, as amended.

(b) Recycling collection and loading areas.

(1) When used, all outdoor trash, garbage, recycling and refuse containers shall be screened on all sides from public view by a minimum five and one-half (5½) foot high concrete, masonry or decorative block wall and the opening provided with a gate of solid material. The enclosure shall have a solid roof or coverage that is architecturally compatible with other structures on site. Such area shall be so located as to be easily accessible for trash and recyclable material pick up.

(2) Any new or existing multi-family development project of five (5) or more units or producing four (4) cubic yards or more of green/yard waste per week shall provide adequate, accessible and convenient areas for collecting and loading recyclable and organics recycling materials as defined in this Section. These requirements may be waived if the applicant proposes to have the landscaping and/or maintenance company haul and recycle green/yard waste. Projects electing this alternative will be conditioned to provide this service and will be required to provide the landscape maintenance agreement stating such prior to the issuance of a Certificate of Occupancy.

(3) The following guidelines will be applied to development projects providing enclosures:

(i) Recycling areas shall be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation.

(ii) The design and construction of recycling areas shall be secure.

(iii) A sign clearly identifying all recycling collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

(iv) Areas for recycling and organics recycling shall be adequate in capacity, number, and distribution to serve the development project.

(4) The Community Development Director or their designee shall review each application for adequate design and area allocation suitable to the particular recycling and organics recycling program or process to be in effect at the development project and shall apply these requirements and guidelines accordingly.

(5) Any and all separate recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be part of or adjacent to the solid waste collection areas.

(c) Color.

(1) Colors, materials and finishes are to be coordinated on all exterior building elevations to achieve total continuity of design that is visually pleasing and harmonious with adjacent development and/or the surrounding area.

(d) Lighting

(1) All lighting of the building, landscaping, parking lot or similar facilities other than exposed neon shall be so hooded and directed as to reflect away from adjoining properties.

(i) All luminaries shall be designed and placed to complement the development. Luminaries attached to a building shall be concealed, wall-mounted or recessed fixtures.

(ii) Security lighting fixtures are not to be substituted for parking lot or walkway lighting fixtures and are restricted to lighting loading and storage areas, and similar service locations.

(iii) Exposed tube architectural lighting shall not constitute undue glare or nuisance to adjoining street and properties.

(iv) Neon architectural lighting shall be limited to thirty (30) milliamps, except that a Community Development Director or their designee's modification may be granted for unusual installations requiring amperage higher than thirty (30) milliamps in order to achieve brightness comparable to that which is ordinarily achievable with thirty (30) milliamps.

(v) Exposed neon architectural lighting shall be subject to approval by the Planning Commission as a part of the precise plan of design as required by Article VI, Division 3 of this chapter. A precise plan shall be required where no precise plan exists, for structures built prior to the precise plan requirement in Article VI, Division 3 of this Chapter.

(vi) Neon architectural lighting shall be approved pursuant to the Municipal Code requirements for neon signs in Article III, Division 8.

(e) Exterior design.

(1) No part of a roof, excluding mansards, may project above the parapet.

(2) All exterior walls shall be architecturally treated to provide aesthetic relief.

(f) Nonconversion.

(1) No single-family residential structure may be converted to a nonresidential use without approval of a precise plan.

(g) Underground Utilities

(1) All utilities shall be underground in accordance with the Municipal Code and approved by the city engineer.

(h) Nuisances

(1) No portion of the property shall be used in such a manner as to create a nuisance to adjacent properties, such as but not limited to vibration, sound, electro-mechanical disturbance or radiation, air or water pollution, dust, emission of odorous, toxic, or noxious matter.

(i) Landscaping Criteria

(1) Landscaping within mixed-use and industrial zones shall conform to the landscaping standards set forth in Article III, Division 5.

(j) Walls and Fences

(1) Walls and fences within mixed-use and industrial zones shall conform to the standards set forth in Article III, Division 3.

(k) Mechanical equipment and loading in commercial and industrial zones.

(1) All rooftop mechanical equipment shall be placed behind a permanent parapet wall and be completely restricted from all ground level views.

(2) No mechanical equipment is to be exposed on the wall surface of a building.

(3) Gutters and downspouts are not to project from the vertical surface of the buildings.

(4) Vents, louvers, exposed flashing, tanks, stacks, overhead doors, rolling and "man" service doors are to be treated in a manner consistent with the color scheme of the building.

(5) All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be placed behind a permanent parapet wall and be completely restricted from all views.

(6) Such screening shall be as high as the highest portion of the equipment or ducting and shall be permanently maintained.

(l) Maintenance of buildings, structures and parking lots.

(1) The purpose of this section is to protect the appearance, character and integrity of nonresidential zoned properties and promote a safe and decent environment by establishing minimum standards as they relate to the maintenance of nonresidential buildings and structures. It shall be unlawful for any person owning, leasing, occupying, or having charge or possession of any nonresidential property in the City to maintain on such property any of the following when viewable from the public right-of-way or abutting properties/businesses:

(i) Buildings or structures which are neglected as a result of abandonment, are partially destroyed, or have remained in a state of incomplete construction for an unreasonable period of time as determined by the community development director or their designee and building official.

(ii) Buildings or structures with peeling, blistering or otherwise deteriorating paint, or unpainted surfaces, in excess to ten (10) percent of the surface area.

(iii) Roofs with loose, unstable or missing tiles, shingles or other material used as roof composition in excess of ten (10) percent of the roof area.

(iv) Buildings or structures that have broken, damaged or missing windows, doors, attic vents, and underfloor vents rendering these items unusable for their purpose and causing an attractive nuisance.

(v) Any and all signage shall conform to the standards set forth in Article III, Division 8.

(vi) Buildings or structures whose exteriors, porches, steps, stairs, walls, devices, fences, driveways, or walkways are cracked, broken, defective, deteriorating, in disrepair, or defaced due to writing, inscription, or figures rendering these items unusable for their purpose and constituting in the opinion

of the Community Development Director or their designee and building official a hazardous condition or an attractive nuisance.

(vii) Garage doors that are missing, broken, sag, or buckle to the extent that they cannot be either opened or closed, rendering the garage unusable for its purpose and causing an attractive nuisance.

(viii) Any structure or building or portion thereof which, as compared to adjacent properties, is unsightly in appearance and out of character by reason of its condition.

(ix) All landscaping shall conform to the standards set forth in Article III, Division 5.

(x) Parking lots design and areas shall conform to the standards set forth in Article III, Division 6.

(xi) paved areas with a cracked, broken or otherwise deteriorating surface, in excess of ten (10) percent of the surface area shall be considered a nuisance and shall be repaired.

(xii) Any sidewalk, hardscape or parking facility, with potholes, broken, raised or depressed sections, large cracks, mud and/or dust, accumulation of loose material, faded or illegible pavement striping or other deterioration shall be repaired.

(m) Construction in Fire Hazard Severity Zones (FHSZ).

(1) The purpose of this section is to establish regulations for construction and development within FHSZ to mitigate the risk of wildfires, and protect life and property and promote public safety.

(2) This section shall apply to all properties within the FHSZ as designated by The Department of Forestry and Fire Protection (CAL FIRE).

(3) Construction Standards, Building Materials and Design.

(i) All structures within the FHSZ shall utilize fire-resistant materials and design techniques in accordance with Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure of the California Building Code.

(4) Vegetation Management and Defensible Space.

(i) All buildings and structures located within the FHSZ shall maintain the required hazardous vegetation and fuel management requirements pursuant to Section 4907.3 of the California Fire Code.

26-54 Development Standards for Residential Development in Mixed-Use Zones.

(a) Building Design and Design Standards

(1) All multi-family housing units shall comply with the general building design and site design standards in the West Covina Multi-Family Objective Design Standards document. The approved architectural treatment shall be used throughout the development.

(2) A minimum of fifty percent (50%) of the proposed dwelling units shall have direct pedestrian access from the dwelling unit to an exterior walkway along a street, drive, paseo, or park/open space without going through. A common breezeway or hallway does not meet this requirement. The area bounded by Citrus Street to the west, Workman Street to the north, Barranca Avenue to the east, and the Interstate 10 to the south (also known as Eastland Center) is exempt from this requirement due to the higher intensity envisioned for this area.

(3) All projects where at least sixty-six percent (66%) of the proposed new square footage is intended for residential occupancy shall comply with the West Covina Multi-Family Objective Design Standards.

(b) Contents of Copies of CC&R's.

(1) Copies of conditions, covenants and restrictions that will apply to a proposed condominium project shall be submitted after the approval of a project and approved by the Community Development Director or their designee and City Attorney, and recorded by the applicant. These CC & R's shall:

(i) Provide a statement that ensures that each residential unit shall be used as a residence for a one family unit only.

(ii) Provide for perpetual maintenance of grounds and buildings.

(iii) Include a full statement of the age of the building and any modification and refurbishing started or completed within one (1) year of offering the project for sale as a condominium.

(iv) Provide an explanation to the buyer of his responsibility for sharing the maintenance and upkeep of buildings and structures within the project other than his own unit.

(v) Provide that the names of the officers and members of the board of governors or homeowners association shall be filed annually with the city clerk.

(vi) Include the following certificate on the title sheet dedication clause of the subdivision map: "WE HEREBY DEDICATE TO THE CITY OF WEST COVINA THE RIGHT TO PROHIBIT THE CONSTRUCTION OF ADDITIONAL RESIDENTIAL BUILDINGS THEREON, EXCEPT FOR ADDITIONAL PARKING, RECREATIONAL FACILITIES, AND ACCESSORY BUILDINGS OVER THE AREA DESIGNATED AS THE COMMON AREA."

(c) Density.

(1) The maximum number of dwelling units shall not exceed 20 units per gross acre. Contiguous parcels which are part of a large, multi-building and multi-use development shall be considered as one site, provided the residential and commercial uses are integrated and pedestrian connections are provided from any residential building to commercial buildings.

(d) Vehicles in the mixed-use zones with residential development.

(1) The provisions of Article III, Division 6 shall apply to the size, number and location of parked and stored vehicles within the mixed-use zone.

(e) Floor Area Ratio.

(1) There shall be a minimum gross floor area ratio of 0.15 of leasable commercial square footage.

(2) The floor area ratio may be calculated on an area wide basis for contiguous parcels which are part of a large, multi-building development. To qualify for an area wide floor area ratio calculation, a project must be integrated in design and function, and the owner/developer of each parcel must record deed restrictions preserving the minimum floor area ratio of commercial square footage for the multi-building development.

(3) Subterranean and above-grade parking structures shall not be included in the required minimum floor area ratio.

(f) Building Setbacks from Property Lines

(1) The building setback from the property lines shall be governed by the following table:

Table 2-17 Building Setbacks from Property Lines

Front	Side Interior	Street Side	Rear	Side/Rear Abutting R-A/R-1/Single-Family Residential Use
15'	10'	15'	15'	1-story – 15' 2-story – 25' 3-story – 40'

(g) Building Separation

(1) The minimum building separation between main buildings shall be ten (10) feet or as required by the California Building Code, whichever is more restrictive.

(2) There shall be no minimum building separation between a main building and an accessory building or between accessory buildings, except as required by the California Building Code.

(h) Maximum Building Height

(1) Maximum building height when within one hundred (100) feet of the residential agriculture (R-A) or residential single-family (R-1) zones or an existing single-family residential use shall be forty-five (45) feet.

(2) All buildings containing any residential use shall be limited to forty-five (45) feet, except within the area bounded by Citrus Street to the west, Workman Street to the north, Barranca Avenue to the east, and the Interstate 10 to the south (also known as Eastland Center) shall have a maximum building height of seven (7) stories or eighty-five (85) feet.

(3) Buildings containing only non-residential uses have no height limit, except as described above and as limited by the Federal Aviation Administration (FAA).

(i) Open Space.

(1) Open space standards shall comply with the standards set forth in 26-48(i).

DIVISION 3 SPECIAL PURPOSE ZONES (O-S, S-P) [COMBINED AND CONSOLIDATED EX. SECTIONS 26-545 AND 26-547]

26-55 Purpose and Intent of Special Purpose Zones

(a) Open Space (O-S) Zone.

(1) The purpose of the open space zone is to identify and set forth permitted uses, and standards of development within open space lands.

(2) Open space zoned land may be located anywhere in the City provided it is consistent with the City's adopted policies and plans.

(b) Specific Plan (S-P) Zone.

(1) The purpose of the specific plan zone is to provide greater specificity and flexibility in carrying out the General Plan of the City than would be possible in other zoning districts. This zoning district is intended for areas that are subject to specific plan adopted under Article 8 of chapter 3 of title 7 of the Government Code (sections 65450 et seq.). The uses, types of development and development standards in an area zoned specific plan are those permitted by the specific plan adopted for that area. Each separate specific plan district and its accompanying specific plan shall be sequentially numbered. If land is placed in the specific plan district before a specific plan is adopted for that land, the standards of the immediately preceding zone shall continue to apply until a specific plan is adopted.

(2) Specific plan zoned land may be located anywhere in the City provided uses within the specific plan are consistent with the General Plan of the City.

(3) The uses and types of development proposed in this zone shall maintain and enhance the character of the surrounding vicinity. During the preparation, review and approval processes for a specific plan, consideration shall be given to elements including but not limited to: Orientation of buildings and uses, building bulk and scale, building height and setback, parking, traffic generation, noise and landscaping. At a minimum, these elements shall be specifically addressed in the specific plan in such a manner as to integrate the proposed uses and buildings with surrounding development.

26-56 Land Use Regulations and Allowable Uses [TABLES ARE NEW MOST OF THE CONTENTS ARE NOT]

(a) Permitted uses. Table 2-18 identifies land uses permitted in special purpose zones.

Table 2-18 Uses and Permit Requirements

Symbol	Permit Requirement	Procedure Section
x	Allowed by Right	–
AP	Administrative Permit	Article VI, Division 6
APH	Administrative Permit with Hearing	Article VI, Division 6; Article 6, Division 1
CUP	Conditional Use Permit	Article VI, Division 4; Article 6, Division 1
	Use not permitted	–

Uses and Permit Requirements		
Use Types	**Zone O-S**	**Special Use Regulations**
Residential Accessory Uses		
Accessory uses and structures		
Accessory dwelling units, junior accessory units		
Agricultural Uses		
Agricultural uses (on parcels of 10 acres or greater)	X	Section 26-111
Residential uses		
Duplexes		
Mobile home park		Section 26-122
Single-family residence		
Supportive housing		Section 26-133
Transitional housing		Section 26-133
Service, recreational, educational and public assembly uses		
Cemeteries, columbariums, crematories and mausoleums		
Golf course, outdoor miniature	CUP	
Golf courses or golfing ranges	X	
Mobile Services	X	Section 26-123
Parks	X	
Public utility stations, yards, wells and similar facilities	CUP	
Recreational centers (private)	CUP	
Riding stables and riding schools (7 acre minimum site)	X	
Schools and colleges	CUP	
Theatres, open air.	CUP	
Wildlife and botanical preserves	X	
Transportation, communications and utility uses		
Electronic vehicle charging stations	CUP	Section 26-117
Solar carports	CUP	Section 26-117
Monopoles and alternative antenna support structures	CUP	Section 26-136
Public utility stations, yards, wells and similar facilities	CUP	

(b) Uses allowed within the Specific Plan area are the uses set forth in the adopted Specific Plan as permitted, conditionally permitted or not permitted.

26-57 Development Standards for Special Purpose Zones

(a) Development Standards for O-S Zone:

(1) Building Coverage.

(i) Building coverage of any lot, parcel or center shall not exceed fifty (50) percent of the lot, parcel, or site after all necessary street or alley dedications.

(2) Building Setbacks from Property Lines.

(i) The building setback from the property lines shall be governed by the following table:

Table 2-20 Minimum Required Setbacks for the O-S Zone. *NEW TABLE*

Front	Side Interior	Street Side	Rear
20'	15'	15'	25'

(3) Building Separation

(i) The minimum building separation between main buildings shall be ten (10) feet or as required by the California Building Code, whichever is more restrictive.

(ii) There shall be no minimum building separation between a main building and an accessory building or between accessory buildings, except as required by the California Building Code.

(4) Maximum Building Height

(i) The maximum building height shall be twenty-five (25) feet.

(b) Construction in Fire Hazard Severity Zones (FHSZ).

(1) The purpose of this section is to establish regulations for construction and development within FHSZ to mitigate the risk of wildfires, and protect life and property and promote public safety.

(2) This section shall apply to all properties within the FHSZ as designated by The Department of Forestry and Fire Protection (CAL FIRE).

(3) Construction Standards, Building Materials and Design.

(i) All structures within the FHSZ shall utilize fire-resistant materials and design techniques in accordance with Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure of the California Building Code.

(4) Vegetation Management and Defensible Space.

(i) All buildings and structures located within the FHSZ shall maintain the required hazardous vegetation and fuel management requirements pursuant to Section 4907.3 of the California Fire Code.

(c) Development standards within the Specific Plan area are the standards set forth in the adopted Specific Plan.

DIVISION 4 OVERLAY ZONES (HILLSIDE, PLANNED COMMUNITY AND RESIDENTIAL DEVELOPMENT, AUTO PLAZA, ANIMAL KEEPING) [EX. ARTICLE XIII]

26-58 Purpose and Intent of Overlay Zones

The purpose of overlay zones is to define geographic areas on the zoning map where special requirements or limitations apply, in addition to standards set forth for the underlying base zoning district.

26-59 Hillside Overlay [EX. DIVISION 2 OF ARTICLE XIII]

(a) *Purpose.* It is the intent of the City that undeveloped land designated as being within the hillside overlay zone, be developed according to the guiding principles and standards of this division in order to accomplish the following:

(1) To assure the orderly development of hillside areas.

(2) To achieve land use densities that are in conformance with the General Plan; however, the uniformity of these densities will be modified by, (1) prohibiting development on excessively steep slopes and (2) permitting "density transfers" in order to achieve specific economic, energy, environmental and aesthetic objectives.

(3) To promote a development pattern that balances economics with environmental concerns, and private property rights with the public interest.

(4) To assure land planning and development patterns that take into account the cost-benefits of alternative designs upon City services and fiscal resources.

(5) To assure development patterns that will minimize the utilization of the critically scarce resources, water and energy.

(6) To encourage hillside development that will leave a residual amount and pattern of undeveloped land, to form the nucleus of a viable open space system in the San Jose Hills.

(7) To assure the placement of hillside development so that the open space will coincide with areas of critical environmental concern and/or recreational opportunity.

(8) To assure that well-designed residential development occurs, that is compatible with the site and the adjacent hillsides.

(9) To assure that hillside development demonstrates a concern for the view of the hills as well as the view from the hills to retain the sense of identity and image that these hill areas impart to the City and its environs.

(10) To assure that streets, public utilities and facilities are designed and constructed in an orderly, well-managed, planned manner; with each development taking into consideration its impact on existing and future development in the area.

(b) Application.

(1) Hillside areas shall be designated on the zoning map by an "H" overlay zone. The provisions of the base zone shall apply except that the provisions of this article shall supersede conflicting provisions of the base zone.

(2) Before the "H" overlay zone is applied to, or removed from, the zoning map, the planning commission shall hold a hearing and based on the evidence presented, the commission shall determine whether the area should be so designated/undesignated. Notice of such hearing shall be in the manner prescribed in this chapter.

(c) Procedure.

(1) The developer of any proposed development in the hillside (H) overlay zone that involves a division of land, shall submit: (1) a site plan; (2) exterior elevations of the residences; and (3) a scale model for any subdivision in conjunction with the tentative map. The site plan will be reviewed for compliance with this division, the subdivision map act, the General Plan, applicable specific plans, this chapter, grading ordinances, etc.

(2) Site plans shall include:

(i) The location of the dwelling units on the building pads;

(ii) Delineation of the planted and unplanted portions of the site;

(iii) Fire trails/roads;

(iv) Structures in the open space areas; and

(v) Any other information the planning division deems is necessary for review.

(3) No division of land or site plan shall be approved which does not accommodate or provide for sewage disposal and water capacity sufficient to permit an extension of the facilities to serve other adjacent areas which are affected by the division of land or site plan.

(4) In addition to the above, the following reports shall be submitted for staff and Planning Commission review when a development site falls within a hazardous geologic area as defined by the adopted seismic safety element of the general, plan:

(i) An engineering geologic investigation based on the most recent grading plan and including adequate description of the geology of the site and conclusions and recommendations regarding the affect of geologic conditions on the development.

(ii) A soils engineering investigation based on the most recent grading plan and including data regarding the nature, distribution, and strength of soils, conclusions, and recommendations for grading procedures, and design criteria for corrective measures.

(d) Slope Computation.

(1) The average slope of a lot or parcel shall be calculated for the purposes of this division according to the formula: S = 100IL/A

(i) Where: S is the average slope in percent.

I is the contour interval in feet.

L is the combined length of contour lines in scale feet.

A is the gross area in acres of the parcel or as applicable.

(ii) In measuring the slope, a topographic base map shall be used which meets the requirements for tentative maps as specified in the City's subdivision ordinance. Measurement along contours shall be made at contour intervals not to exceed ten (10) feet.

(e) *Prohibitions on development of excessive slopes.* Any substantial portion of hillside area over forty-five (45) percent slope must be left in an essentially natural, ungraded state. Furthermore, it is intended that minimal grading be performed on slopes in excess of thirty-five (35) percent, wherever possible.

(f) *Permitted Density.* The maximum density of any one (1) property within the hillside (H) overlay zone shall be one (1) dwelling unit per gross acre. This maximum density may not be obtained on sites containing extensive areas of steeply sloped terrain.

(g) Density Transfer.

(1) The number of residential units permitted a property (based on one (1) dwelling unit per gross acre) may be transferred and concentrated to a portion of the site when the criteria outlined below occur. The minimum lot size, in such case, shall be twenty thousand (20,000) square feet. The residual open space areas, which are to remain free of residences, shall conform to the standards outlined in section 26-59(j).

(2) The density transfer shall be applied to all hillside (H) properties where:

(i) A density transfer will substantially lessen the per unit utility and improvement costs to the developer and to the prospective homebuyer.

(ii) A density transfer will substantially lessen the service costs.

(iii) A density transfer will preserve substantial portions of the hillside critical for natural processes, scenic beauty, wildlife habitat etc., in an essentially natural state.

(iv) A density transfer will leave substantial portions of the site ungraded.

(3) It is the intent of this section, that hillside (H) properties utilize the density transfer wherever it is feasible to do so.

(h) Design standards for lots utilizing density transfer.

(1) The following standards will be adhered to for proposed divisions of land in the hillside (H) overlay zone, that are transferring density. Modifications of these standards will only be permitted where it can be demonstrated to the Planning Commission that strict interpretation of such standards will prove to be impractical due to the variable nature of hillsides and shall not be detrimental to the environment:

(i) The minimum lot size shall be twenty thousand (20,000) square feet.

(ii) The minimum lot width shall be eighty (80) feet and the minimum lot depth shall be one hundred twenty-five (125) feet.

(iii) The setback standards shall conform to those of the underlying zone. Variable front yard setbacks may be required where pad size and other environmental considerations permit.

(iv) Building design shall be compatible to the specific site, the hillside, and neighboring developments.

(v) Structures, eaves or any building appurtenance overhanging slopes shall be prohibited and shall have a clear twenty-five-foot setback from location of slope unless waived by the city building and fire departments.

(vi) Roofing shall be of a noncombustible material as defined in the most current edition of the Uniform Building Code unless appealed to and waived by a committee consisting of the Community Development Director or their designee, building official, and the fire chief, or their respective deputies or assistants when so authorized. An appeal of the committee's decision to the Planning Commission and then City Council may be taken by filing a written notice of appeal with the city clerk, together with a thirty dollar ($30.00) appeal fee.

(i) Design Standards for lots not utilizing density transfer.

(1) The following standards will be adhered to for all proposed divisions of land in the hillside (H) overlay zone, that are not transferring density in accordance with section 26-59(g).

(i) Minimum lot size shall be one (1) acre (forty-three thousand five hundred sixty (43,560) square feet). Lot dimensions, setback standards, maximum building coverage and other zoning requirements shall conform to Area District V standards.

(ii) Structures, eaves or any building appurtenance overhanging slopes shall be prohibited and shall have a clear twenty-five (25) foot setback from location of slope unless waived by the city building and fire departments.

(iii) Roofing shall be of a noncombustible material as defined in the most current edition of the Uniform Building Code unless appealed to and waived by a committee consisting of the Community Development Director or their designee, building official, and the fire chief, or their respective deputies or assistants when so authorized. An appeal of the committee's decision to the Planning Commission and then the City Council may be taken by filing a written notice of appeal with the city clerk, together with a thirty dollar ($30.00) appeal fee.

(j) Criteria for selecting the open space areas in a density transfer design.

(1) The developer in formulating, and the Planning Division/ Planning Commission in reviewing, a site plan for a density transfer design, shall abide by the following criteria in selecting the open space areas.

(i) Lands with steep slopes.

(ii) Lands that have outstanding scenic or ecological value.

(iii) Lands that would assist in the creation of an open space system.

(k) Regulations for open space areas.

(1) Such lands shall be preserved in essentially their natural state as a collective private open space owned, maintained and enjoyed by the tract's residents.

(2) Development in the common open space areas will be prohibited in a recorded deed restriction, with authority vested in the City to enforce the restriction.

(3) The City may require easements for public access through portions of these open space areas. Such easements will be conditions of tentative map approval and shall be delineated on the final map.

(l) Landscaping plans.

(1) As a condition to the approval of (and prior to the recordation of) a final map landscaping plans including planting design and an irrigation system (all of which are prepared by a licensed landscape architect) shall be submitted by the applicant for review and approval by the Community Development Director or their designee or duly authorized representative.

(2) In acting upon landscaping plans, the Community Development Director or their designee shall consider the screening of trash enclosures, parking areas in multiple residential developments, the planting of slopes for both stabilization and appearance, and fire resistance, durability, size, and quality of the proposed plant material. If required, the developer shall assume all costs to provide proof, that the above requirements are met.

(3) Applicant shall prepare a statement of the quality of existing vegetation in regard to its ability to prevent soil erosion, and provide fire resistance. If existing vegetation is unacceptable to the appropriate departments in terms of these qualities, it shall be replaced by acceptable material.

(4) Planting and irrigation system plans shall address the following:

(i) All cut and fill slopes shall be planted with deep-rooted plants that are able to acclimate to the proposed environment. A permanent irrigation (as approved by the Community Development Director or their designee) shall be installed to uniformly cover all planted areas.

(ii) Slope planting and irrigation systems shall be provided by the developer on all slopes greater than four (4) feet vertical height. Slopes shall be adequately planted with landscaping consisting of a minimum of one-third shrubs and trees. The remainder may be grass or ground cover and trees and shrubs. The final plans showing the landscaping and irrigation shall be subject to the approval of the Community Development Director or their designee. All planting and irrigation systems shall be complete and operative before final approval of the grading, or issuance of occupancy on the residence.

(iii) Plants consisting of grass, groundcover, shrubs, and trees as recommended in the planting schedule shall be used. In addition to ground cover plants, approved shrubs having a minimum one (1) gallon size at ten (10) feet on center in both directions on the slope, or trees having a minimum five (5) gallon size at twenty (20) feet on center both ways may be used. A combination of shrubs and trees may be utilized. This plant and planting pattern may be varied upon the recommendation of the landscape architect and approval of the Community Development Director or their designee.

(iv) Irrigation details. Fully automated irrigation systems are required unless waived by the Planning Commission; however, the owner shall be responsible for watering the slopes which have been planted at sufficient time intervals to promote growth.

a) Minimum requirements for low slopes to fifteen (15) feet in vertical height:

1) A sprinkler system shall be installed to irrigate such slopes at the time the house plumbing is installed.

2) If the Community Development Director or their designee finds the slope is located in an area which makes hand watering possible conveniently located hose bibs will be accepted in lieu of the required sprinkler system when a hose no longer than fifty (50) feet can be utilized.

b) Minimum requirements for medium slopes fifteen (15) feet or higher in vertical height: An adequate sprinkler system shall be installed during grading prior to planting of shrubs and trees and before final grading is approved by the building official.

c) Special requirements for sprinkler systems:

1) Plans, specifications, and calculations for the sprinkler system shall be submitted to and approved by the Community Development Director or their designee prior to installation.

2) Sprinkler systems shall be designed to provide a uniform water coverage at a rate of precipitation of not less than one-tenth inch per hour nor more than three-tenths inch per hour on the planted slope. In no event shall the rate of precipitation or duration of sprinkling be permitted to create an erosion problem or allow the discharge of excess water into any public or private street.

3) A check valve and balance cock shall be installed in the system where drainage from sprinkler heads will create an erosion problem.

4) A functional test of the sprinkler system shall be performed by the installer prior to approval.

5) Sprinkler systems shall be fully automatic unless waived by the Planning Commission.

6) The irrigation system shall comply with Article III, Division 5 and Planning Commission Resolution No. 11-92-4718.

d) Planning Commission Resolution No. 11-92-4718 contains a list of plants identified as meeting the purpose and intent of the water efficient landscape ordinance.

(5) All landscape areas, whether installed pursuant to this chapter or not, shall be maintained free of litter and diseased or dead plants. Diseased, dead, damaged and/or disfigured plants shall be replaced as deemed necessary by the Community Development Director or their designee. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of Article III, Division 5 of this Code and Planning Commission Resolution No. 11-92-4718.

(6) Landscapes shall be maintained to ensure water efficiency and minimize water waste leading to excessive runoff, low head drainage, overspray and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways or structures. A regular maintenance schedule should include, but not be limited to, checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas. All tree pruning shall be performed in compliance with acceptable standards as set forth by The Western Chapter International Society of Arborists.

(7) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Article III, Division 5 of this Code, and the Planning Commission Guidelines for Water Efficient Landscaping, unless specifically exempted by those water efficiency provisions.

(m) *Landscape Maintenance.* The developer shall plant, water, and maintain each graded slope on unsold property developed with structures until all properties within the development have been occupied. Plants shall be maintained, and replaced if necessary, until the property is sold. Grading bonds shall not be released until the building and planning officials certify that the planting meets the requirements of this division.

(n) *Incentives.* In order to encourage developers to build in a manner more suitable to the hillsides, the following incentive is available: Building heights, as permitted in this chapter, may be increased by variance approval above that which is normally allowed when compatible to the surrounding areas. The views from adjacent or neighboring parcels shall not be adversely affected by any such height increase.

26-60 Planned Community and Residential Development Overlay [EX. DIVISION 3 OF ARTICLE XIII]

(a) Purpose

(1) Planned Community Development:

(i) Provide the developer with greater flexibility in site design, density and housing unit operations in order to stimulate variety and innovation within the framework of a quality residential environment.

(ii) Direct new community growth and development in the process of implementing the General Plan.

(iii) Achieve more interest, individuality and character within and among neighborhoods.

(iv) Provide criteria for the inclusion of compatible uses designed to service the residential developments within the community.

(v) Encourage the most effective use of a site with a variety of residential environments providing necessary public facilities, ample open space and a functional, well-balanced community.

(2) Planned Residential Development:

(i) Encourage a more desirable living environment;

(ii) Encourage a more efficient, desirable and aesthetic use of land through utilization of modern innovations in residential developments;

(iii) Encourage the reservation of a greater proportion of land for common open areas;

(iv) Encourage the retention of natural slopes, waterways and other natural features by utilizing such areas as open space;

(v) Encourage more efficient use of those public facilities required in connection with such residential development; and

(vi) Insure compatibility with established residential areas.

(b) Establishment of PRD overlay zone.

(1) A planned residential development overlay zone shall be established only in conjunction with a residential zone and shall be designated on the official zoning map with the symbol "PRD" in conjunction with the underlying zone classification, i.e., "R-1 PRD."

(c) *Classification Criteria.* The following general criteria are hereby established for use in the classification or reclassification of land to the planned community or planned residential development:

(1) General Plan. Compliance with the General Plan shall be established.

(2) Site area.

(i) A minimum of one hundred (100) acres shall be required for a planned community development.

(ii) A planned residential development may be established on land that is zoned R-1, MF-15, MF-20 or MF-45 and which is suitable for, and of sufficient size, to be planned and developed in a manner consistent with the purpose of this division.

(3) Any application for an overlay zone shall be accompanied by a master plan for the entire area covered by the application.

(4) All land in a proposed overlay zone shall be held in one (1) ownership or under unified control or have the written consent or agreement of all owners of property proposed for inclusion in the overlay zone.

(5) The existing utilities systems (water, sewer, drainage, electrical, gas, and communications facilities) are adequate, or new systems shall be constructed to adequately serve the development.

(d) Application.

(1) An application for an overlay zone shall be submitted by the owner, his authorized agent, or the purchaser of the land with the consent of the owner.

(2) The application shall be accompanied by the following which should be prepared by a qualified professional team:

(i) Topographical maps of existing terrain drawn to a minimum five (5) foot contour.

(ii) A generalized grading plan which indicates proposed earth movement and the results of such movement.

(iii) A utility map or statement reflecting a utility system which includes, but is not limited to, sewer, water, and gas capable of serving the entire development.

(iv) A master plan which shall show:

a) Location and boundaries of the proposed development.

b) The general type, character, and heights of all buildings or structures; e.g., single family houses, townhouses, or cluster houses.

c) Proposed densities of all areas scheduled for residential development.

d) Proposed uses of all and including residential, school sites, public and private recreational facilities, all common open space, and in the PCD zone commercial and professional centers and industrial facilities.

e) Natural features that are to be retained; i.e., stands of trees, rock outcroppings, canyons, natural slopes, etc.

f) The location and width of public and private streets which shall be consistent with the master plan of streets.

(v) Proposed site development standards for all residential, commercial and industrial uses.

(vi) The location and width of public and private streets.

(vii) Site data, including acreage in total development, total acreage in each density classification, school sites, church sites, commercial sites and industrial sites, total acreage devoted to common open space and minimum lot sizes.

(e) *Application fee.* An application for an overlay zone shall be accompanied by a filing fee as specified in section 26-184.

(f) Procedure.

(1) Upon receipt of an application for an overlay zone, the Planning Commission shall hold a public hearing on such application. If it finds the criteria set forth herein have been met, it may establish the overlay zone subject to such conditions as it deems necessary. The Planning Commission may deny the application if it finds any of the criteria have not been met, or that the approval of the application would be detrimental to the public peace, health, safety or welfare.

(2) The decisions and findings of the Planning Commission:

(i) On planned residential development applications, shall be final unless appealed to the City Council.

(ii) On planned community development applications, shall be forwarded along with the community master plan to the City Council. The City Council shall hold a public hearing and either approve, conditionally approve, or deny the community master plan. The decision of the City Council shall be final.

(g) *Public hearing and appeal procedure.* Public hearing and appeal procedure shall be set forth by Article VI, Division 1 of this Development Code.

(h) Termination of overlay zone.

(1) The overlay zone, and any master plan or other material approved as a part thereof, shall become null and void if the physical development of the district is not commenced within two (2) years from date of adoption of the resolution establishing the zone.

(2) An extension of time, not to exceed one (1) year, may be granted by the Planning Commission or City Council when extenuating circumstances can be clearly shown by the applicant. The request for an extension of time shall be submitted to the Planning Commission in writing prior to the expiration date and shall clearly state the reasons why the physical development of the district has not been commenced and such overlay zone has not been utilized.

(i) Approval of a development plan.

(1) After the establishment of an overlay zone and prior to the termination date as specified in section 26-60(h), an application for approval of a development plan which is in substantial conformance with the approved master plan shall be filed with the Planning Commission. A development plan may cover all or a portion of the district. No building permit shall be issued for any new building or structure unless a development plan covering the area has been approved.

(2) A development plan shall contain the material herein specified and shall be prepared by a qualified professional team.

(i) The exact boundaries and legal description of the property to be developed.

(ii) All proposed improvements that are to be constructed on the land and their precise locations including, but not limited to, all residential facilities, walls and fences, trash areas, streets, and walk areas.

(iii) Common open space showing size, grades, and function upon completion.

(iv) The location and dimension of all off-street parking facilities, public and private.

(v) The location and size of any public or quasi-public facilities such as schools, churches, and parks.

(vi) A tabulation of the percentage of total building coverage of the development.

(vii) A tabulation of densities within each project area or sector.

(3) Building elevations of typical architectural styles to be constructed.

(4) A schematic landscaping plan indicating the type and size of plant material to be used and method of providing permanent maintenance to all planted areas and open spaces.

(5) Floor plans of typical dwelling units, the unit size in square feet, and the amount of private open space in square feet.

(6) If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the City subdivision ordinance and the state subdivision map act.

(7) A proposed construction schedule from groundbreaking to occupancy. All common open space, as well as public and recreational facilities, shall be specifically included in the construction schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(j) Common open space.

(1) All common open space shall be preserved for that purpose as shown in the development plan. The developer shall choose one (1) or a combination of the following three (3) methods of administering common open space.

(i) Dedication of common open space to the City, which is subject to formal acceptance.

(ii) Establishment of an association or nonprofit corporation of all property owners or corporations within the project area to insure perpetual maintenance of all common open space.

(iii) Retention of ownership, control and maintenance of all common open space by the developer. All privately owned common open space shall continue as such and shall only be used in accordance with the development plan. Appropriate land use restrictions shall be contained in all deeds to insure that the common open space is permanently preserved according to the development plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners, and shall contain a prohibition against partition of common open space.

(k) Design criteria.

(1) The following design criteria are hereby established:

(i) The overall plan shall achieve an integrated land and building relationship.

(ii) Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.

(iii) The layout of structures and other facilities shall effect a conservation in street and utility improvements.

(iv) Recreational areas, active and passive, shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.

(v) Architectural unit and harmony within the development and with the surrounding properties shall be attained.

(l) Procedure for development plan application.

(1) The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for development plan approval to the Planning Commission. The Planning Commission shall hold a public hearing on such application. It may approve the development plan if it finds the criteria set forth herein have been satisfied subject to such conditions as it deems necessary. The Planning Commission may deny the application if it finds the criteria are not being satisfied or that such application would be detrimental to the public peace, health, safety, or welfare. The decision of the Planning Commission shall be final unless appealed to the City Council.

(m) *Public hearing and appeal.* Public hearing and appeal procedure shall be governed by Article VI, Division 1 of this chapter.

(n) *Application fee.* An application for a development plan shall be accompanied by a filing fee as established by a resolution of the City council.

(o) Development standards for planned residential development zone.

(1) The development standards of the underlying zone shall apply to a planned residential development unless they are inconsistent or in conflict with the following standards which shall control:

(i) *Density.* In any PRD overlay zone, the number of dwelling units per net acre of land shall not exceed the number of dwelling units permitted by the underlying zone except as provided in this paragraph.

(ii) For the purpose of calculating the number of dwelling units permitted by the underlying zone, the following table shall be used:

Table 2-21 Dwelling Units Per Acre for Residential Zones

Zone	Dwelling Units Per Acre
R-1	2.2 to 7.3 (depending on min. lot size established by the PUD.
MF-15	15.0
MF-20	20.0
MF-45	45.0

(iii) The number of dwelling units per net acre of land may be increased by up to 30 percent if approved by the Planning Commission, provided that the gross density of the development does not exceed the densities identified in Table 2-21

(iv) *Minimum lot sizes.* Every lot or parcel utilized for a residential structure shall have a minimum width of twenty-four (24) feet. Each such lot shall front for a distance of not less than twenty (20) feet upon a public or private street or pedestrian accessway.

(v) *Building heights.* Building heights of the underlying zone may be waived to allow greater flexibility with the development. Consideration shall be given to building heights in relation to adjacent property and building inter-relationship within the development.

(vi) *Yards.* The following front, side, and rear yards shall be shown on the development plan and maintained:

a) Front: There shall be an average front yard of not less than fifteen (15) feet for any building measured from the curbline of private streets and from the property line for dedicated streets. A maximum six-foot-high wall or fence may be placed within any front yard setback, provided such wall or fence is set back five (5) feet from the right-of-way line of dedicated streets or ten (10) feet from the curbline of private streets. Such setback area shall be landscaped.

b) Side: There need be no side yard provided. However, each development plan will be reviewed to ensure that adequate provisions are made for light and air and free pedestrian movement.

c) Rear: When the rear of a dwelling unit is adjacent to common open space and accessible thereto, a rear yard need not be provided. A fifteen-foot rear yard shall be provided when the rear of a dwelling unit abuts adjacent private property.

d) Fire accessways: Each development plan shall provide adequate accessways for free movement of men and equipment to provide appropriate firefighting capabilities. Such accessways shall be a minimum of five (5) feet in width and approved by the city fire department.

(vii) *Off-street parking.* Off-street parking shall be required to conform to the current City standards as specified in the underlying zone.

a) Covered or open parking compounds may be designed as a functional part of the development. Parking compounds shall be conveniently accessible and adequately screened through the use of walls or landscaping. The arrangement and access for all parking compounds or parking spaces shall conform to City standards.

(viii) *Ground coverage.* Total ground coverage of the entire development (not individual lot) shall not exceed that allowed by the underlying zone.

(ix) *Private open space.* A minimum of two hundred (200) square feet of private open space per dwelling unit shall be provided on each individual lot. This provision need not apply to structures which are three (3) or more stories high.

(p) Development standards for planned community development zone.

(1) All development within the planned community development shall meet the following minimum requirements:

(i) *Density.* All densities shall conform to the approved community master plan.

(ii) *Building coverage.* The maximum building coverage shall not exceed fifty (50) percent of the area covered by the development plan exclusive of all dedicated public rights-of-way. In determining the coverage (ground area of each dwelling) covered parking and garages shall be included.

(iii) *Off-street parking.* Off-street parking shall conform to the current City standards as specified in Article III, Division 6 of this chapter.

(iv) *Private open space.* A minimum of two hundred (200) square feet of private open space per dwelling unit shall be provided on each individual lot. This requirement does not apply to structures three (3) or more stories in height.

(v) *Utilities.* All utilities shall be underground in accordance with the Municipal Code and approved by the city engineer.

(vi) *Signs.* Sign provisions contained in the most restrictive zone classification for each use allowed shall apply.

(vii) *Other.* All other standards as specified by the approved community master plan and text and development plan and text shall be strictly adhered to.

26-61 Auto Plaza Overlay [EX. DIVISION 4 OF ARTICLE XIII]

(a) Purpose

The purpose of the auto plaza overlay zone is to preserve the City's auto plaza area to accomplish the City's goal of maintaining an established area designed for new vehicle franchise dealerships in order to make its services more accessible to the public, and to promote economic development within the City.

(b) Location

The auto plaza overlay zone shall consist of service-commercial (S-C) zoned properties located south of the Interstate 10 Freeway, north of Norma Avenue, west of Baymar Street, and east of Azusa Avenue.

(c) Permitted uses.

(1) Permitted uses on any lot or premises within the auto plaza overlay zone shall be limited to the following:

(i) The sales of new vehicles with outdoor display is allowed provided that all administrative functions are at all times conducted within an enclosed building.

a) The sales of new vehicles with outdoor display is allowed provided that all administrative functions are at all times conducted within an enclosed building.

(ii) Accessory uses

a) The sales of used vehicles operated by the same franchise dealership or automaker operating the primary use.

1) Used vehicle inventory on the site shall be limited to no more than 30 percent of the total new vehicle inventory on the same site.

2) Outdoor display of used vehicles is allowed provided that all administrative functions are at all times conducted within an enclosed building.

b) Vehicle service shop for maintenance and repair.

c) Car wash.

1) The car wash shall only be used to clean the dealership's vehicle inventory and/or to clean vehicles receiving maintenance or repair services.

2) The car wash shall not be made available for public use.

d) Electric vehicle charging station.

e) Vehicle rental services shall only to be made available to customers utilizing services offered by the dealership.

(iii) Temporary uses.

a) Filming.

1) Filming or filmmaking on any lot or premises shall be limited to advertisement purposes promoting the dealership on the site.

2) Filming shall only be allowed on a lot or property occupied with a new vehicle dealership with an active business license.

3) Filming shall comply with the provisions of Article VI, Division 8 (Film Permit).

(d) *Security lighting requirement.* All properties located within the auto plaza overlay zone shall have all its parking lot/vehicle display light standards/poles brightly lit from sunset until 9:00 p.m. Parking lot/vehicle display light standards/poles shall automatically be switched to dimmer lighting between 9:00 p.m. and sunrise.

(e) *Development Standards.* Any proposed development and/or construction within the auto plaza overlay zone shall comply with all applicable standards the development standards set forth in Article II, Division 4. The provisions set forth in this division 26-61 (Auto Plaza Overlay) shall prevail if any conflicting standards exist.

26-62 Animal Keeping Overlay Zone [EX. DIVISION 6 OF ARTICLE XIII]

(a) *Purpose.* The animal keeping overlay zone consists of properties on the north side of Vanderhoof Drive, including Tract 12292, Lots 18 through 27 (addresses 2633, 2641, 2653, 2707, 2715, 2727, 2743, 2755, 2769, and 2807 Vanderhoof Drive).

(b) *Permitted Uses.* Uses permitted with the animal keeping overlay zone shall be those permitted within the underlying zone, subject to the development standards in the underlying zone and in sections 26-62(c) and 26-62(d).

(c) Lower pad area development standards.

(1) The following development standards shall apply to improvements located in the lower pad area of the lots within the overlay zone.

(i) *Setbacks.* The setbacks for any proposed improvements shall take into account the size of the subject property and the impacts to the neighboring properties. The location of the site of the improvement shall be based on the type of improvement proposed.

(ii) *Separation of uses.* The location of the proposed improvement shall, at a minimum, conform to the separation standards specified in section 26-46(h). Greater separation distances are encouraged to reduce conflicts between uses.

(iii) *Structural design.* The structural design of the improvements shall be compatible with the architecture of the main house on the property and the agrarian nature of the lower pad area.

(iv) *Screening.* Fences, walls, and/or landscaping shall be provided to provide visual separation between properties. Screening shall be sensitive to animal keeping areas in proximity to habitable space/recreational improvements, and vice versa.

(d) Administrative ~~use~~ permit required.

(1) Prior to the construction of any improvement in the lower pad area such as habitable structures (including accessory dwelling units), nonhabitable structures that require the issuance of a building permit, swimming pools, spas, sports courts, and similar uses (whether or not a building permit is required), an administrative permit shall be required as specified in Article VI, Division 6 of this chapter 26.

(2) Before for an administrative use permit for improvements in the lower pad area of the overlay zone may be granted, the following findings must be made:

(i) The proposed improvement at the particular location would not be detrimental to the current or future keeping of animals in the lower pad area of surrounding properties.

(ii) The location and design of the improvement has given consideration to the separation of animal keeping areas from habitable space/recreational improvements.

(iii) The location and design of the improvement is not detrimental to the privacy of surrounding properties through the usage and placement of windows and doors, view-obscuring walls and/or fences, retaining walls, trees and other buffering landscaping materials.

(iv) The development can be adequately served by existing and/or required infrastructure and services.

ARTICLE III. REGULATIONS APPLICABLE TO ALL ZONES *NEW*

DIVISION 1 GENERAL SITE PLANNING AND DEVELOPMENT STANDARDS *NEW*

26-63 Purpose

The following development standards are set forth to ensure that property in all zones in the City of West Covina will be developed in a uniform and orderly manner which will promote public health, safety, comfort, convenience, and general welfare. These development standards shall be in addition to the property development standards set forth for each zone.

26-64 Lot Coverage Measurement

Lot coverage (also referred to as building coverage) is the percentage of the site area covered by structures shall be measured by dividing the number of square feet of horizontal area covered by structures by the total horizontal area within the property boundaries of the site. For purposes of lot coverage, underground parking facilities, parking structures, and semi-covered structures (e.g. trellis lattice patio covers) do not count towards required lot coverage.

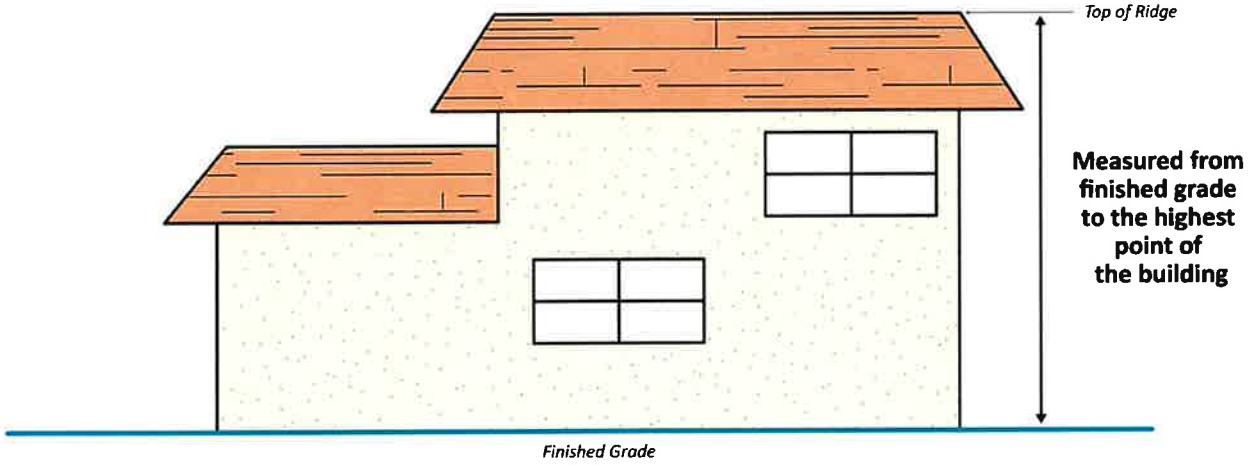
26-65 Height Measurement and Exceptions

All structures shall comply with the following regulations relating to height, except for fences and walls, which shall conform to standards set forth in Article III, Division 3 (Fences, Walls and Hedges).

(a) The height of structures shall not exceed the standards set forth by the applicable zoning district in Article II (Zones, Allowable Uses and Development Standards), except as otherwise provided by this section.

(b) The maximum allowable height shall be measured as the vertical distance from the finished grade of the site to the top of the roof, as shown in Figure 3-1 below:

Figure 3-1 Measurement of Building Height



(a) The following height projections are permitted:

(1) Architectural features, including chimneys, cupolas, steeples, weather vanes, and similar nonstructural element designed to enhance the building architecture, may exceed the height limit by up to ten (10) feet.

(i) Such features shall not exceed a width of twenty-five (25) feet or one-third (1/3) of the length of the structure's façade, whichever is less. Height exceptions shall not be granted for structural features designed or intended to provide floor space. Signs shall not be included within the additional height

limits. Lights and poles are not considered architectural features and are not included in this exemption.

(2) Elevator shafts, stairwells, and roof-mounted mechanical equipment (inclusive of screening for the mechanical equipment) may exceed the height limit by up to 10 feet, provided that these elements do not exceed 10 percent of the total roof area.

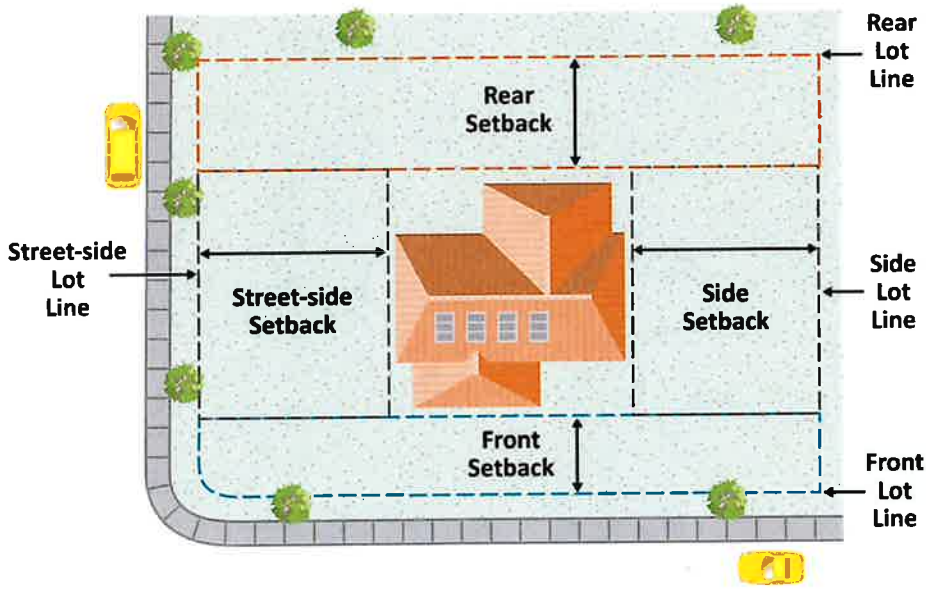
(3) Parapets on flat roofs may exceed the height limit by up to 42 inches.

(4) Solar energy systems (e.g. panels) may exceed the height limit by up to five (5) feet, or the minimum required based on installation cost and/or energy production thresholds established by State law, whichever is less..

26-66 Setback Measurement and Exceptions

All structures shall comply with the setback requirements set forth for each zoning district, and with any special setbacks established for specific uses by Article II (Zones, Allowable uses, and Development Standards), except as otherwise provided by this Article.

Figure 3-2 Setbacks



(a) Setback requirements.

(1) Each yard shall be open and unobstructed from the ground upward, except as provided in this subsection.

(2) Yards shall be landscaped in compliance with Article III, Division 5 (Landscaping).

(b) Exemptions from setback requirements.

(1) Fences or walls constructed within the height limitations within the height limitations set forth in Article III, Division 3 (Fences, Walls and Hedges).

(2) Steps, and other site design elements that are placed directly upon the finished grade and are less than eighteen (18) inches above the surrounding finished grade.; and

(3) Freestanding signs shall be pursuant to sign requirements set forth in Article III, Division 8 (Sign regulations).

(4) Water features with a water depth of less than eighteen inches (18").

(c) Measurement of setbacks

(1) The front yard setback shall be measured at a right angle from the nearest point of the front property line (or edge of access or utility easement) to the nearest wall of the structure, except as follows:

(i) For a flag lot, the front yard setback shall be taken from the nearest wall of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest to the public street or right-of-way.

(2) The side yard setback shall be measured at a right angle from the nearest point on the side property line (or edge of access or utility easement) to the nearest wall of the structure, establishing a setback line parallel to the lot line nearest the public street or right-of-way.

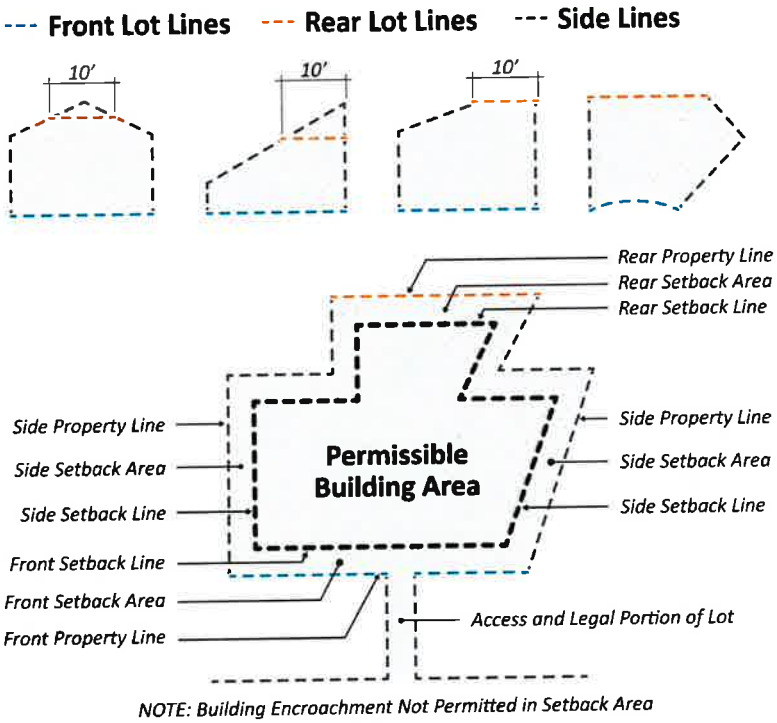
(i) The side yard on the street side of a corner parcel shall be measured at right angles from the nearest point on the street side property line to the nearest wall of the structure.

(3) The rear yard setback shall be measured at a right angle from the nearest point on the rear property line (or edge of access or utility easement) to the nearest wall of the structure, establishing a setback line parallel to the rear property line that extends between the side yards, except;

(i) The rear yard on the street side of a double frontage lot shall be measured from the nearest point of the rear property line adjoining the street. If an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the easement or right-of-way line; and

(ii) Where the side lot lines converge to a point, a line 10 feet long within the parcel, parallel to the front lot line, shall be deemed the rear lot line for the purpose of determining the depth of the required rear yard.

Figure 3-3 Lot Lines



NOTE: Building Encroachment Not Permitted in Setback Area

26-67 Sight Triangle Areas

The following standards shall apply to all intersections of streets, alleys, and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions within sight triangle areas established herein.

(a) There shall be a corner sight triangle area at all intersecting and intercepting public streets or highways. The sight triangle area shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line. It shall pass through the points located on both the side and front (or rear) property lines at a distance of thirty (30) feet from the intersection of such lines at the corner of a public street or highway.

(b) There shall be a corner sight triangle area on each side of any private driveway intersecting a street or alley. The sight triangle lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property lines. They shall pass through a point not less than ten (10) feet from the edges of the driveway where it intersects the street of alley right-of-way.

(c) There shall be a corner sight triangle area on each side of any alley intersecting a street or alley. The sight triangle lines shall be in a horizontal plane, making an angle at forty-five (45) degrees with the side, front or rear property line. They shall pass through a point of not less than ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.

(d) If, due to an irregular lot shape, a line at a 45-degree angle does not provide for intersection visibility, such corner cutoff shall be defined by a line drawn from a point on the front (or rear) property line which is not less than 30 feet from the intersection of the side and front (or rear) property lines and through a point on the side property line which is not less than 30 feet from such intersection of the side and front (or rear) property lines.

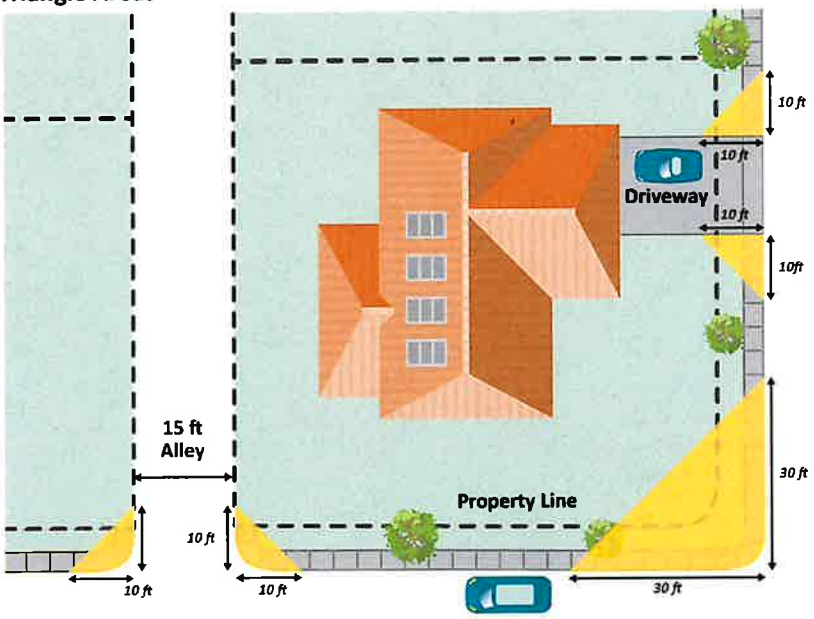
(e) The following shall not be erected, placed, planted or allowed to grow within the sight triangle area.

(1) Solid fences, walls, signs, structures, mounds of earth, solid post mailboxes, or other visual obstructions over three 36 inches in height and open work fences up to 42 inches in height.

(2) Hedges, shrubbery and vegetation over, or with a growth characteristic over 24 inches in height.

(3) The lower edge of tree canopies of a single trunk tree shall be maintained at a minimum height of eight (8) feet above ground level, as measured from the adjacent street curb elevation.

Figure 3-4 Sight Triangle Areas



26-68 Encroachments Into Required Setbacks

(a) Swimming pools, spas, sports courts, and other similar private recreation areas may be located within the front yard, through an administrative permit process when the lot configuration, building placement, and/or street adjacent location justify its location due to the uniqueness of the property as determined by the Community Development Director or their designee, provided there is a minimum five-foot setback to adjoining properties, the project will not create a line-of-sight hazard, there is no other suitable location for the proposed structure on site, and all other standards for the underlying zone are met. Swimming pools and spas may encroach into the required interior side yard and rear yard provided that there is a minimum five (5) feet setback, as measured from the edge of the bond beam to the property line.

(b) Swimming pools and spas, whether portable or permanently constructed, shall be enclosed by fencing as required by the City's Building Code.

(c) Cornices, eaves, or similar features may project into yards.

(1) Cornices, eaves, belt courses, sills, or other similar architectural features may extend or project into a required front, side, or rear yard in single- and multi-family residential zones by not more than three (3) feet provided that the projection is no closer than two feet, six inches (2'-6") from the side and rear property lines.

(d) Uncovered porches and platforms may project into yards.

(1) An uncovered porch, platform or landing place which does not extend above the level of the first floor of the building in R-A and R-1 zones may extend or project into any required front, side or rear yard by not more than six (6) feet except as permitted in 26-46(f), provided such structure in a side yard shall not reduce to less than three (3) feet the unobstructed pedestrian walkway or sidewalk on ground level to less than three (3) feet.

26-69 Maintenance and Security Standards for Vacant, Unoccupied or Abandoned buildings or structures.

(a) Property owners and/or persons who possess or have control of an abandoned, vacated or undeveloped property, area or place, including buildings and structures, shall maintain and secure said property in such a way that will not be injurious to public health, safety and general welfare or to the stability of real property so as to interfere with the comfortable enjoyment of life or property, nor become attractive to unauthorized persons, including but not limited to juveniles and transients, nor constitute a health, fire or safety hazard.

(b) Property owners and/or persons who possess or is in control of any undeveloped real property in the City or any other real property in the City that has been vacant or abandoned for a period in excess of thirty (30) calendar days shall do the following:

(1) *Unsecured access points.* All means of ingress or egress to the property or structure on the property, including but not limited to, windows, doors, gates and fences that have been breached, vandalized, or damaged, shall be boarded up and/or secured in compliance with Federal Housing Authority board-up standards to ensure the property or structure is secured against unauthorized entry.

(2) *Paint.* All boards securing a breach in any ingress or egress on a structure shall be fully painted in such a manner as to complement or match the paint color of the structure.

(3) *Fencing.* Any undeveloped real property within the City, or any other vacant real property in the City that an Enforcement Officer has determined in writing, based upon specific findings regarding the conditions of said real property and surrounding area(s), poses a threat to the health, safety, and welfare of the general public, shall be enclosed by a security fence as approved by the Community Development Director or their designee. Such security fencing shall measure a minimum of six feet (6') in height measured from grade, unless such fencing is located within a required sight triangle, shall be constructed of chain-link or tubular steel materials, and shall be erected in accordance with all requisite City approvals, permits, and inspections. Conditions that shall be considered when determining the necessity of a temporary security

fence include, but shall not be limited to, instances of unauthorized entry and/or vandalism, and the degree of decay, deterioration, dilapidation, or neglect of the real property and structures.

(4) *Signage and emergency contact.* Signs prohibiting trespassing, and the name and phone number of the person or entity responsible for the maintenance and security of the vacant property shall be posted on all vacant structures and/or security fencing surrounding vacant properties. Security fencing shall be kept clear of all other signs. Each sign shall conform to standards set forth in Article III, Division 8.

DIVISION 2 ACCESSORY STRUCTURES [NEW DIVISION -COMBINED AND CONSOLIDATED EXISTING ACCESSORY STRUCTURE STANDARDS]

26-70 Purpose and Applicability

(a) The following development standards shall apply to all detached accessory structures, not including accessory dwelling units governed by the requirements of Article IV, Division 2. The purpose of this division is to protect the public health, safety and welfare by maintaining safe distances between structures, establish architectural compatibility between primary structures and certain types of accessory structures, and minimizing potential impacts associated with lot coverage, privacy, and maintenance of light and air space.

(b) The development standards contained in this division shall apply to accessory structures on private property and shall be in addition to other applicable development standards contained in the Development Code. In the event of a conflict between the provisions set forth in this division and any other provisions of this Development Code, the stricter regulation shall control. This division regulates detached accessory structures that are larger than 120 square feet in size and/or taller than seven (7) feet in height. Accessory structures shall not contain indoor cooking facilities (combination of a sink, cooking apparatus, and refrigeration appliance) and should not be designed for full time living or rental purposes. Guesthouses, pool houses, accessory dwelling units and junior accessory dwelling units that conform to the requirements of this chapter are permitted.

26-71 Permit Requirements and Exemptions

(a) Accessory structures located in single-family, multi-family, mixed-use, commercial and industrial zones shall require an Administrative Permit, pursuant to the procedures and findings outlined in Article VI, division 6.

(b) The following structures located in the single-family and multi-family zones are exempt from planning entitlements provided they comply with the requirements listed below and standards set forth in section 26-72. Exempt accessory structures may require building permits to maintain conformance with the California Building Code adopted by the City.

(1) Accessory structures that are less than 120 square feet in size and no portion of the structure is seven (7) feet or greater in height, provided that no more than two (2) of such structures are located within the same lot or site.

(2) A detached structure typically used for decorative or landscape design purposes such as a fountain, water wall, bird bath and similar features that are less than 120 square feet in size and no portion of the feature is six (6) feet in height or greater.

(3) Accessory dwelling units and junior accessory dwelling units pursuant to Article IV, Division 2 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

(4) Urban Dwelling Units pursuant to Article IV, Division 4 (Urban Dwelling Units).

26-72 Development Standards

(a) The development standards listed in Table 3-1 are intended to supplement the requirements in the applicable zone for types of accessory structures. In the event of a conflict between these requirements and the requirements of the underlying zone, the requirements of this section shall apply. The following requirements shall apply to all accessory structures, both exempt and non-exempt under section 26-71.

(b) Minimum setback distances for accessory structures from property lines and between all structures shall include all portions of the structure(s).

(c) Accessory structures may be constructed in conjunction with or subsequent to the construction of the primary structure(s) on the site.

Table 3-1 Development Standards for Accessory Structures

Type of Accessory Structure	Minimum Setback Requirements				Maximum Lot Coverage	Maximum Height
	Front	Rear	Side	Street Side		
Pools and spas,	Not Permitted*	5 feet	5 feet	Not permitted	n/a	n/a
Pool/spa equipment	Not Permitted*	5 feet	5 feet	Not permitted	n/a	5ft
Detached accessory structures with open or solid roofing.	Not Permitted	4 feet	4 feet	Not permitted	Standard building coverage per Table 2-4 of Section 26-46	16 ft
Temporary, portable shade structures	Not Permitted	4 feet	4 feet	Not permitted	30% of required rear yard area, Standard building coverage per Table 2-4 of Section 26-46	10 ft.
Decks/elevated structures greater than 30" in height and/or greater than 30 square feet in area	Not Permitted	1.5 times standard building setback per Section 26-46(e)	1.5 times standard building setback per Section 26-46(e)	1.5 times standard building setback per Section 26-46(e)	n/a	8 ft
Attached patios, chimneys and fireplaces, and similar structures	Same as required for primary structure					
* May be permitted through an Administrative Permit process per Section 26-68						

(d) Accessory buildings in R-A and R-1 zones.

(1) Accessory buildings, or the sum of accessory buildings, except accessory dwelling units, shall be a maximum of one thousand (1,000) square feet. Accessory buildings which causes the total square footage of accessory buildings to exceed greater than one thousand (1,000) square feet (except accessory dwelling units) may be granted subject to the approval of an administrative permit pursuant to the procedures and findings outlined in Article VI, Division 6. Required garages are exempt from the administrative permit requirements. Individual accessory buildings with an area greater than the primary dwelling unit shall not be allowed. The area for individual accessory buildings shall be limited to seventy (70) percent of the floor area of the primary dwelling unit.

26-73 Solar Energy Systems *NEW*- STANDARDS NOT IN CURRENT CODE

(a) The purpose of this section is to allow for timely and cost-effective installations of solar energy systems that shall:

(1) Provide for the installation of small to medium solar energy systems to enable the generation of electricity from the sun, for on- and off-site uses.

(2) To minimize potential adverse impacts associated with solar energy systems.

(b) Development Standards

(1) *Ground-mounted solar energy collectors.* Ground-mounted solar energy collectors shall be installed and maintained in accordance with the following requirements:

(i) *Location.* Ground-mounted solar energy collectors are permitted in all zoning districts. In residential zoning districts, solar energy collectors and their mounting framework shall not be located within the front setback and shall not be visible from the public right-of-way adjacent to the front, or side property line. In nonresidential zoning districts, solar energy collectors may be visible from the public right-of-way with approval of an Administrative Permit.

(ii) *Height.* In residential zoning districts, the height of a ground-mounted solar energy collector system shall not exceed twelve (12) feet. The maximum height shall be twenty-five (25) feet when located on a non-residential property not abutting a residential zone. The maximum height of a ground-mounted solar energy collector system shall be fifteen (15) feet when located on a non-residential property abutting a residential zone.

(iii) *Setbacks.* Installations of less than six (6) feet in height may project up to two (2) feet into a required setback. Installations of six (6) feet or more in height shall comply with building setback requirements for patio covers.

(c) Roof-mounted solar energy collectors.

(1) *Location.* It is preferred that photovoltaic solar energy systems in the single-family residential zone on roofs are designed in a way that is flush-mounted and/or are not installed on the portion of the roof that faces the street, and/or are screened from the public right-of-way. If the photovoltaic solar energy systems on roofs are not flush-mounted and/or installed on the portion of the roof that faces the street, and/or is visible from the street, applicant submittal of additional documentation to the Planning Division is required prior to the first Building Division inspection to receive inspector sign-off. The required documentation shall be a written analysis prepared by a licensed engineer indicating that all options to redesign the photovoltaic system with a flush-mounted design and/or without utilizing the street facing roof will:

(i) Increase the installation cost by more than $1,000; AND

(ii) Will cause a drop in energy production by more than 10-percent (10%).

(2) *Height.* Photovoltaic solar energy systems on the roof may extend up to five (5) feet above the height limit in the district in which it is located or the roof surface on which they are installed, provided that the height extension is necessary to be within the installation cost and/or energy production thresholds mandated by State law.

(3) Solar water or swimming pool heating systems may extend up to seven (7) feet above the height limit in the district in which it is located or the roof surface on which they are installed.

(d) Solar energy collector on carports.

(1) Photovoltaic equipment, as defined by section 26-36, "Solar Energy Systems," may be installed on the roof of carports for the purpose of collecting, storing, or transferring solar energy as part of a larger solar energy system installed in structure(s) on the same building site without additional discretionary permit.

(2) The maximum height of solar energy collector equipment on carport roofs shall not exceed the maximum height of the underlying district.

DIVISION 3 FENCES, WALLS, AND HEDGES *NEW*

26-74 Purpose and Applicability

(a) The purpose of this chapter is to establish standards and regulations relating to the construction of fences, walls and hedges used for screening or buffering purposes. The standards are intended to ensure that all fences, walls, and hedges provide desired privacy and safety but do not create a public safety hazard or nuisance, and that fences, walls and hedges meet the City's standards for quality design and regular maintenance.

(b) For Planned Development Permits and Specific Plans, fence, wall, and hedge standards shall comply with the standards set forth in the applicable Planned Development Permit or Specific Plan. Where the Planned Development Permit or Specific Plan is silent on fence, walls and hedge height, the standards for the underlying zone shall apply, as determined by the Community Development Director, or their designee.

26-75 Measurement of Fence or Wall Height

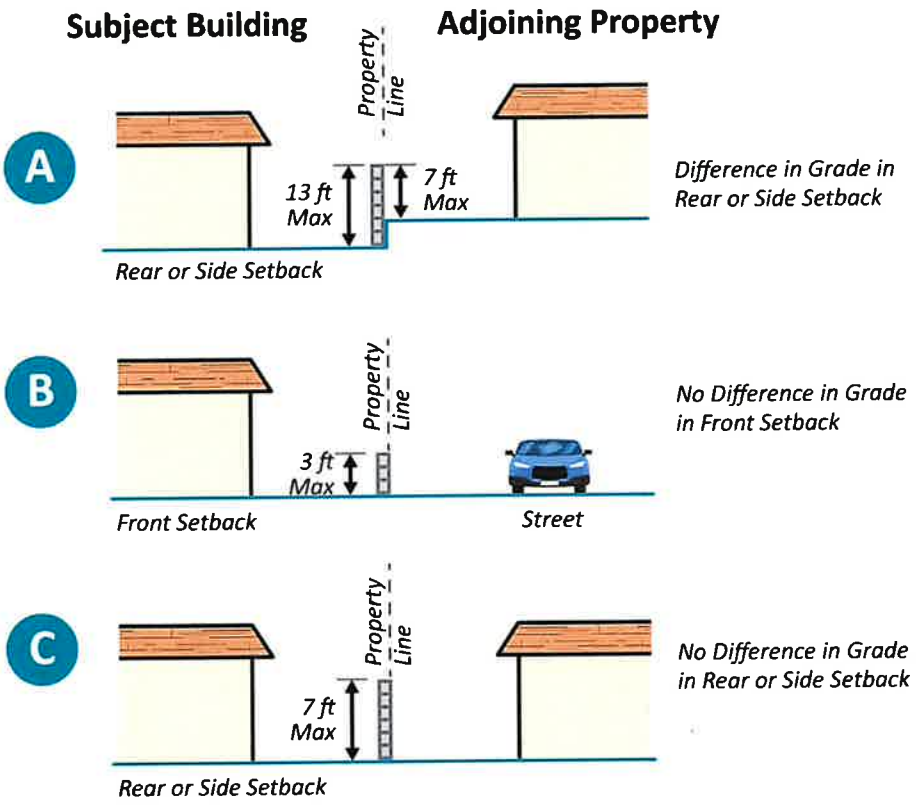
(a) Measurement of height

(1) The height of a fence or wall is measured as the vertical distance between the top of finished grade at the base of the fence or wall to the top of the fence or wall.

(2) For fences or walls on sloping ground or varying grades, height shall be measured from the lowest grade on either side of the fence or wall to the highest point of the fence or wall. For the purposes of this section a retaining wall with a fence above it shall be considered one structure.

(3) Fence or wall height includes any materials attached to the fence or wall.

Figure 3-5 Measuring Fence or Wall Height *NEW DIAGRAM*



26-76 Height Limitations for Freestanding Fence, Walls and Hedges

(a) Street-fronting Fences and Walls. The maximum allowed height for freestanding fences and walls within the required front setback, or the street side yard, or the rear yard of a through lot with street driveway/garage access shall comply with the following standards:

(1) Fences and fence/wall combinations shall not exceed a maximum height of six (6) feet. The fence and/or fence/wall combination shall be of a design that creates at least seventy (70) percent open work above forty-two inches (42") in height. Pilasters and/or columns no greater than eighteen inches (18") in width may be incorporated with the design of the fence or wall if the required visibility is met. Street-fronting fences on street side yards of lots not considered a reverse corner lot and on rear yards of through lots may construct a solid, non-transparent fence/wall provided that no neighboring adjacent single-family residential lot is developed with a primary residence with its front facade oriented towards the same street.

(2) Corner cut back area. On corner lots, walls, fences, hedges, trees, or other physical obstructions shall not exceed a maximum height of thirty-six inches (36") within the sight triangle areas set forth in section 26-67.

(3) Fences and walls adjacent to arterial streets. Walls and fences on single-family residential lots along the side and rear property lines adjacent to rights-of-way of streets designated as principal or minor arterials on the master plan of streets and highways shall have a maximum height of eight (8) feet provided that design standards contained within subsection (a)(1) is complied with.

(4) On single-family residential zones, light fixtures may be added on the top of the street-fronting fencing or its pillar, provided the overall height of the fence or pillar and light does not exceed a height of six feet, six inches (6'-6"). The intensity of the lights shall be limited to low level lighting of less than one thousand six hundred (1,600) lumens.

(5) Fences atop retaining walls, shall conform to the limits set forth in Section 26-77.

(b) *Side and Rear Yard Fences and Walls.* The maximum allowed height for freestanding fences and walls (non-retaining) within the required side and rear yard setbacks shall comply with the following standards:

(1) Street fronting side yard and rear yard fences shall conform to the height limits set forth in subsection (a) of this section.

(2) A freestanding fence or wall between single-family residential properties shall not exceed seven (7)~~six (6)~~ feet in height.

(3) A freestanding fence or wall between multi-family residential properties or along a major arterial street shall not exceed seven (7)~~six (6)~~ feet in height.

(4) A freestanding fence or wall between a residential and commercial property shall not exceed eight (8) feet in height.

(5) A maximum of eight (8) foot freestanding fence or wall between a residential and commercial property or between two commercial properties.

(6) On commercially zoned properties, a free-standing fence or wall shall not exceed a maximum of eight (8) feet in height.

(7) Freestanding fences or walls located at intersections of streets, alleyways and driveways within traffic sight areas shall conform to standards set forth in Section 26-67(e).

(8) Fences atop retaining walls, shall conform to the limits set forth in Section 26-77.

(c) *Hedges.* No maximum height shall be established for hedges, except for hedges located within the required front yard which shall conform to the standards for fences and walls, and for the sight triangle area standards set forth in section 26-67(e).

26-77 Height Limitations for Retaining Walls and Change of Grade

(a) Interior facing retaining walls or garden walls where the retaining wall faces inward to the subject property and are negligibly visible from surrounding properties or the public right-of-way, and located within the required setbacks, the retaining wall may reach a maximum height of seven (7) feet. The total height of an interior facing retaining wall and a free-standing fence or wall atop it shall not exceed the following height limitations:

(1) Within the front setback- Twelve (12) feet provided that the design of the freestanding fence/wall complies with section 26-76(a)(1), or fourteen (14) for properties that qualify under section 26-76(a)(3).).

(2) Side and rear yard- Thirteen (13) feet, or fourteen (14) feet for properties that qualify under section 26-76(b)(4) through (6).

(b) Exterior facing retaining walls or garden walls. Where the retaining wall faces outward towards a public street or facing a neighboring property and is, located within the required setbacks, the retaining wall may reach a maximum height of three (3) feet, The total height of an exterior facing wall and free-standing fence or wall atop it shall not exceed the following height limitations:

(1) Within the front setback- Nine (9) feet provided that the design of the freestanding fence/wall complies with section 26-77(a)(1)

(2) Side and rear yard- Ten (10) feet, or eleven (11) feet for properties that qualify under section 26-76(b)(4) through (6)

(c) Interior and exterior facing retaining walls or garden walls which complies with the required building setbacks of the zoning district shall not exceed a maximum height of fifteen (15) feet.

(d) Parallel retaining walls and landscaping terracing. Any retaining wall constructed in combination with other retaining walls, screen walls and/or fences on the same property may be terraced with a gradient up to 1:1 to obtain approval of an aggregate height of retaining walls exceeding the single-wall limit set forth in this section. The distance between walls shall be no less than the height of the tallest wall.

26-78 Fence Materials

(a) Prohibited fence materials.

(1) *Residential Zoning Districts.* Barbed wire, electrical fences, razor wire, and other similar objects on the top of fences or walls shall not be allowed within a residential zoning district. The use of chain link fence is prohibited in residential districts within any front yard area or any area visible from the public street, except for construction sites and other temporary uses and where otherwise specifically permitted in this Development Code.

(2) *Commercial and Industrial Zoning Districts.* Barbed wire, electrical razor wire, and other similar objects shall not be allowed on the top of fences or walls within a commercial zoning district, except on the top of fences or walls surrounding outdoor storage areas.

(b) Special fencing and wall requirements.

(1) *Swimming pools, spas and similar features.* Swimming pools, spas, and other similar features shall be fenced in compliance with the requirements set forth by the City's Building Code.

(2) *Outdoor equipment, storage, and work areas.* Screening of outdoor use, equipment and activities shall conform to the standards set forth in division 4 (Screening and Buffering).

(3) *Recreational courts.* Fences for recreational courts including basketball, tennis, badminton courts and similar play areas shall not exceed twelve feet in height providing that all parts of the fencing are not located within the minimum required setback areas.

(4) *Temporary fences.* Temporary fencing may be necessary for the protection of archaeological, historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the approval of the Community Development Director or their designee, and shall comply with applicable building codes.

(5) *Walls along public rights-of-way.* Masonry, concrete block and wood perimeter walls that adjoin public rights-of-way and are constructed as part of a subdivision or other planned development shall be maintained in original condition, including the color and texture of the block and any cap elements. Fences/walls along the public right-of-way shall be either finished on both sides, finished on the side facing the public right-of-way, or made of decorative block.

(6) *Fences and walls exceeding six (6) feet in height in between properties.* Fences/walls exceeding six (6) feet in height located within five (5) feet from the property line shall be either finished on both sides, finished on the side facing the neighboring property, or made of decorative block.

26-79 Required Walls

(a) Walls in multi-family residential zones.

(1) A thirty-six (36) inch high concrete, masonry, or decorative block wall shall be provided and maintained on the outside perimeter of all off-street parking areas abutting or visible from a public street, except at points of ingress and egress for vehicular or pedestrian traffic. The wall shall be set back a minimum of five (5) feet from the property line and this setback area shall be landscaped. Other materials may be used if approved by the Planning Commission.

(2) In lieu of the thirty-six (36) inch high screen wall, land contouring and landscaping equivalent to thirty-six (36) inches in height, or a combination of wall and land contouring, may be provided.

(b) A seven-foot wall when abutting single-family zone:

(1) A seven (7) foot high concrete, masonry or decorative block wall shall be provided and maintained on the boundary of any multiple-family zone which abuts or lies across a public alley from a residential-agricultural (R-A) or single-family (R-1) zone, except in the front setback area, where said wall shall conform to the sight triangle area standards set forth in section 26-67(e).

(2) When there is a difference in site elevation and the abutting property zoned R-A or R-I is a minimum of seven (7) feet higher than the development site zoned multiple-family, at the discretion of the Planning Commission, the requirements for a seven (7) foot high wall may be waived.

DIVISION 4 SCREENING AND BUFFERING [EX. SECTION 26-568]

26-80 Purpose

This section provides standards for the screening and buffering of adjoining land uses, equipment, outdoor storage areas and surface parking areas.

26-81 Screening and Buffering Standards

(a) *Required screening in office, commercial and Industrial Zones.* All exterior storage areas and service yards, loading docks and ramps, electrical cage enclosures and storage tanks are to be screened from view by a fence, wall or mature landscaped materials.

(1) Mechanical equipment and duct work.

(i) All roof top mechanical equipment shall be placed behind a permanent parapet wall and be completely restricted from all ground level views from adjacent public rights of way. Such screening shall be as high as the highest portion of the equipment or ducting, and shall be permanently maintained.

(ii) No mechanical equipment is to be exposed on the wall surface of a building.

(iii) Gutters and downspouts that are utilitarian in nature are not to project from the vertical surface of the buildings. Decorative gutters and downspouts, when appropriate to the proposed architectural style of the building may project from the surface of the building and shall be subject to review of the Planning Commission.

(iv) Vents, louvers, exposed flashing, tanks, stacks, overhead doors, rolling and "man" service doors are to be treated in a manner consistent with the color scheme of the building.

(v) All ground mechanical equipment shall be screened to the maximum extent feasible and as allowed by the utility provider by a permanent structure or landscape.

(2) Refuse storage.

(i) All outdoor trash, garbage and refuse containers shall be screened from public view, within a trash enclosure containing a roof and screening on all sides consisting of minimum five and one-half (5½) foot high concrete, or masonry decorative block wall, and the opening provided with a solid gate.

(ii) Such area shall be so located as to be easily accessible for trash pick-up.

(iii) Storage. Except in the case of uses listed "outdoor displays" in 26-51(a) of this chapter, all storage of wares, merchandise, crates, bottles or similar items shall be within a completely enclosed building.

(3) Screening of parking areas.

(i) All parking areas shall be screened from public rights-of-way with various means of screening such as land contouring, low-profile walls, shrub plantings and similar screens or a combination thereof.

(ii) A seven (7)-foot high concrete, masonry or decorative block wall shall be provided and maintained on the boundary of any nonresidential zone which abuts or lies across a public street or alley from a residential zone except in the front setback area where said wall shall conform to the sight triangle area standards set forth in section 26-67(e).

(iii) All walls shall be architecturally compatible with the main buildings. Type, texture, and color shall be approved by the Planning Commission. Barbed wire shall not be permitted.

DIVISION 5 LANDSCAPING *NEW* COMBINED AND CONSOLIDATED EX. LANDSCAPE STANDARDS FOR MULTIFAMILY RESIDENTIAL, NONRESIDENTIAL USES, AND MIXED-USE OVERLAY

26-82 Purpose

The purpose of this division is to establish minimum landscaping standards to enhance the appearance of developments, increase green space throughout the City, reduce heat and glare, control soil erosion, conserve water, ensure the ongoing maintenance of landscaped areas, reduce wildfire hazards, and ensure that landscape installations do not create hazards for motorists or pedestrians.

26-83 Applicability

The requirements contained in this division shall apply to all new and existing development and shall be in addition to any other development standards contained elsewhere within the Development Code.

26-84 Water Efficient Landscape Ordinance [EX. DIVISION 1 OF ARTICLE XIV]

(a) The purpose of this section is to ensure the design, installation and maintenance of landscapes meet the requirements of the State of California's Model Water Efficient Landscape Ordinance (MWELO)

(b) The City adopts by reference the State of California's Model Water Efficient Landscape Ordinance, which is found at Sections 490—495 of Chapter 2.7, Division 2, Title 23, of the California Code of Regulations, as it may be amended from time to time. A copy of the MWELO will be maintained in the community development department and will be made available for public inspection during regular business hours.

(c) Applicability. The MWELO applies to the following projects:

(1) New landscape projects with an aggregate landscape area equal to or greater than 500 square feet.

(2) Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet and requiring a building, plan check or design review; and

(3) For purposes of this section, aggregate landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel, or stone walkways, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for nondevelopment.

(d) *Exemptions.* The following projects or landscapes are exempt from or subject to limited review pursuant to MWELO.

(1) Projects involving new construction of an aggregate landscape area of less than 2,500 square feet that comply with the prescriptive measures.

26-85 General Landscaping Standards

(a) *General location for landscape improvements.* All landscaping shall be provided in the following locations for all types of development as listed below, unless the approval authority determines that the required landscape is not necessary to fulfill the provisions of this division. Nothing in this division is intended to discourage landscaping in excess of the minimum requirements listed herein.

(b) *Setbacks, public frontage and street frontage.* All setback areas required by this Development Code, areas between the curb and setback, public frontage areas, or portions of the site with any street frontage, shall be landscaped and maintained in compliance with this division, except where an area of required setback is improved with a paved surface such as a sidewalk or driveway.

(1) In all industrial zones, the front and exterior side yard setback areas adjoining public rights-of-way are required to be landscaped, including the property frontage within the right-of-way.

(2) Trees are required along sidewalks and primary street frontages, in addition to other landscaping requirements. Street trees shall be required where the public parkway is at least four (4) feet wide. A twenty-four (24) inch box street tree shall be planted for each thirty (30) feet of linear street frontage along any property line abutting a public or private street (on average). The Director of Public Works may approve deviations to these standards when site conditions (e.g. utilities or significant topography constraints) preclude the placement of trees.

(c) *Undeveloped areas.* All areas of a site that are part of an entitled and/or approved master planned development application, such as pad sites being held for future development, shall be landscaped in compliance with this division.

(d) *Pedestrian paths and pedestrian entrances.* Along pedestrian pathways and at building entrances, trees shall be provided in compliance with this division for shade and climate control to define public spaces, and moderate high temperatures and wind speeds.

(e) *Plant type.* Landscape planting shall emphasize climate appropriate, drought-tolerant, native, and non-invasive species shall complement the architectural design of the structures on site, and shall be suitable for the soil and climatic condition specific to the site. Plant species known to be invasive and listed on the California Invasive Plant Inventory published by the California Invasive Plant Council (Cal-IPC) are prohibited. Within Fire Hazard Severity Zones as determined by CALFire, plantings shall not include fire prone species and the plant palette shall be approved by the West Covina Fire Department.

(f) *Planting layout and plant diversity.* Plant selection shall vary in the type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of deciduous flowering trees and shrubs and colorful plantings is encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year-round interest.

(g) Street and parking lot trees.

(1) Street and parking lot trees shall be selected from the City's adopted master list of street trees and parking lot trees.

(2) Parking lot trees. An average of at least one (1) tree (minimum 15 gallon) of a species satisfactory to the Community Development Director or their designee shall be planted for every six (6) parking spaces.

(3) The total number of required parking trees may be reduced to one (1) tree for every ten (10) parking stalls if the lot landscape requirements set forth in 26-86(a) is increased by fifty (50) percent (12% of total lot area for all zones, except M-1, which is 6).

(4) Any tree that partially shades a parking space or a drive aisle may be considered a parking lot tree and included in the calculation of total parking lot trees.

(5) There shall be a minimum three (3) foot wide (inside dimension,) landscape planter separating a building or wall from a driveway or parking area.

(6) All planted areas shall be surrounded by a concrete curb six (6) inches above final grade or above asphalt level of the parking lot. However, when such planted areas lie adjacent to a concrete sidewalk, masonry wall, or a building, a raised concrete curb need not be provided in the adjacent area.

(h) Trees planted within ten (10) feet of a street, sidewalk, paved trail, or walkway shall be a deep-rooted species or shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

(i) *Planting size, spacing, and planter widths.* In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, planting spacing, and minimum planter widths (inside measurements) are as follows:

(1) *Trees.* The minimum planting size for trees for industrial, mixed-use, commercial, office, and community or civic uses shall be 15-gallon, with 25 percent of all trees on a project site planted at a minimum 24-inch box size. For industrial, mixed-use, commercial, office and community or civic uses, tree spacing within

perimeter planters along streets and abutting residential properties shall be planted no further than 25 feet on center, on average. Minimum planter widths for trees shall be between five and ten feet, consistent with the City's adopted master list of street trees and parking lot trees.

(2) *Shrubs.* Shrub planting shall be a minimum five-gallon size, with a 15-gallon minimum size required where a landscape screen (visual buffer) is conditioned by the designated approving authority (e.g., screening of headlights from drive-through aisles). The minimum planter width for shrubs is four feet.

(3) *Ground Cover.* Plants used for mass planting may be grown in flats of up to 64 plants or in individual one-gallon containers. Rooted cuttings from flats shall be planted no farther apart than 12 inches on center, and containerized woody, shrub ground cover plantings shall be planted no farther apart than 3 feet on center in order to achieve full coverage within one year. Minimum planter width for ground cover is two feet, with the exception of sod, which requires a minimum planter width of six feet.

(j) *Synthetic Turf.* Synthetic turf may be used as a substitute for natural turn for the purposes of water conservation. The use of synthetic turf on properties zoned for multi-family residential or non-residential uses shall require an administrative permit, pursuant to Article VI, Division 6. The following standards shall apply to the use and maintenance of synthetic turf.

(1) Synthetic turf shall be allowed in areas visible from a public street, park, public parking lot for non-residential developments or located within the setback areas of properties zoned R-1 or R-A.

(2) Synthetic turf shall consist of lifelike individual blades of grass that emulate real grass in look and color and have a minimum pile height of one and one-half inches.

(3) The installation of synthetic turf shall also include a proper drainage system installed underneath to prevent excess runoff or the pooling of water.

(4) Landscaping comprised of synthetic turf shall be periodically maintained to simulate the appearance of a well-maintained lawn.

(5) The use of indoor or outdoor plastic or nylon carpeting as a replacement for synthetic or natural turf shall be prohibited.

(6) Synthetic turf shall be installed in combination with natural plant materials including trees, shrubs, hedges and ground cover to enhance the overall landscape design.

(7) All landscape areas where synthetic turf is implemented shall be cleaned and maintained based on manufactures' guidelines for maintenance.

(8) The administrative permit shall be valid for up to ten years or as determined by the recommended longevity of the synthetic turf manufacturer.

(9) *Application submittal requirements.* An application for the use of synthetic turf shall include the following items:

(i) A site plan including the dimensions and details of the landscaped area, including both the proposed synthetic turf area and live plant material landscaped areas. The plan shall also describe the specific type of synthetic turf to be installed.

(ii) A sample of the synthetic turf to be implemented.

(iii) Specifications of the synthetic turf detailing including the synthetic turf materials and components, longevity of the turf.

(k) Landscape criteria for multi-family residential and mixed-use zones that include residential uses.

(1) All open areas or unused space exceeding 24 square feet resulting from the design or layout of parking spaces or accessory structures with the exception of vehicular accessways and parking areas, pedestrian walkways, and paved or covered recreational facilities, shall be landscaped and irrigated with a fully automatic system in conformance with this division. Such landscaping and irrigation shall be permanently maintained in a functional, dust free, disease free, and weed free condition.

(2) No planting area shall be less than twenty-four (24) square feet or less than three (3) feet in width (inside dimensions) with the exception of raised planter boxes around or in close proximity to buildings.

(3) A minimum of six (6) feet of the rear or side yard adjacent to single-family or multi-family residential zoning or development shall be landscaped with plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the Community Development Director or their designee, and as represented on the approved landscaping plan.

(4) Undeveloped areas proposed for future expansion shall be maintained in a weed free and dust free condition.

(5) Landscape areas, whether installed pursuant to this chapter or not, shall be maintained free of litter and diseased or dead plants. Diseased, dead, damaged and/or disfigured plants shall be replaced as deemed necessary by the Community Development Director or their designee. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this division.

(6) Landscape areas shall be maintained to ensure water efficiency and minimize water waste leading to excessive runoff, low-head drainage, overspray and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures. A regular maintenance schedule should include but not be limited to, checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas. All tree pruning shall be performed in compliance with acceptable standards as set forth by the Western Chapter international Society of Arborists.

(7) The landscaping and irrigation plan shall be approved by the Community Development Director or their designee subject to the following criteria. Landscape and irrigation plans for projects with required landscaping consisting of five thousand (5,000) square feet or more, shall be prepared by a licensed landscape architect. The Community Development Director or their designee has the right to disapprove a landscaping plan if the quantity, size, type, placement, and use of plant material do not meet the minimum requirements of this section. The Community Development Director or their designee shall also determine whether the type, size, and location of the proposed landscaping is appropriate given the scale and design of the development.

(8) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Article III, Division 5, standards for Water Efficient Landscaping, unless specifically exempted by those water efficiency provisions.

26-86 Landscape Area Requirements

(a) Landscape criteria for office, commercial, mixed-use, and industrial zones.

(1) A minimum of eight (8) percent of the total net area (net area shall be computed by excluding public streets) of the development, in all zones except the manufacturing (M-1) zone, shall be landscaped, and permanently watered with a water efficient automatic irrigation system. In the manufacturing (M-1) zone, a minimum of four (4) percent of the total net area (net area shall be computed by excluding public streets) of the development shall be landscaped, and permanently watered with a water efficient automatic irrigation system, and seventy-five (75) percent of the landscaping shall be within fifty (50) feet of a public street.

(2) Approximately one-half of such landscaped area shall be generally distributed throughout the parking lot with the remainder as planted areas around buildings, peripheral planters around the site, parkways, street tree wells and other locations as deemed appropriate by the Community Development Director or their designee. The Community Development Director or their designee shall also determine whether the type, size, and location of the proposed landscaping is appropriate given the scale and design of the development.

(3) No planting area shall be less than twenty-four (24) square feet or less than three (3) feet in width (inside dimensions) with the exception of raised planter boxes around or in close proximity to buildings.

(4) A minimum of six (6) feet of either the rear or side yard adjacent to single-family or multi-family residential zoning or development shall be landscaped with specimen plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the Community Development Director or their designee, and as represented on the approved landscaping plan.

(5) Undeveloped areas proposed for future expansion shall be maintained in a weed free and dust free condition.

(6) All landscaping referred to in this section shall be maintained in a neat orderly fashion and free of debris.

(7) The landscaping and irrigation plan shall be approved by the Community Development Director or their designee in compliance with the provisions of this division. Landscape and irrigation plans or projects with required landscaping consisting of two thousand five hundred (2,500) square feet or more, shall be prepared by a licensed landscape architect. The Community Development Director or their designee has the right to disapprove a landscaping plan if the quantity, size, type, placement and use of plant material do not meet the minimum requirements of this division, Planning Commission guidelines for water efficient landscaping.

(b) Existing/established landscapes

(1) All landscape areas and irrigations systems shall be subject to the water efficiency provisions contained in Article III, Division 5 of this Code, and the Planning Commission guidelines for water efficient landscaping, unless specifically exempted by those water efficiency provisions.

26-87 Maintenance

In addition to any other provisions of this Development Code, the following requirements apply to all residential zones:

(a) All landscaped areas shall be maintained in a healthy and growing condition and shall receive routine pruning, fertilizing, mowing, and trimming.

(b) All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and necessary cleaning as part of routine maintenance.

(c) All landscape areas shall be kept free of weeds and debris.

(d) If a property proposed for mixed-use, commercial or industrial use, maintenance of any landscaping between the curb of any street abutting the property and the property line shall be the responsibility of the owner of that property.

DIVISION 6 PARKING AND LOADING [NEW – COMBINED AND CONSOLIDATED EX. PARKING STANDARDS FOR MULTIFAMILY, SINGLE-FAMILY, MIXED-USE, AND COMMERCIAL ZONES]

26-88 Purpose and Applicability

(a) The purpose of this division is to establish parking, loading and bicycle standards and regulations to provide for safe, attractive, and convenient parking areas and ensure that parking areas are compatible with surrounding and uses.

(b) Applicability.

(1) Off-street parking shall be provided for both vehicles and bicycles per the requirements of the Development Code for the following applications:

(i) New development.

(ii) Building additions.

(iii) Temporary uses.

(iv) Changes in land uses.

(2) In all situations where additional vehicular parking spaces are required, all existing and proposed handicapped parking spaces shall be located on site shall be marked and striped in accordance with the State of California Building Standards Code, Title 24 of the California Code of Regulations.

(3) All parking spaces shall be independently accessible, with the exception of tandem spaces as permitted in the standards below.

26-89 General Provisions

(a) Vehicles in R-A and R-1 zones. [EX. SECTION 26-392]

(1) *Commercial vehicles.* It shall be unlawful to park or store any commercial vehicles, trailers, or other related equipment. The provisions of this subparagraph (1) do not apply to passenger vehicles, pickup trucks, passenger or cargo vans, or recreational vehicles.

(2) *Allowed parking area.* For residentially zoned lots developed with a single-family residence, allowed parking areas, in addition to a permitted garage or carport, are:

(i) Allowed paved areas of the front yard and paved areas of the unscreened street side yard as defined in subsection 26-46.

(ii) Areas of interior side, street side, as defined in subsection 26-46, or rear yards which are fully screened by solid six-foot fences or walls and/or view-obscuring landscaping, except within five (5) feet of the rear property line.

(iii) Public sidewalks and paved areas of a public parkway are not considered allowed parking areas.

(3) *Parking of recreational vehicles, recreational equipment and trailers, and utility trailers within side and rear yards.* Recreational vehicles, recreational equipment and trailers, and utility trailers may be parked in fully-screened side or rear yard areas as set forth in subsection (2)(ii).

(4) Parking of recreational vehicles, recreational equipment and trailers, and utility trailers in the front yard or unscreened street side yard.

(i) Under no circumstance may utility trailers be parked in the front yard or unscreened street side yard.

(ii) Campers and camper shells placed on the ground or otherwise not properly mounted on a pickup or other truck may not be stored in the front yard or unscreened street side yard.

(iii) Vehicles must be registered to the permanent resident of the property and registered to the property address.

(iv) Vehicles shall be maintained in proper condition. Vehicles stored or maintained in one (1) or more of the following conditions shall be deemed to be in violation of this standard:

a) Vehicles with damaged or broken windows or doors, or damaged or torn screens or shades.

b) Vehicles that are covered with tarps or other covers which are deteriorating or torn.

c) Vehicles with damaged or broken parts, including, but not limited to, tow bars, mirrors, light shields, bumpers, tanks, ladders, soft top cover for popups, luggage compartment doors, air handling units, and luggage racks.

d) Vehicles with any peeling, blistering, rusting, or otherwise deteriorating exterior surface.

e) Vehicles with open awnings, open slide-outs, and open popups.

(v) In addition to other applicable standards, vehicles may not be parked closer than a distance of five (5) feet from the curb face or the edge of the street pavement, if no curb exists.

(vi) In no case shall the parking of a motor home, accessory recreational vehicle, or recreational equipment and trailer in a location other than the primary driveway block the use of the primary driveway or access to the garage or carport by other vehicles.

(vii) One (1) motor home or accessory recreational vehicle may be parked on the side pad, circular drive, or other allowed parking areas that are not part of the primary driveway leading directly to a garage or carport without the approval of an administrative permit.

(viii) Motor homes, accessory recreational vehicles, and recreational equipment and trailers, up to an overall total of two (2) such vehicles, may be parked in any allowed parking area, subject to the approval of an administrative permit pursuant to the provisions of section Article VI, Division 6, and further pursuant to the provisions of subsection (e) below. A first motor home or accessory recreational vehicle permitted to be parked pursuant to subsection (8) above shall be included in the total of two (2) vehicles.

(5) *Administrative permit.* The approval of an administrative permit for the parking of motor homes, accessory recreational vehicles, and recreational equipment and trailers pursuant to subsection (4) (viii) above shall be subject to the following:

(i) The parking of vehicles shall comply with all requirements of subsection 26-89(a)(4).

(ii) The administrative permit shall be valid only for the specific vehicle(s) identified in the permit. Approval to park any new or replacement vehicle(s) shall require a separate administrative permit.

(iii) An administrative permit to park recreational equipment and/or trailers may only be approved in cases where no other suitable parking area exists in a garage, carport, or side or rear yard, as determined by the Community Development Director or their designee. Grounds for the inability to use the side or rear yard shall include the inability to provide appropriate access to said yards and/or inadequate area. Grounds for the inability to use a garage or carport shall include inadequate size and dimensions. The parking of other vehicles or the storage of other goods and equipment shall not constitute grounds for the inability to use a garage or carport.

(iv) An administrative permit to park vehicles in the primary driveway may only be approved in cases where no other suitable parking area exists outside of the primary driveway and the installation of such suitable parking area is not possible or practicable given topography, lot size or configuration, or other existing improvements on the lot, as determined by the Community Development Director or their designee.

(v) The administrative permit may prescribe a specific area or location where the vehicle must be parked in the front yard.

(vi) Parking of motor homes, accessory recreational vehicles, and/or recreational equipment and trailers shall not be allowed in the primary driveway if the subject lot does not have a garage and/or carport.

(vii) Findings. Before an application for an administrative permit may be granted, the following findings shall be made:

a) The manner and location proposed for the parking of vehicles is sensitive to visibility from and adverse aesthetic impacts to surrounding properties.

b) The manner and location proposed for the parking of vehicles is sensitive to the safety and convenience of pedestrians and motorists.

c) The proposed parking of vehicles will not unreasonably infringe upon the use and enjoyment of adjoining properties.

d) In the case of an application for parking of recreational equipment and trailers, no other suitable parking area exists in a garage, carport, or side or rear yard.

e) In the case of an application for parking of vehicles in the primary driveway, no other suitable parking area exists outside of the primary driveway and the installation of such suitable parking area is not possible or practicable given topography, lot size or configuration, or other existing improvements on the lot.

(6) *Inoperable vehicles.* It shall be unlawful to park or store any inoperable vehicle in any front yard, or any other yard where not screened from all off-site ground-level views, for more than 72 hours. Up to two (2) inoperable vehicles may be parked for any length of time in an enclosed garage or the rear or side yards where such yards are completely enclosed with six-foot solid walls or fences.

(7) Auto repair and service.

(i) It shall be unlawful to service or repair any vehicle, inoperable or not, whether or not registered to the occupant of the property, or otherwise belonging to him/her, except completely within the garage, carport, or on the primary driveway. Only one (1) vehicle at a time may be serviced or repaired on the primary driveway or in a carport per residential lot.

(ii) Notwithstanding subsection (5)(i), it shall be unlawful to conduct more than (2) incidents of repair or service within a thirty-day period on vehicles not registered or otherwise belonging to the occupant(s) of the property on which the repair or service is taking place. An incident shall include all repair or service activities occurring within a seventy-two-hour period. This section shall not apply to an incident of repair or service required by an emergency.

(iii) An incident of repair or service under subsections (5)(i) and (ii) shall be allowed only if the repair or service is conducted between 8:00 a.m. and 10:00 p.m., noise levels created do not exceed the ambient noise level by more than five (5) decibels at the property line, and the repair or service complies with applicable environmental, health and safety codes and regulations. Further, use of power tools (pneumatic or electrical) shall not be permitted beyond the hour of 8:00 p.m.

(iv) No tools, motor vehicle parts, supplies, or equipment used for automobile repair and service shall be left, stored or maintained outdoors in a location that is readily visible from a public right-of-way or an adjoining property upon any overnight interruption or cessation of repair work.

(v) All fluids, liquids and oil or other petroleum products that are taken out of a motor vehicle or used in conjunction with any repair work shall be disposed of in a lawful manner. In no instance shall these products or substances be allowed to drain or spill onto adjoining property or into the public right-of-way, storm drain, plumbing system or sewer system.

(vi) Hydraulic vehicular lifts and/or similar types of mechanical or hydraulic equipment (as determined by the Community Development Director or their designee) are prohibited from being installed, kept, stored, maintained or otherwise used for conducting automotive repair or storing of vehicles.

(8) Operations of vehicles on private property. The following shall apply:

(i) It shall be unlawful to operate any motor vehicle (as defined in Section 415 of the Vehicle Code of the State of California) upon the private property of another without first obtaining the written permission of said owner.

(ii) Persons who obtain permission from private property owners to operate motor vehicles thereon shall maintain in their possession such written permission at all times when operating motor vehicles on said private property.

(iii) This subsection in no way prohibits the use of such private property by:

a) Emergency vehicles.

b) Vehicles of commerce in the course of the conduct of normal business.

c) Vehicles being operated on property devoted to commercial purposes where the general public is expressly or implicitly invited to such property.

d) Vehicles operated on property actually used for residential purposes and where such vehicle is there at the express or implicit invitation of the owner or occupant.

(9) *Use of vehicles as living quarters.* It shall be unlawful to use or allow to be used any motor home, accessory recreational vehicle, or similar type trailer as a living quarters. For purposes of this subsection living quarters shall mean occupying the vehicle for the purpose of living, eating, cooking, or sleeping on a permanent basis in a manner similar to the occupancy of a dwelling unit. No plumbing or electrical permits shall be issued for the purposes of serving a motor home, accessory recreational vehicle of similar type of trailer on a single-family property. A permit to use a motor home, accessory recreational vehicle, or similar type trailer, as temporary habitation shall be allowed under the following conditions:

(i) An administrative permit shall be obtained from the planning division.

(ii) Permits shall be granted for a maximum total of 15 days in a calendar year at a property with a habitable single-family residence.

(10) *Public nuisance.* It shall be declared unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any residential property in the City to allow the existence of any violation of this section.

(b) Vehicles in multi-family residential and mixed-use zones. **[EX. SECTION 26-438]**

(1) *Commercial vehicles.* It shall be unlawful to park or store any commercial vehicles, trailers or other related equipment. The provisions of this subparagraph (a) do not apply to passenger vehicles, pickup trucks, passenger or cargo vans, or recreational vehicles.

(2) *Utility trailers and accessory recreational vehicles.* Utility trailers and accessory recreational vehicles may be parked in enclosed parking areas only.

(3) *Inoperable vehicles.* No more than one (1) inoperable vehicle may be kept on-site per dwelling unit for no more than 72 hours. If so kept, an inoperable vehicle must be fully within a garage, carport, or other approved covered or enclosed parking space.

(4) Auto repair and service.

(i) It shall be unlawful to service or repair any vehicle, inoperable or not, whether or not registered to an occupant of the property, or otherwise belonging to him/her, except completely within the garage, carport, or other approved parking space. Only one (1) vehicle at a time may be repaired or serviced in a carport or approved parking space per dwelling unit.

(ii) Notwithstanding subparagraph (4)(i), it shall be unlawful to conduct more than two (2) incidents of repair or service within a thirty-day period on vehicles not registered or otherwise belonging to the occupant(s) of the property on which the repair or service is taking place. An incident shall include all repair or service activities occurring within a seventy-two-consecutive-hour period. This section shall not apply to incidents of repair or service required by an "emergency."

(iii) An incident of repair or service under subsections (4)(i) and (ii) shall be allowed only if the repair or service is conducted between 8:00 a.m. and 10:00 p.m., noise levels created do not exceed the ambient noise level by more than five (5) decibels at the property line, and the repair or service complies with applicable environmental, health, and safety codes and regulations. Further, use of power tools (pneumatic or electric) shall not be permitted beyond the hour of 8:00 p.m.

(5) *Public nuisance.* It shall be declared unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any residential property in the City to allow the existence of any violation of this section.

(i) No tools, motor vehicle parts, supplies, or equipment used for automobile repair and service shall be left, stored or maintained outdoors in a location that is readily visible from a public right-of-way or an adjoining property upon any overnight interruption or cessation of repair work.

(ii) All fluids, liquids and oil or other petroleum products that are taken out of a motor vehicle or used in conjunction with any repair work shall be disposed of in a lawful manner. In no instance shall these products or substances be allowed to drain or spill onto adjoining property or into the public right-of-way, storm drain, plumbing system or sewer system.

(iii) Hydraulic vehicular lifts and/or similar types of mechanical or hydraulic equipment (as determined by the Community Development Director or their designee) are prohibited from being installed, kept, stored, maintained or otherwise used for conducting automotive repair or storing of vehicles.

(c) Off-street parking standards for commercial, office and industrial zones **[EX. SECTION 26-581]**

(1) *Generally:* All parking areas in nonresidential zones shall conform to the requirements set forth in Planning Commission Resolution No. 2513 and Article III, Division 6.

(2) *Location:* Off-street parking facilities shall be located as specified hereinafter, and shall also comply with Article III, Division 6. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building entrance that such facilities are required to serve:

(i) For hospitals, homes for the aged, orphanages, and other similar uses, not more than 300 feet from the building they are required to serve; and

(ii) For uses other than those specified above not over three hundred (300) feet from the building they are required to serve.

(iii) Off-street parking facilities at greater distances than specified above may be permitted subject to the approval of a conditional use permit as set forth in Article VI of this chapter.

(3) *Mixed occupancies:* In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use in section 26-92.

(4) *Uses not specified:* Where the parking requirements for a use is not specifically defined herein, the parking requirements for such use shall be determined by the Community Development Director, or their designee, in the manner set forth in Article I, Division 2 of this chapter, and such determination shall be based upon the requirements for the most comparable use specified herein.

(5) *Minor parking reduction:* The Community Development Director or their designee may, upon application of an administrative use permit by the owner or lessee of any property, authorize a five (5) percent reduction of the number of spaces required by section 26-90, based on quantitative information (e.g., parking survey of the site, documentation of customer frequency, etc.) documents the need for fewer spaces.

26-90 Number of Parking Space Required and Parking Design Standards [EX. SECTION 26-582]

(a) Number of Parking Spaces Required

Table 3-2 Number of Parking Spaces Required

Land Use Type	Vehicle
General Business	
All business financial and professional service uses, except uses listed below.	1 space for each 250 sf of gfa of leasable area or as required by CUP
Automobile, boat, trailer sales or rental; retail nurseries, lumber yards, other open uses	1 space for each 1,000 sf of gfa devoted to display or as required by CUP.
Automobile service stations	1 space for each two employees (minimum of 2 spaces), plus 1 space for each service bay or as required by CUP.
Adult day care services	1 space per employee and 1 additional space per 10 clients or as required by CUP
Automated teller machines	2 spaces for each machine or as required by CUP.
Bars, taverns, and similar uses	1 space for each 50 sf of gfa seating and waiting areas or as required by CUP.
Billiard parlors	1 space for each billiard table, plus 1 space for each employee or as required by CUP.
Boarding house	1 space for each unit.
Bowling alley	5 spaces for each alley or as required by CUP.
Business, general retail, personal service	1 space for each 250 sf of gfa or as required by CUP.
Clubs, fraternal organizations, etc.	1 space for each 2 beds, plus 1 space for each 40 sf of assembly area or as required by CUP.
Convalescent homes	1 space for each 2 beds or as required by CUP.
Construction and heavy equipment sales, including equipment rental	1 space for each 300 sf of gfa of display area and an additional space for each 1,000 square feet of outdoor display area.
Furniture, appliance / equipment sales.	1 space for each 300 sf of gfa of display area or as required by CUP.
Gasoline sales	1 space for each gasoline pump, plus 1 space per employees plus additional parking requirements for each ancillary use.
Hospitals and sanitariums	1.5 spaces for each .75 beds (2 spaces per bed).
Medical and Dental Office	1 space for each 250~~150~~ sf of gfa, or as required by CUP.
Motels and hotels, including B&B inns	1 space for each room or as required by CUP.
Mortuaries, funeral home	1 space for each 4 seats in assembly area and 1 space per employee or as required by CUP.
Office	1 space for each 300 sf of gfa for buildings under 20,000 sf or 350 sf of gfa for buildings 20,000 sf or more.
Orphanage and rest home	1 space for each 3 beds or as required by CUP.
Recreational vehicle, boat, or motor-home sales	1 space per 450 sf of gfa of building area or as required by CUP.
Restaurant, greater than 2,500 square feet (permanent seating, drive-in, drive-through) and cocktail lounges	1 space for every 100 square feet of GFA, plus ~~1 space for every 3.5 permanent seats, and~~ 1 space per 150 square feet of gfa of ~~1 space for every 5 seats of~~ outdoor customer dining area in excess of 500 square feet. For outdoor customer dining area, no parking spaces are required for the first 500 square feet or as required by CUP.

Land Use Type	Vehicle
Restaurant, 2,500 square feet or less (permanent seating,) and cocktail lounges[1]	1 space for each 250 sf of gfa of leasable area or as required by CUP or as required by CUP.
Shopping centers	1 space for each 250 sf of gfa of gross leasable area or as required by CUP.
Theaters, skating rinks, other places of public assembly	1 space for every 3 seats, plus 1 space for every 40 sf of assembly area not occupied by seats or as required by CUP.
Veterinary clinics, including animal boarding and kennels.	1 space for each 350 sf of gfa and 1 additional space for each 1,250 sf of gfa of boarding area or as required by CUP.
Warehouse	1 space for each 400 sf of gfa or as required by CUP.

Land Use Type	Vehicle
Industrial, Manufacturing and Processing, Wholesale	
Brewery, distillery with or without tasting or tap rooms	1.55 spaces per 1,000 sf of gfa which may include a maximum of 10% office space, plus if the percentages of office space exceed 10% of the gfa, 4 spaces per 1,000 sf of gfa in excess of 10%. Tasting or taprooms and outside patios: 17 spaces per 1,000 sf of gfa.
Computer game/internet access center	1 space for each 5 machines, plus 1 space for each 5 spaces in waiting area or as required by CUP.
Industrial, manufacturing / Processing, wholesale uses less than 50,000 sf.	1 space for each 350 sf of gfa, or as determined by CUP. Gross floor area may include any ancillary uses including offices or as required by CUP.
Industrial, manufacturing / Processing, wholesale uses greater than 50,000 sf.	1 space for each 700 sf of gfa, or as determined by CUP. Gross floor area may include any ancillary uses including offices or as required by CUP.
Laboratory, research and development	1 space for each 300 sf of gfa. plus 1 space for each company vehicle.
Recycling facility	1 space for each 1,000 sf of gfa, or as determined by CUP. The gfa may include ancillary uses including office space or as required by CUP.
Self-storage facilities	A minimum of 5 parking spaces for customers and 2 additional spaces for on-site management or as required by CUP.
Wholesale and warehouse distribution.	1 space for each 1,000 sf of gfa or as determined by CUP. The gfa may include ancillary uses Including office space.
Adult entertainment	1 space for each 250 sf of gfa, or as determined by CUP or as required by CUP.
Commercial recreation facility	1 space for each 250 sf of gfa or as required by CUP.
Conference, convention facility	1 space for each 4 seats or 1 space for every 50 sf of gfa. of assembly area or meeting rooms, whichever is greater or as required by CUP.
Fitness facility or health club	1 space for each 250 sf of gfa, not including areas devoted to courts, plus 2 spaces for athletic courts or as required by CUP or AP.
Library, museum	1 space for each 300 sf of gfa and 1 space for associated vehicles or as required by CUP.
Schools	
Elementary schools	1 space for each employee or as required by CUP.
Junior high	1 space for each employee, plus 1 space for each 20-50 students or as required by CUP.
High school	1 space for each employee, plus 1 space for each 5 students or as required by CUP.
Colleges, business schools, trade schools, and similar uses	1 space for each 2 employees, plus 1 for each 2 students or as required by CUP.
Sports and entertainment assembly facilities	1 space for each 4 seats or 1 space for every 50 sf of gfa. of assembly area or meeting rooms, whichever is greater or as required by CUP.
Studios including art, dance, martial arts, music, educational, etc.	1 space per 200 sf of gfa or as required by CUP.

Land Use Type	Vehicle
Theatre, auditorium, religious facilities	1 space for each 4 seats or 1 space for every 50 sf of gfa of assembly area or meeting room, whichever is greater or as required by CUP.
Residential Uses	
Child day care centers	1 space per employee, plus 1 additional space per 10 children or as required by CUP.
Child day care; large family day care homes.	Same as single-family or multi-family dwelling, or as required by State license or as required by CUP.
Child day care – small day care home	Same as single-family or multi-family dwelling, or as required by State license or as required by CUP.
Condominiums	2 spaces for each unit, plus 1 guest space for each 4 units or as required by CUP.
Emergency shelters	1 space per four beds and/or .5 per bedroom, plus 1 parking space per staff member or as required by CUP.
Fraternity, Sorority, dormitory	1 space per bed.
Live/work units	2 spaces, plus 1 guest space for each 2 units.
Multi-family dwelling (non-condominium)	2 spaces for each unit, plus 1 guest space for each 4 units.
Multi-family, mixed-use	One (1) covered parking space per studio unit; One and a half (1.5) covered spaces per 1-bedroom unit; Two (2) spaces covered per 2-bedroom or larger unit; and 1 guest space for each 4 units.
~~Residential care~~ Group home / facilities, and other special group residences	**Six or fewer residents:** See single-family dwelling parking. **Seven or more residents:** 1 space for each 2 residential units and an additional 1 space for guests and employees.
Single-family dwelling	Four or fewer bedrooms: 4 spaces, 2 of which shall be enclosed within a garage; Greater than four bedrooms: one additional garage space shall be required for every two additional bedrooms exceeding the fourth bedroom.
Senior housing	(A) 0 to 1 bedroom: 1 onsite parking space. (B) 2 to 3 bedrooms: 1.5 parking spaces. (C) 4 bedrooms or more: 2.5 parking spaces. (D) or as required by CUP.
Notes: [1] Restaurants less than 2,500 square feet in gfa and located within a multi-tenant parking center may provide parking at the general retain parking rate. *gfa* refers to gross floor area.	

(b) Vehicle parking standards

(1) Off-Street parking standards for R-A and R-1 zones. **[EX. SECTION 26-402]**

(i) Each single-family dwelling shall provide four (4) accessible off-street parking spaces for each dwelling unit. A minimum of two (2) spaces shall be enclosed on three (3) sides and roofed.

(ii) For single-family dwellings with a gross floor area (exclusive of garages) of four thousand five hundred (4,500) square feet or greater or with five (5) or more bedrooms a minimum of the three (3) off-street parking spaces located within an enclosed garage is required. Tandem parking may be permissible for the purpose of providing the three (3) required parking spaces provided tandem parking is limited to not more than one (1) vehicle behind

another and a minimum of two (2) parking spaces are provided side-by-side at the garage entrance. Legal nonconforming covered parking spaces that do not fully meet these requirements may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming covered parking spaces were legally established and maintained. The requirements of this section shall apply to new construction and the expansion of existing single-family dwellings.

(iii) When a carport is not readily visible from the street, the City may determine that six-foot or higher masonry walls around the perimeter of the property (or other view-obscuring physical or topographical features) constitute enclosure.

(iv) All covered parking spaces shall be enclosed on three (3) sides and roofed unless a carport is not readily visible from the street, the City may determine that six-foot or higher masonry walls around the perimeter of the property (or other view-obscuring physical or topographical features) constitute enclosure. Porte cocheres may be allowed when visible from the street if the architectural style and materials are consistent with the house, subject to the review and approval of the planning director.

(v) Garages and carport shall have a minimum interior clear width and depth of twenty (20) feet between columns or walls. Three-car garages shall have a minimum interior clear width of thirty (30) feet and depth of twenty (20) feet. In cases where a tandem parking space is proposed to comply with a required three-car garage, a minimum of two (2) parking spaces shall be provided side-by-side at the garage entrance and a minimum of ten (10) feet by twenty (20) feet shall be provided behind. Unless otherwise approved in advance by the community development director in writing, placement of garage doors shall be centered between columns or walls. Access to such parking shall be paved, not less than twelve (12) feet in width, nor wider than the garage or carport, except as modified in 26-46(c). The balance of the required spaces, if uncovered, shall have minimum dimensions of eight (8) feet by sixteen (16) feet.

a) In the case where an expansion to the existing single-family structure exceeds three hundred (300) square feet, a new garage or carport conforming to the provisions regulating width and depth in subsection (v) of this section shall be required. If the property is developed with an existing two-car garage or carport, the existing garage or carport shall be maintained. In addition, compliance with the provisions regulating the number of required off-street parking spaces in subsection (i) and any front, side and rear yards as regulated by this article shall be required.

(vi) Garages or carports opening towards a side street shall be set back a minimum of twenty-two (22) feet from the property line.

(vii) In addition to the minimum number of off-street parking spaces required for each dwelling unit, additional off-street parking space(s) shall be required on the basis of dwelling unit size according to the following schedule:

Table 3-3 Additional Required Parking Spaces

Gross Unit Size (Sq. Ft.) (Exclusive of Garages)	Additional Number of Required Parking Spaces
4,000 – 5,499	1
5,500 – 7,000	2
7,001 – 8,000	3
8,001+	As per an approved CUP or maximum unit size exception

(viii) Said additional parking space(s) may, but need not be provided in a carport or garage. The minimum required dimensions for uncovered parking spaces shall be eight (8) feet by sixteen (16) feet.

(ix) Garages which are intended to accommodate four (4) or more cars shall not open to any public street, unless designed as a subterranean garage.

(x) A minimum unobstructed vehicular maneuvering distance of twenty-five (25) feet measured from the opening of the garage or carport shall be provided, except as otherwise permitted in this section.

Minor design modifications may be approved, due to the uniqueness of the property as determined by the planning director.

(2) Off-street parking standards for multi-family residential zones (Mf-8, MF-15, MF-20, and MF-45) **[EX. SECTION 26-506]**

(i) Condominiums:

a) Carports shall not be permitted.

b) There shall be two (2) parking spaces provided for each dwelling at a minimum size of ten (10) by twenty (20) feet per space. The required parking shall be provided in a garage or garages. Location of parking spaces shall be within sixty (60) feet of the dwelling unit.

c) Guest parking shall be provided one (1) space for every four (4) dwelling units. The spaces need not be enclosed. The guest parking shall be located within one hundred fifty (150) feet of the units and dispersed throughout the development.

(ii) In Multi-Family dwellings (non-condominium)

a) There shall be two (2) parking spaces provided for each dwelling unit, at least one (1) of which shall be enclosed on three (3) sides and roofed. An additional ten (10) percent of the required parking spaces shall be provided for guest parking, shall be labeled "Guest Parking Only," and shall be dispersed throughout the development. Covered and uncovered spaces shall be permanently maintained for required parking and guest parking spaces shall not be used for storage of boats, campers, or recreation vehicles.

b) Each covered parking space shall be at least ten (10) feet wide by twenty (20) feet long except individual garages shall be at least eleven (11) feet wide and twenty (20) feet long. Garage doors shall be at least ten (10) feet wide.

c) Parking areas shall be evenly distributed throughout the development and no dwelling unit shall be located more than two hundred (200) feet from its assigned parking area.

d) All covered spaces shall be enclosed on three (3) sides. However, if the spaces are built in combinations of two (2) or more, only the rear and the two (2) ends need be enclosed. Design and material shall be architecturally compatible with the main structures.

(iii) In Multi-Family dwellings (including condominiums):

a) Each uncovered space shall be at least nine (9) feet wide and twenty (20) feet long.

b) Covered or uncovered spaces, when adjacent to walls shall be at least eleven (11) feet wide, twelve (12) feet where the wall extends beyond the space. Three-car garages are exempt from this requirement.

c) No off-street parking shall be permitted within any front or side yard setback area when adjacent to a street.

d) Garages or carports (carports prohibited in MF-8 zone) may be located within the side or rear yard setbacks except when side or rear yards abut a public street. In no case, however, may a garage or carport be constructed within twenty (20) feet of any side or rear street or twenty-five (25) feet of any front street in MF-8, MF-15 or MF-20 zones and fifteen (15) feet from any street in MF-45 zone.

e) No carport or garage shall open directly upon a public street.

f) Required parking and guest parking shall be maintained permanently.

g) All parking areas shall conform to Planning Commission Resolution No. 2513.

26-91 Bicycle Parking Standards *NEW*

Bicycle Parking facilities shall be provided in the following manner:

(a) Number of spaces required.

Table 3-4 Bicycle Parking Spaces Required

Land Use	Short-term/Visitor Bicycle Parking	Long-Term Employee or Resident Bicycle Parking
Non-Residential	If the new project or an addition or alteration is anticipated to generate visitor traffic, provide 5 percent of new motorized vehicle parking spaces being added, with a minimum of 1 two-bike capacity rack.	For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking spaces for 5 percent of the tenant-occupant vehicular parking spaces, with a minimum of 1 bicycle parking space.
Emergency Shelters	1 space for each 5 beds.	

(b) Bicycle parking design. Bicycle parking areas shall be designed and provided in the following manner:

(1) Parking racks. Each bicycle parking space shall include a stationary parking device to adequately support the bicycle.

(2) Parking layout.

(i) Aisles. Access to *bicycle* parking spaces shall be at least four feet in width.

(ii) Storage Space Design.

a) Horizontal Storage. Each horizontal bicycle space shall be designed to maintain a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance.

b) Vertical Storage. Each vertical or wall-mounted bicycle space shall be designed to maintain a minimum of three feet six inches in length per space (this may overlap with tandem-mounted orientations) with a minimum of seven feet of floor to ceiling height.

(iii) Bicycle parking location.

a) Long-Term *Bicycle* Parking. *Bicycle* spaces shall be located on the ground floor or first level of a parking structure/garage of a building in a secured location (i.e within in-unit bike storage, indoor or outdoor bike lockers, exterior storage rooms) within proximity to the main entrance of the building and shall not interfere with pedestrian access. There shall be a minimum lighting level of one foot-candle for all outdoor bicycle racks.

b) Short-Term/Visitor *Bicycle* Parking. Visitor bicycle parking spaces shall be located in well-lit and convenient areas on private property within 50 feet of the main entrance to the building. There shall be a minimum lighting level of one foot-candle for all outdoor bicycle racks.

c) For existing buildings and changes of use where the Community Development Director or their designee determines existing site constraints prohibit locating short term *bicycle* parking on-site, the applicant may satisfy the requirement by paying the City an established cost of an appropriately sized *bicycle* rack for providing the short-term parking within the public right-of-way.

d) Security. Long-Term bicycle parking shall be secured as follows:

1) An enclosed locker for individual bicycles; or

2) An enclosed locked bicycle storage area with bicycle racks within; or

3) A rack or stand inside the ground floor of a building that is within view of an attendant or security guard.

(iv) Relationship to Motor Vehicle Parking. Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.

(v) Surfacing. The surface of bicycle parking areas shall be subject to approval of the Planning and Development Services Director.

(c) Signs. Where short-term bicycle parking areas are not clearly visible to approaching cyclists, signs shall be provided to indicate the locations of the facilities.

(d) Interior Parking Spaces. Square footage dedicated to interior bicycle parking shall not be included in the gross floor area for calculating the parking requirement.

(e) The Community Development Director or their designee may approve a modified bicycle parking plan that allows for changes to required location, layout, and number of spaces if a finding is made that special circumstances preclude full compliance with the bicycle parking requirements.

26-92 Reduction of Parking Requirements and Joint Use Parking [EX. SECTION 26-581]

The number of parking spaces specified for a new development and/or use is established in section 26-90. This section establishes alternatives to providing required on-site parking subject to specific requirements. These include in order of importance allowing for shared parking, providing parking off-site, or reductions in the overall required number of parking spaces.

(a) *Joint Use/shared parking.* To encourage efficient use of parking spaces and consistency with best design practices, the total parking requirements for conjunctive uses shall be based on the number of spaces adequate to meet various needs of the individual uses operating during the peak parking period.

(1) The Planning Commission may, upon application by the owner or lessee of any property for a conditional use permit as set forth in Article VI of this chapter, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

(i) Up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by a use considered to be primarily a nighttime and/or Sunday use; up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a nighttime use may be provided by a use considered to be primarily a daytime use, provided that such reciprocal parking area shall be subject to conditions as set forth in subparagraph (iv) below.

(ii) Up to one hundred (100) percent of the parking facilities required by this article for a church or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily daytime use, provided that such reciprocal parking area shall be subject to conditions set forth in subparagraph (iv) below.

(iii) The following are typical daytime uses: Banks, business and financial offices, manufacturing uses. The following uses are typical nighttime and/or Sunday uses: Auditoriums, incidental to a public or parochial school, churches, dance halls Restaurants, retail and theaters.

(iv) Conditions required for joint use:

a) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within three hundred (300) feet of such parking facilities.

b) The applicant shall show that there is no substantial conflict in the principal operating hours for the buildings or uses for which the joint use of off-street parking facilities is proposed.

c) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this chapter, shall be recorded in the office of the county recorder and copies thereof filed with the building, planning, and engineering divisions.

(2) *Conditional use permit for shared parking.* A conditional use permit may be approved for shared parking facilities service multiple uses on a site or serving more than one property. The use permit may allow for a reduction of the total number of spaces required by this article if the following findings are made:

(i) The peak hours of parking demand from all uses do not coincide so that peak demand will not be greater than the parking provided.

(ii) The efficiency of parking will equal or exceed the level that can be expected if parking for each use were provided separately.

(3) *Common facilities:* The planning commission may, upon application by the owner or lessee of any property for a conditional use permit as set forth in Article VI of this chapter, authorize common parking facilities. Common parking facilities shall include size, shape, and relationship to business sites to be served. Only calculated parking required may be reduced by up to the percentages provided below as approved by the planning commission.

(i) When any such common facility is to occupy a site of five thousand (5,000) square feet or more, then the parking requirements as specified herein for each of two (2) or more participating buildings or uses may be reduced not more than fifteen (15) percent.

(ii) When any such common facility is to occupy a site of seventy-five thousand (75,000) square feet or more, then the parking requirements as specified herein for each of two (2) or more participating buildings or uses may be reduced not more than twenty (20) percent.

(4) *Required improvement and maintenance of parking areas and used car sales areas:* Every lot or parcel of land used as a public or private parking area and having a capacity of five (5) or more vehicles, or car sales area, shall be developed and maintained in accordance with the requirements as established from time to time by resolution of the planning commission.

(5) *Comprehensive planned facilities (parking districts):* Areas may be exempted from the parking requirements as otherwise set up in this article, provided:

(i) Such area shall be accurately defined by the Planning Commission in the manner prescribed for conditional uses in Article VI of this chapter.

(ii) No such district may be established and exempted from the provisions of 26-90, unless sixty (60) percent or more of all record lots comprising such proposed district are devoted to uses first permitted in a Commercial or Manufacturing Zone.

(iii) Before such defined district shall be exempt as provided in this section, active proceedings under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities which will reasonably serve the entire district.

(6) M*ultiple story parking:* Multiple story parking shall be permitted within an above-grade or underground structure, or combination thereof.

(7) *Parking or storage of commercial vehicles restricted:* It shall be unlawful to park any commercial vehicle on property which is zoned for commercial purposes except in a space which is reserved for that purpose in the parking facility required to be maintained in connection with such commercial use.

(8) *Shared parking agreement.* A written agreement between the landowners, and in some cases the City, that runs with the land shall be filed, in a form satisfactory to the Community Development Director and include:

(i) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking without application for approval of an amended use permit.

(ii) A reciprocal grant of nonexclusive license among the business operator(s) and landowner(s) for access to and use of the shared parking facilities.

(iii) Prior to the issuance of any certificates of occupancy, evidence that the agreement has been recorded at the County Assessor's Office shall be provided to the Planning Department.

(b) *Mixed- use parking.* All mixed-use projects shall include a parking study prepared by a qualified traffic or parking consultant. The study shall demonstrate how the proposed land uses utilize the parking spaces that are required by section 26-80. Parking studies are subject to review and acceptance by the Community Development Director.

(1) The parking study shall include a discussion of the following options or a reduction of required parking, including but not limited to:

(i) Shared parking that may be provided in accordance with 26-92(a).

(ii) State density bonus that may be provided in accordance with Article 4, Division 3.

(iii) Tandem parking that may be counted toward the required parking calculation.

(2) The parking study shall include a parking management plan, that the City require the developer, management and/or owner of the developments to implement, which shall contain the following provisions including, but not limited to:

(i) Periodic evaluation of the parking management plan to ensure that it continues to address any parking issues on and of site and that on and off-site conditions are consistent with the analysis of the parking study;

(ii) Monitoring with periodic inspections by the property owner, property owners' association, or property management to ensure that all parking areas are used exclusively for that purpose. These inspections may occur jointly with the City at the discretion of the City;

(iii) Prohibition of non-vehicle related storage in a garage and measured to ensure that such storage only occurs within the dwelling unit associated with the garage unless restricted by the property owner. Measures to prevent storage in a garage include restrictions in the tenant lease, periodic inspections, and windows on garage to facilitate visual inspection;

(iv) Property owner, property owners' association, or property management enforcing a limitation on the number of vehicles per dwelling unit;

(v) Day(s) and time(s) of restrictions on the use of guest parking;

(vi) Creation of parking permit district off site and permit parking programs on site by the property owner, property owners' association, or property management; and

(vii) Alternative solutions for physically providing parking spaces on site including converting single-stall spaces to tandem spaces, installing parking lifts, methods to prevent parking spaces by nonresidents of the development, and shuttles or valet services catering to users within the development.

(c) Off-site parking. Where on-site parking for a new development or use is not feasible or practical, off-premises parking may be provide subject to the standards established in this section. All distances specified shall be between the nearest property line of such parking facilities to the nearest property line of the site of the development/use being served.

(1) Pedestrian access between the site, where the development or uses is proposed, and the off-premise parking area shall have the following features:

(i) A paved sidewalk or walkway connecting the new developments or uses with the shared parking area;

(ii) Pedestrian-oriented lighting that illuminates the entire length of the sidewalk or walkways; and

(iii) Trees and/or shade structures along the entire length of the sidewalk or walkways.

(2) The developer, management, and/or property owner of the developments or use requesting off-site parking shall be responsible for the financing, construction, and maintenance of the above-referenced features.

(3) The project developer and/or property owner of the site shall provide a recorded parking agreement describing the intended users of the off-site parking, and the arrangement with the owner of the off-site parking area in accordance with 26-92(a).

(4) If the off-site parking facility is shared, the community development director may allow a reduction in the following manner:

(i) The reduction in the number of required parking spaces shall be based on a parking demand study. The parking demand study shall be in accordance with established professional practices and prepared by a qualified traffic engineer or parking consultant.

(ii) The shared parking agreement shall require a recorded covenant that runs with the land, defining the location of the shared parking area in accordance with section 26-92(a)

(5) The required parking may be provided in an off-street parking facility on another property located within six hundred (600) feet of the site proposed for the development or use.

(6) Off-site parking facilities for non-residential use shall not be located within a residential zone.

(7) Off-site parking facilities for residential use may be located within a non-residential use.

26-93 Parking Facility Design Standards

Prior to the issuance of a building permit for any parking facility, or any project including parking facilities, the review authority shall review and approve each such facility or project so that the proposed parking facility is designed and constructed to conform with the following standards.

(a) Location of parking facilities.

(1) Required off-street parking shall be located on the same parcel as the uses served, except with the approval of a conditional use permit for shared parking pursuant to Section 26-92(a)(2).

(b) Access to parking facilities and parking spaces.

(1) *Access to parking lots.* Parking facilities shall be designed to prevent vehicle access at any point other than at designated driveway entrances.

(2) *Internal circulation.* Parking facilities shall provide suitable maneuvering so that vehicles enter the street in a forward direction, except for lots with four or fewer residential units. Non-residential parking facilities shall also provide a queueing area between the street and the first point where vehicles may maneuver within the parking facility. A minimum of fifteen (15) feet clearance behind the sidewalk to the first parking space shall be provided at all driveway entrances. If there is no sidewalk, a minimum of twenty-five (25') feet to the face of the curb shall be provided.

(3) *Access to adjacent sites.* For non-residential uses, shared vehicle and pedestrian access to adjacent non-residential properties is required to the maximum extent feasible for convenience, safety and efficient circulation. A joint access agreement guaranteeing the continued availability of shared access between the properties and running with the land shall be recorded by the owners of the abutting properties, as approved by the Community Development Director.

(c) Parking space and facility dimensions.

(1) Covered spaces in residential uses. Parking spaces within garages and carports shall have a minimum dimension of nine (9') feet in width by eighteen (18') feet in length or eight and one-half (8'-$\frac{1}{2}$") by eighteen (18') in length, clear of any obstructions.

(2) Covered or uncovered spaces, when adjacent to walls shall be at least eleven (11) feet wide, twelve (12) feet where the wall extends beyond the space. Three-car garages are exempt from this requirement.

(3) *All other parking spaces.* Minimum parking space dimensions shall be as follows, except as shown in Table 3-4 below and Figure 3-6:

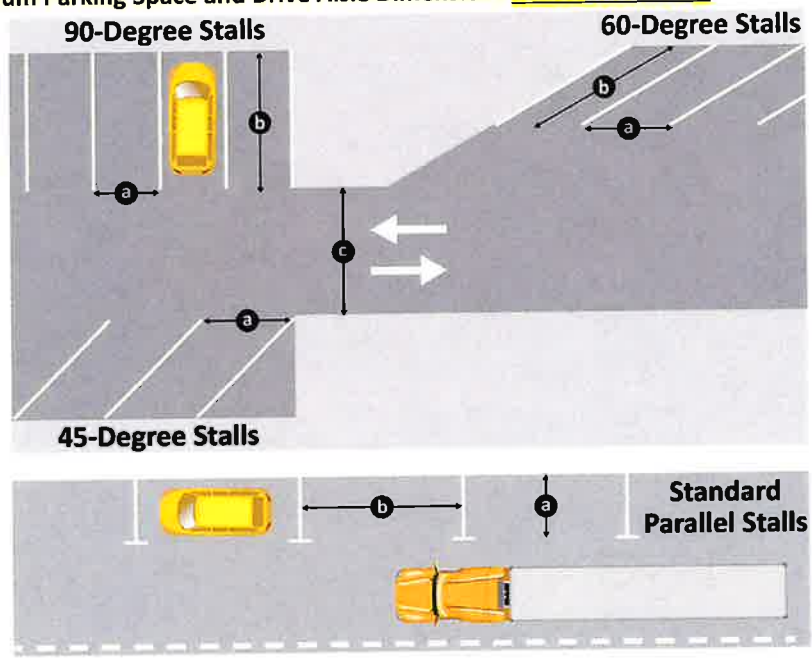
Table 3-5 Minimum Parking Space and Drive Aisle Dimensions [TABLE IS NEW, CONTENT IS EXISTING]

Parking Space Type	Minimum Parking Stall Dimensions		Minimum Width for Drive Aisle with Parking(c)		Minimum Drive Aisles Width for Emergency Access(c)
	Width(a)	Length(b)	One-way	Two-way	
Standard Parallel	9ft	18 ft	12 ft.	21 ft.	20 ft.
Standard 45-degree	12.73 ft.	19.09 ft	13.5 ft.	22 ft.	20 ft.
Standard 60-degree	10.39 ft.	20.09 ft	18.75 ft.	22 ft.	20 ft.
Standard 90-degree	9ft	18 ft	25 ft.	25 ft.	20 ft.
Compact	8 ft.	16 ft	20 ft.	20 ft.	20 ft.

[1] Where parking stalls abut each other such that they may create vehicular movement conflicts, the minimum stall width shall be determined by the City.

[2] Accessible spaces shall be designed consistent with California Building Code requirements

Figure 3-6 Minimum Parking Space and Drive Aisle Dimensions *NEW DIAGRAM*



26-94 Off-Street Loading Requirements *NEW*

The purpose of off-street loading requirements is to provide the number, size, location, and screening requirements for loading areas in various types of developments and uses. The intent of these regulations is to minimize disruptions of traffic flow and vehicular and pedestrian conflicts through adequate sizing and siting of these facilities.

(a) *Loading areas for goods and materials.* The following requirements shall apply to loading areas for goods and materials.

(1) Loading regulations shall apply to all industrial, commercial, office and similar land uses. Buildings or tenant spaces smaller than ten thousand (10,000) square feet in size are exempt from the requirements of this section.

(2) *General loading area requirements.* The number of required loading areas is based on the use of the building and the building size, subtracted by the area of any residential component, as described in Table 3-4, below. Where two (2) or more uses are located on the same lot, the number of loading area spaces required is the sum of the spaces required for each use.

Table 3-6 Required Minimum Loading Spaces

Land Use	Loading Spaces Required
Commercial Uses	1 space for the first 10,000 square feet and 1 space for each additional 35,000 square feet.
Industrial Uses	1 space for the first 10,000 square feet and one space for each additional 20,000 square feet.
Office and Similar Uses	1 space for each building 10,000 square feet or more.

(3) Loading area standards.

(i) The loading space(s) required by this section may be construed as either a dock (where a trick back up directly into a building or platform and goods may be unloaded from the floor of the truck to the floor of the building or platform without the use of a ramp or lift gate) or a designated loading area such as a paved area (with appropriate striping and/or signage), as appropriate for the use and development, subject to the approval of the review authority.

(ii) Loading spaces for all uses shall be at least ten (10') feet in width and thirty-five (35') in length, with fourteen (14') feet of vertical distance, except for office uses, where loading spaces shall be at least ten (10') in width and twenty-five (25') in length.

(iii) Loading areas shall comply with the applicable screening standards provided in Division 4 of this article.

(iv) Loading and maneuvering areas shall be hard surfaced unless a permeable surface is required to reduce surface runoff, as determined by the City.

(v) Parking of passenger vehicles may be allowed in off street loading areas subject to specific time limits to prevent conflicts with off street loading activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count toward meeting parking requirements for the associated use.

(b) *Passenger loading areas.* Public parking areas for development projects consisting of 25,000 square feet or more or shall designate a passenger loading area or areas for embarking and disembarking from ridesharing vehicles. Passenger loading areas shall be located at the point(s) of primary pedestrian access from the parking area to the adjacent building, or buildings, and shall be designed in such a manner that vehicles waiting in line to the loading area do not impede vehicular circulation in the parking area. The passenger loading areas shall be designed as a turnout and shall be large enough to accommodate the number of waiting vehicles equivalent to one-half (0.5%) percent of the required parking for the project. This requirement may also be applied to alternative parking design such as the creation of passenger loading spaces. Parking spaces included within a proposed passenger loading areas shall count toward the requirement parking for the project.

DIVISION 7 TRANSPORTATION AND AIR QUALITY CONTROL MEASURES [EX. DIVISION 2 OF ARTICLE XIV]

26-95 Purpose

(a) The purpose of this section is to adopt and implement a land use analysis program to ensure that the City, in addition to examining and mitigating transportation impacts on the local street network, considers the regional transportation impact of new development through the land use approval process. Integrated with CEQA, this program is designed to provide a consistent, countywide methodology, to determine the impact of new development on the CMP roadway system. It is the intent of this program to promote increased coordination between jurisdictions, transit providers, local decision makers and interested parties, and thereby enhancing countywide mobility and improving air quality.

26-96 Applicability

(a) *Applicability of requirements.* All development projects required to prepare an environmental impact report (EIR) based on the City's determination, will be subject to the land use analysis program. In addition to the procedural guidelines already established by CEQA, traffic and transit impacts shall be assessed using the "Transportation Impact Analysis" methods contained in the Los Angeles County Congestion Management Program and/or Planning Commission Resolution No. 1-93-4135.

26-97 Transportation demand management ordinance.

(a) The purpose of this section is to adopt and implement a trip reduction and travel demand management ordinance that promotes alternative transportation methods, such as carpools, vanpools, transit, bicycles, walking and park-and-ride lots, improvement in the balance between jobs and housing, and other strategies, including flexible work hours, telecommuting and parking management programs, as necessary to meet congestion and air quality goals.

(b) Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a local determination, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted with. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of this division shall be exempted from its provisions. The "Transit Impact Review Worksheet", contained in the Los Angeles County Congestion Management Program Manual, or Planning Commission Resolution No. 1-93-4135, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIR's and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR.

(c) Transportation demand and trip reduction measures.

(1) *Applicability of requirements.* Prior to approval of any development project, the applicant shall make provisions for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.

(2) Development standards.

(i) Nonresidential development of twenty-five thousand (25,000) square feet or more shall provide the following to the satisfaction of the City:

a) A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

1) Current maps, routes and schedules for public transit routes serving the site;

2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

3) Ridesharing promotional material supplied by commuter-oriented organizations;

4) Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

5) A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

(ii) Nonresidential development of fifty thousand (50,000) square feet or more shall comply with subsection (c)(2)(i). above and shall provide all of the following measures to the satisfaction of the City:

a) Not less than ten (10) percent of employee parking area, shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of the City. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one (1) space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet will be signed/striped for carpool/vanpool vehicles.

b) Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven (7) feet two (2) inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas. Compliance with this minimum vertical clearance standard is not intended to relieve the duty or obligation that may be imposed with any requirements or provisions of the Americans with Disabilities Act or Title 24, State of California Energy/Insulation Regulations and Handicapped Persons Standards.

c) Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one (1) bicycle per each additional fifty thousand (50,000) square feet of non-residential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. These standards are intended to exceed the minimum bicycle parking and loading standards set forth in Article III, Division 6. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the City.

(iii) Nonresidential development of one hundred thousand (100,000) square feet or more shall comply with subsections (c)(2)(i). and (c)(2)(ii). above, and shall provide all of the following measures to the satisfaction of the City:

a) A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.

b) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

c) If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops.

d) Safe and convenient access from the external system to bicycle parking facilities on-site.

(d) *Transportation demand and trip reduction measures monitoring.* All development projects for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA), and for which all applicable demand management and trip reduction

measures are required per this division, shall comply with the mitigation monitoring program and enforcement of mitigation measures as established within Section 9 of the City's CEQA Resolution as adopted and amended.

(e) *Transportation demand and trip reduction measures enforcement.* No person shall violate or fail to comply with any or all of the applicable demand management and trip reduction measures, as required per this division and as enforceable as conditions of approval of the conditional use permit, precise plan or other discretionary approval(s) for the project. Should the developer, or responsible or trustee agency, violate or fail to comply with this division, and applicable conditions of approval, all permits including, but not limited to, the certificate of occupancy and/or business license, conditional use permits, precise plans or other discretionary approvals for the project may be revoked by the City. Furthermore, any such violation or failure to comply with any or all of this division may result in the revocation of the certificate of occupancy and/or business license.

Table 3-7 CMP TDM Ordinance Requirements

	New Non-residential Development		
TDM Requirements	**25,000+ Square Feet**	**50,000+ Square Feet**	**100,000+ Square Feet**
Transportation Information Area	*	*	*
Preferential Carpool/Vanpool Parking		*	*
Parking Designed to Admit Vanpools		*	*
Bicycle Parking		*	*
Carpool/Vanpool Loading Zones			*
Efficient Pedestrian Access			*
Bus Stop Improvements			*
Safe Bike Access from Street to Bike Parking			*
Transit Review	For all residential and nonresidential projects subject to EIR.		

DIVISION 8 SIGN REGULATIONS [EX. ARTICLE VII]

26-98 Purpose and Applicability [REPLACES AND SIMPLIFIES EX. SECTIONS 26-301 AND 26-302]

(a) This division provides standards for the regulation of the location, size, type, illumination, and number of signs with the goal of enhancing the visual appearance of the City.

(b) The requirements and development standards set forth in this division shall apply to all zones in the City. Sign authorized by this division shall only be allowed in that zone unless otherwise expressly provided in this division.

26-99 Sign Permit Required [COMBINED AND CONSOLIDATED EX. SECTIONS 26-323, 26-324, 26-325, 26-326, AND 26-339]

No sign, including temporary signs, shall be installed, constructed or altered unless a sign permit, administrative sign permit, or a sign program approval has first been obtained in compliance with this section, or the sign is allowed without a sign permit approval pursuant to section 26-99, below. A building permit may be required prior to the installation, construction or alteration of a sign. Following the approval of a proposed sign or sign program, each sign installed and maintained shall comply with the requirements of the sign permit and/or sign program.

(a) *Sign permit application*. An application for a sign permit shall be prepared, filed, and processed, in compliance with the requirements of Article VI. The application shall include architectural elevations and plans of all proposed signs. The signs on the plans shall be dimensioned, drawn to scale, and include illustrations of copy, colors, and materials. The plans submitted shall also include the location of each proposed sign on any structure(s) at the site.

(b) *Sign permit review authority*. The Community Development Director or their designee shall review all sign permit applications. A sign permit (SP) shall be considered ministerial and reviewed the same way as a zoning clearance. An administrative sign review (ASR) and/or a sign program shall be considered discretional and shall be processed as specified within subsections (c) through (e) below. The review authority may require conditions of approval as reasonably necessary to achieve the purposes of this division.

(c) *Sign Programs.* A sign program shall be required for commercial office, business park, or complexes that include ~~two (2)~~three (3) or more enclosed tenant spaces., multiple buildings or in non-residential developments where the individual tenant spaces are not adjacent to the proposed individual tenant signs. Sign programs requiring the coordination of signs on the same site shall be required for sites with two (2) or more enclosed tenant spaces. Developed sites shall comply with this section upon requests for either new signs through sign administrative review or sign exception review or for building design remodel requests through precise plan revision or planning director's modification. This may include, but not be limited to adding building square footage, separation of one (1) tenant unit into two (2), or a change of the exterior architectural color, style, or design. Sign programs for other developments may include shopping centers, industrial complexes, establishments with drive-throughs or business parks where the sign locations are located on any individual tenant spaces are optional at the discretion of the property owner. A sign program may also be proposed to provide identity and directional signage for a neighborhood or district recognized by the City. Sign programs shall be reviewed and approved by the Community Development Director or their designee, or elevated to the appropriate review authority, at the discretion of the Community Development Director or their designee.

(1) The purposes of the sign program is to establish signage for all tenants and users of a complex, shopping center of neighborhood or district. An approved sign program shall set forth standards for all signs within the complex, shopping center, building, neighborhood, or district.

(2) A sign program shall comply with the provisions set forth in this Division. A sign program may be more restrictive than the criteria in this section and the sign program shall set forth standards regulating the size, number, location and types of signage permitted.

(d) *Findings for approval.* The approval of an administrative sign review or sign program shall require that the review authority make all of the following findings:

(1) The proposed signs do not exceed the standards set forth in sections Article III, Division 8, and are of the minimum size and height necessary to identify the site from a sufficient distance for the purposes of conveniently and safety accessing the site;

(2) The size, location and design of the proposed signs are compatible and complementary with the scale and architecture of the primary structures and any prominent natural features on the site and for any adjacent properties along the same street; and

(3) The proposed signs are in conformance with any applicable design criteria in the City's design guidelines.

(e) *Approval period, expiration, and time extension of sign permits.* A sign permit approval shall expire one (1) year from the date of issuance unless the sign has been installed within the period.

(1) Prior to the expiration of a sign permit, the applicant may apply and request to the Community Development Director or their designee, an extension of up to one additional year.

(2) A sign permit shall become null and void if circumstances occurring prior to the installation of the sign change significantly and such changes would not conform to the requirements of this Division.

26-100 Exempt Signs [COMBINED AND CONSOLIDATED EX. SECTIONS 26-311, 26-314, AND 26-322]

The following signs are allowed in all districts and exempt from the requirements of a sign permit provided the sign is not illuminated and does not create a public nuisance and are not located in a public right-of-way. The area of the signs listed in this section shall not be included in the calculation of the maximum total sign area per parcel as set forth in section 26-102.

(a) One (1) temporary noncommercial sign per parcel not exceeding seven (7) ~~32~~ square feet in area, and not posted for longer than thirty (30) days within a one (1) year period.

(b) Official traffic signs or other state, federal, county or local government signs, legal notices, advertisements prescribed by law and placed by governmental entities, and signs indicating utility lines or any notice posted by a government agency.

(c) Directional, warning, or information signs required or authorized, or by federal, state, county, or local government agencies including, but not limited to, traffic control signs, highway route identification signs and construction zone signs.

(d) Street address signs conforming to the City-adopted building and/or fire codes or applicable regulations of the City's Municipal Code.

(e) Signs prohibiting trespassing or providing property security warnings (e.g. alarm, guard dogs, camera)

(f) Election season signs and posters subject to the following conditions:

(1) No sign shall be erected earlier than sixty (60) days prior to the start of the closest future election date and each sign shall be removed within ten (10) days after that election.

(2) No such sign shall be more than sixteen (16) square feet in area. There shall be no more than four (4) signs per parcel and property owner permission shall be obtained prior to the installation of said signs.

(3) Freestanding signs shall be no more than six (6) feet in height.

(4) No sign shall be placed within the public right-of-way or on public property.

(5) No such sign shall be placed on the roof of any structure.

(g) Temporary on-site real estate signs subject to the following conditions:

(1) Real estate signs located within any residential zone shall not exceed six (6) square feet in area, and such signs within commercial, industrial, or mixed-use zoning districts shall not exceed sixteen (16) square feet in area.

(2) Freestanding real estate signs shall not exceed six (6) feet in height.

(3) A maximum of one (1) real estate sign shall be displayed per street frontage.

(4) All real estate signs shall be removed no later than fifteen (15) days after the closing of the transaction proposed by the sign.

(h) Temporary off-site real estate signs advertising an open house for a home sale or special leasing event. Such signs shall be no larger than two (2) square feet, and shall be removed each evening after the close of the open house or when the leasing center closes.

(i) Any window signs located in non-residential zones, provided that the aggregate sign area does not exceed fifty (50) percent of the area of any single window (or as otherwise required by this Development Code) to maintain reasonable visibility into the business for security purposes.

(j) Murals that are non-commercial in nature are allowed on mixed-use and non-residential buildings provided property owner and City approval, subject to the requirements set forth in Chapter 17, Article II (Art in Public Places) have been obtained. The area of the mural shall not count toward any total sign area allowed for the site or building. Any mural displaying an advertisement or commercial message shall be regulated by any applicable standards set forth in Article III, Division 8.

(k) Temporary and permanent address signs and numbers within commercial, industrial, mixed-use and multi-family zoning districts shall not exceed six (6) square feet in area, unless additional area is required by the City-adopted building and/or fire codes.

(l) Temporary garage, estate or yard sale signs advertising the day sale of items shall be limited to a maximum of (1) sign not exceeding (6) square feet in area. The sign shall not be displayed for a period longer than one (1) day within a (1) year period. The sign shall not be displayed or posted within the public right-of-way.

(m) Temporary Construction Signs. One (1) temporary sign per construction site which identifies the developer, designers, and contractors, up to 32 square feet in area. This sign shall be removed once construction activities have ceased.

(n) Tract grand opening or new leasing center signs. One ground-mounted sign per street frontage (maximum of two per site) that provide sale and/or leasing information is permitted up to 12 square feet per sign panel with a maximum character height of 8 inches. The leasing sign structure may have a maximum height of 10 feet. These signs shall be separated by a minimum of 100 feet, unless if they are separated by a driveway/road. No illumination is permitted for this sign type. Wood, steel, and pre-punched galvanized U-posts are not acceptable. No balloons, streamers, or other temporary attachments are permitted.

26-101 Prohibited Signs and Locations [EX. SECTION 26-312]

(a) The following signs are prohibited except as provided in Article V, Division 3, Nonconforming Signs and 26-104, Temporary Signs:

(1) Any sign erected or maintained without the consent of the owner of the land upon which the sign is situated.

(2) Any sign erected upon over public property, other than the signs installed by state, County or City agencies.

(3) Flashing, moving or otherwise animated elements or any revolving signs.

(4) Projecting signs that project within the public right-of-way or private street or have a vertical clearance of less than nine (9) feet from the sidewalk.

(5) Abandoned signs which advertise goods and/or services which have not been available for a period of ninety (90) or more days.

(6) Any A-frame sign, or ground sign temporarily supported by poles or braces places upon the ground, or any other sign propped against a vehicle or object in a parking lot or public right-of-way unless permitted under section 26-104 below.

(7) Bench signs located at bus stops, excluding any authorized bus stop signage.

(8) Roof signs or any sign proposed above a roof line that is not architecturally integrated within the structure of the roof unless approved as a Creative Sign as part of a Sign Program (see section 26-99).

(9) Any sign containing harmful matter as defined by Chapter 15 of the West Covina Municipal Code.

(10) All banner signs, wind signs, balloons, and tube signs of a commercial nature except those permitted as temporary signs, under section 26-104.

(11) All inflatable signs and sign designated to be flown, including balloons, strings of balloons, kites or atrial signs, that are made of an electrically conductive material.

(12) Signs which create sound.

(13) Any sign greater than six (6) square feet on property located within a residential zone, except as otherwise provided by this Development Code.

(14) Painted wall signs.

(15) Off-site commercial signs.

26-102 Signs Allowed by Zoning District and Use

Each sign shall comply with the sign standards set forth by this section, unless otherwise provided in this division.

(a) *Residential zoning districts*. Each sign in a residential zoning district established by Article II of this Development Code shall comply with the following requirements:

Table 3-8 Sign Standards for Residential Zoning Districts

Sign Type Allowed	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
Wall or freestanding	Wall Sign: Below roof edge; Freestanding: 6 feet.	1 of either sign type allowed pr entrance or street frontage.	32 square feet maximum; or 64 square feet total for all signage.

(b) Commercial, Mixed-Use, and Industrial Zoning District Sign Standards. Each sign in a commercial, mixed-use or industrial zoning district shall comply with the requirements set forth in Table 3-9 below, and to all applicable standards set forth in this Division.

Table 3-9 Sign Standards for Commercial and other non-office sites (on-site noncommercial signs included)

Sign Type Allowed	Maximum Sign Height and Location	Maximum Number of Signs Allowed per Business/Tenant	Maximum Sign Area Allowed per Parcel
Awning[1]	Below the edge of roof or parapet[2], or other appropriate location as approved by the Community Development Director or their designee.	Sites with a single tenant or building: 3 of any combination of allowed sign types per business. Sites with multiple buildings or four (4) or more tenants: 1 sign type allowed per business frontage.	Sites with a single tenant or building: 1 square foot in area for each linear footage on the primary building or business frontage. Sites with multiple building frontages: 1 square foot for each linear foot of primary frontage plus an additional .5 square foot for each linear foot of secondary frontage. The total area of signs on a single building frontage shall not exceed the total linear feet of that frontage. At least 10 square feet, but no more than 100 square foot of total sign area are allowed for each business.
Projecting or wall sign	Below the edge of the roof or below the top of parapet[2], or other appropriate location as approved by the Community Development Director or their designee.		
Suspended	Below the canopy or eave; a minimum of 8 feet above any pedestrian walkway.		
Freestanding	6.0 ft. in height; a minimum of 5 ft. behind sidewalk or parcel line, whichever is greater.	Only 1 free standing sign per street entrance is allowed. Sites with multiple tenants shall include all tenants on 1 free standing sign.	
Window	Refer to sections 26-101, 26-102 and 26-104.		
Temporary signs			

[1] Signs Limited to ground level and second story; awnings shall not be internally illuminated; direct exterior lighting may be allowed.

[2] Signs shall be placed at least one (1) foot below the top of the parapet and/ or the lowest point of any cornice or roof overhang.

[3] A painted sign may be proposed in lieu of a wall sign. All painted wall signs are considered a Creative Sign and subject to the criteria in Section 26-103.

(c) Office and institutional uses (e.g. religious facilities). Each sign in an office or institutional zone shall comply with the requirements set forth in Table 3-10 below, and to the requirements set forth in section 26-100, and to all applicable standards set forth in this Division.

Table 3-10 Sign Standards for Events on Commercial Sites Requiring a Special Event Permit

Sign Type Allowed	Maximum Sign Height and location	Maximum Number of Signs allowed per Business/Tenant	Maximum Sign Area Allowed per Parcel
Awning[1]	Below the edge of roof or parapet[2], or other appropriate location as approved by the Community Development Director or their designee.	Sites with a single tenant or building: One (1) per wall facing a street or parking lot Sites with multiple buildings or four (4) or more tenants: One (1) per wall facing a street or parking lot.	Sites with a single tenant or building: 1 square foot in area for each linear footage on the primary building or business frontage. Sites with multiple building frontages: 1 square foot for each linear foot of primary frontage plus an additional 0.5 square foot for each linear foot of secondary frontage. The total area of signs on a single building frontage shall not exceed the total linear feet of that frontage. At least 10 square feet, but no more than 100 square foot of total sign area are allowed for each business.
Projecting or wall sign	Below the edge of the roof or below the top of parapet[2], or other appropriate location as approved by the Community Development Director or their designee.		
Suspended	Below the canopy or eave; a minimum of 8 feet above any pedestrian walkway.		
Freestanding Manual or electronic reader board Signs[3]	6.0 ft. in height; a minimum of 5 ft. behind sidewalk or parcel line, whichever is greater.	Only one (1) sign per street entrance is allowed. Sites with multiple tenants shall include all tenants on one (1) free standing sign.	
Window Temporary signs	Refer to sections 26-101, 26-102 and 26-104.		

[1] Signs Limited to ground level and second story; awnings shall not be internally illuminated; direct exterior lighting may be allowed.
[2] Signs shall be placed at least one (1) foot below the top of the parapet and/ or the lowest point of any cornice or roof overhang.
[3] Manual or electronic readerboard signs shall only be allowed for schools or religious uses.

26-103 Sign Development Standards and Regulations *NEW*

(a) The standards set forth in this section shall be utilized for advertising displays and signs and shall not apply to the design of temporary signs.

(1) *Sign height measurement.* The height of a proposed sign shall be measured from the upper most portion of the sign used in determining the area of the sign to the base of the sign of the sign to the nearest base of the adjacent on-site building, or the nearest curb of the public street, whichever is closest to the location of the sign.

(2) *Measurement of sign area.* any supporting structures including sign bases and columns shall not be included in the calculation of sign area. Sign area shall include the entire area within a single continuous perimeter composed of up to four (4) triangles, squares, or rectangles that enclose the extreme limits of all sign elements, including borders, written copy, logos, symbols, illustrations and color.

(3) *Sign illumination.* The following standards shall apply to all illuminated signs:

(i) Signs may be internally or externally lit, however any illumination shall spill onto adjacent properties, nor create a public nuisance or public safety hazards. Any exterior lighting sources shall be shielded from view and directed to illuminate only the sign face.

(ii) The line of sight from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will negatively impact residential properties in a direct line of sight to the sign.

(iii) Any lights illuminating signs shall not flash, blink, flitter, nor include intermittent or chasing lights, or any illumination that is in motion or appears to be in motion.

(iv) Colored lights shall not be used in a manner that may be confused or construed as traffic control devices.

(4) *Sign Maintenance.* Signs and any supporting hardware shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts, supporting frames, and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.

(5) *Design and Style.* Any proposed sign shall be designed to be compatible with and relate to the architectural style of the main structure(s) of the site where the sign will be located. Signs located on commercial sites near residential areas shall be unobtrusive and compatible with adjacent residential areas. Any new can or cabinet signs are prohibited, with the exception of nationally recognized logos. New wall signs shall be individual channel letters with a minimum depth of two (2) inches.

(b) To allow for innovative, imaginative, and a variety of signage that would positively contribute to the aesthetics of the City, a Creative Sign may be proposed as part of a Sign Program. Murals that advertise the business is an example of creative signage.

(1) *Applicability.* An applicant may propose a Creative Sign in order to request approval of development standards that differ from the provisions of this chapter (except as indicated herein), but comply with the purpose and findings of this section. However, a Creative Sign may not be any of the prohibited sign types identified in Section 26-101.

(2) *Application.* All Creative Signs shall be processed pursuant to a Sign Program.

(3) *Approval Authority.* The Planning Commission shall review all creative signs.

(4) Standards.

(i) Creative Signs are only permitted within non-residential and mixed-use zones.

(ii) Creative Signs shall not encroach into the public right-of-way unless an Encroachment Permit is approved by the City Engineer or their designee.

(iii) Creative Signs shall comply with the height limit of the zone.

(5) *Findings.* The Planning Commission shall not approve a Creative Sign unless the proposed sign meets the following design criteria:

(i) *Design quality.* The sign shall:

a) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;

b) Be of unique design, and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and

c) Provide strong graphic character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.

(ii) Contextual criteria. The sign shall contain at least one (1) of the following elements:

a) Classic historic design style

b) Creative image reflecting current or historic character of the City; or

c) Inventive representation of the logo, name, or use of the structure or business.

(iii) Architectural criteria. The sign shall:

a) Utilize or enhance the architectural elements of the building; and

b) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.

(iv) *Impacts on surrounding uses.* The sign shall be located and designed not to cause light and glare impacts on surrounding uses, especially residential uses.

26-104 Temporary Banner Signs [*NEW* was previously year-round banner]

All temporary building mounted banner signs shall comply with the standards provided in this section. A temporary sign permit shall be obtained from the Community Development Department prior to the display of a temporary sign, unless specified in section 26-104. The purpose of this section is to provide standards to prevent temporary signs from creating a distraction for the traveling public by limiting the proliferation of temporary signs and eliminating aesthetic blight that is detrimental to public health, safety and general welfare.

(a) Standards for temporary banners. Temporary banners are allowed in non-residential zones subject to the following standards:

(1) A business may be granted a temporary banner permit to display an on-site temporary banner for a maximum of ninety (90) days within one (1) calendar year. This can be accrued in multiple or consecutive days up to ninety (90) days.

(2) *Number of temporary banner signs allowed.* The maximum number of temporary banner signs that may be displayed at the same time is subject to the applicable requirements of this section.

(3) *Sign area calculation.* The number and area of temporary banner signs shall not be included in the calculation of aggregate permanent sign area allowed.

(4) *Materials and maintenance.* Temporary banners shall be made of durable, weather-resistant materials.

(5) *Removal of temporary banners.* All components shall be removed at the expiration of the temporary banner permit.

(b) Temporary banner sign standards.

(1) Sign Area.

(i) Total temporary banner signs for a single business on a single parcel shall not exceed a total aggregate area of more than one square foot per linear foot of building frontage on a public street and shall not exceed a total aggregate area of thirty-two (32) square feet.

(ii) Individual tenants or buildings with less than twenty-four (24) lineal feet of building frontage may be allowed 24 square feet.

(iii) Individual tenants within a shopping center may be allowed a total aggregate area of one (1) square foot per lineal foot of store frontage at the main entrance and shall not exceed twenty-four (24) square feet of total sign area.

(iv) Only one (1) temporary sign shall be allowed for each individual business.

(v) In no case shall a temporary sign obstruct an adjacent or permanent sign.

(vi) Temporary banner signs shall be placed only upon the site in which they are intended to advertise and shall only be mounted on the building. Off-site temporary banner signs shall not be allowed.

26-105 Appeals and Violations *NEW*

(a) After denial of an application for an administrative sign permit or a sign program, the applicant may appeal that action in compliance with Article VI.

(b) *Public nuisance declared by community development director.* Any sign erected or maintained contrary to the provisions of this division may be declared to be a public nuisance by the community development director and proceedings for its removal may take place in compliance with the Development Code.

(c) *Public nuisance decaled by the City Council.* The director may ask the council to declare a sign a public nuisance under the following conditions:

(1) The sign is significantly damaged either in support structure or sign face, as determined by the building official;

(2) The sign is illegible either through fading, rusting, or erosion of the sign face or through faulty or missing illumination; or

(3) The sign is unsafe for vehicles or pedestrians.

26-106 Severability

The provisions of this division are declared to be separate and *severable*. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this division, or the validity of its application to other persons or circumstances.

ARTICLE IV. STANDARDS FOR SPECIFIC LAND USES

DIVISION 1 STANDARDS FOR SPECIFIC LAND USES [EX. ARTICLE XII]

26-107 Purpose and Applicability

The purpose of this Article is to set forth the procedure, criteria, and standards applicable to unique or unusual land uses which require special regulation. These regulations are established to insure the compatibility of such uses with the surrounding land uses. Please refer to Article III, Division 6 for parking requirements and regulations.

26-108 Adult-Oriented Business [EX. DIVISION 20 OF ARTICLE XII]

The purpose of this subsection is to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods that can be brought about by the concentration of adult-oriented businesses near each other or proximity to other incompatible uses such as schools for minors, places of worship, and residentially zoned districts.

It has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described herein can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Division to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their proximity to incompatible uses, while permitting the location of such businesses in appropriate areas.

By the adoption of this section, the City Council does not intend to condone or legitimize the distribution of obscene material, and the City Council recognizes that state law prohibits the distribution of certain materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities within the City.

(a) Application. Any person, association, partnership, group, or corporation wishing to operate, any adult-oriented business shall submit an application for an Administrative Permit, to the Community Development Director or their designee. Possession of other State or City licenses does not exempt the applicant from this permit. The Community Development Director or their designee shall grant or deny a permit application in accordance with the provisions of grounds for denial pursuant to subsection (m) below. An Administrative Permit application for an adult-oriented business or adult-oriented business performer shall be signed by the applicant and shall contain or include the following information:

(1) A nonrefundable permit processing fee, as set by City Council resolution.

(2) If the applicant is an individual, the individual shall state their legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen (18) years of age.

(3) If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement.

(4) If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address and contact information of the registered office for service of process.

(5) If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten (10) percent or greater interest in the business entity shall sign the application.

(6) If the adult-oriented business applicant intends to operate the adult-oriented business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult-oriented business and show proof of registration of the fictitious name.

(7) A description of the type of adult-oriented business for which the permit is requested and the proposed address where the adult-oriented business will operate, plus the names and addresses of the owners or lessors of the proposed premises.

(8) The address to which notice of action on the application is to be mailed; the address shall not be a post office box.

(9) An applicant must state under penalty of perjury that he or she (as well as any of the officers, directors, or partners in the business) does not have a conviction for a specified criminal activity, or the equivalent in another state for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(10) The names of all employees, independent contractors, and other persons who will work at the adult-oriented business, including performers.

(11) A sketch or diagram showing the interior configuration of the premises or the adult-oriented business, including a statement of the total floor area occupied by the adult-oriented business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(12) A certificate and map prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the adult-oriented business and the property line of any other adult-oriented business within seven hundred and fifty (750) feet of the primary entrance of the adult-oriented business for which a permit is requested; and the property lines of any church, school, park, residential zone or use within five hundred (500) feet of the primary entrance of the adult-oriented business.

(13) A diagram of the off-street parking areas and premises entries of the proposed business showing the location of the lighting system.

(14) A security plan that satisfies the requirements of subsection (f) below.

(15) Any individual who has been issued an Administrative Permit shall promptly supplement the information provided as part of the application for the permit required by this section, including, but not limited to, each and every location within the City where the individual is performing, within fifteen (15) calendar days of any change in the information originally submitted.

(b) Any individual wishing to perform as an adult oriented business performer shall submit an application to the community development director. Possession of other state or City licenses does not exempt the applicant from this permit. The Community Development Director or their designee shall grant, conditionally grant, or deny a permit application in accordance with the provisions of section 26-108(e) (Permit processing; grounds for denial). An application for a performer permit shall be signed by the applicant and shall contain or include the following information:

(1) A nonrefundable permit processing fee, as set by City Council resolution.

(2) The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant; age, date, and place of birth; height, weight, and hair and eye color; and present residence address and telephone number.

(3) A copy of the applicant's driver's license, or other current government-issued identification.

(4) The address to which notice of action on the application is to be mailed.

(5) An applicant must state under penalty of perjury that he or she does not have a conviction for a specified criminal activity, or the equivalent in another state for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(6) The applicant must declare under penalty of perjury whether he or she has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If the applicant has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, the applicant shall provide the place of such registration, licensing or legal authorization, and the inclusive dates during which he or she was so licensed, registered, or authorized to engage in prostitution.

(7) The applicant's fingerprints on a form provided by the police department, and a passport-size color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant.

(8) If the application is made for the purpose of renewing a performer permit, the applicant shall attach a copy of the permit to be renewed.

(9) Any individual who has been issued a performer permit shall promptly supplement the information provided as part of the application for the permit required by this section, including, but not limited to, each and every location within the City where the individual is performing, within fifteen (15) calendar days of any change in the information originally submitted.

(10) All persons who have been issued a business permit shall supplement the information provided as part of the application for the permit required by this section, including, but not limited to, the names of all performers required to obtain a performer permit, within fifteen (15) calendar days of any change in the information originally submitted.

(c) For both a business permit application, the Community Development Director or their designee shall determine whether the application is complete within thirty (30) days of receipt. The application shall be determined to be complete upon receipt of all required documentation and fees. The Community Development Director or their designee shall thereafter approve or deny the permit within thirty (30) days of determining that the application is complete in accordance with the provisions of this section.

(d) Business Permit Grounds for denial. The Community Development Director or their designee shall deny a business permit application for adult entertainment on the following grounds:

(1) The building, structure, equipment or location used by the business for which an adult-oriented business permit is required do not comply with the requirements and standards of the health, zoning, fire and safety laws of the City and the state, or with the locational or development and performance standards and requirements of this Article.

(2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult-oriented business permit, or within any subsequently updated information, renewal or report required by this Division.

(3) An applicant is under eighteen (18) years of age.

(4) The adult-oriented business does not comply with the locational standards.

(5) The applicant has, within the previous twelve (12) months, had a permit for an adult-oriented business denied or revoked or is applying for a new permit within the period in which the existing permit has been suspended.

(6) The applicant (or any officers, directors, or partners in the business) has been convicted of any specified criminal activity for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(iv) If for an adult performer business permit- The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult-oriented performer permit, or within any subsequently updated information, renewal or report required by this Division.

(e) Grounds for denial. The Community Development Director or their designee shall deny an administrative permit for an adult performer application on the following grounds:

(1) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application for an adult oriented performer permit, or within any subsequently updated information, renewal or report required by this division.

(2) The applicant is under eighteen (18) years of age.

(3) The applicant has, within the previous twelve (12) months, had a performer permit denied or revoked or is applying for a new permit within the period in which the existing permit has been suspended.

(4) The applicant has, within the previous twelve (12) months, had a prostitution permit denied, suspended, or revoked.

(5) The applicant has been convicted of any specified criminal activity for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(iv) In the event a business or performer permit is denied, the applicant shall not reapply for a period of twelve (12) months from the date the denial becomes final.

(f) *Location.* The adult-oriented business is to be located in the Service-Commercial (S-C) zone, Medium-Commercial (C-2) zone, heavy-commercial (C-3) zone, regional-commercial (RC) zone, manufacturing (M-1) zone, or the urban center and general urban zones in the Downtown Plan.

(1) Adult-oriented businesses may not be located within the proximity of the following (measured in a straight line from the property line to zone boundary):

(i) Within five hundred (500) feet of any residential zone or any lot upon which a residential use is legally occurring at the time this Article is adopted and continues to occur at the time the application is reviewed;

(ii) Within five hundred (500) feet of any lot upon which there is located a church or other religious facility or institution, public park, or educational institution which is utilized by minors;

(iii) Within seven hundred and fifty (750) feet of another adult-oriented business, provided that this separation requirement also applies from adult-oriented businesses that are in adjacent cities; and

(iv) Within one hundred (100) feet of the civic center property line.

(2) The adult-oriented business shall not be located in an area where the traffic from the adult oriented business shall increase the volume capacity ratio below level of service E; or, will worsen the existing condition at level of service F; or increase the volume capacity ratio by 0.02, all as determined by the city engineer.

(g) Moving signs, as defined in Article I, as well as signs with changeable copy and temporary signs are not permitted for adult businesses. Exterior signs shall not depict recognizable specified anatomical areas or adult entertainment activities. Advertisements, displays of merchandise, signs or any other exhibit depicting specified anatomical areas or adult entertainment activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(h) Exterior painting. Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message and cannot be established or maintained such that the exterior appearance of the structure is substantially inconsistent with the external appearance of structures on abutting properties.

(i) Development standards. Except as set out herein or otherwise restricted by law, the adult oriented business shall comply with the development standards, including signage standards, for the zone in which the business is located.

(j) Display of adult oriented material or merchandise. The adult-oriented business shall not display any adult oriented material or merchandise in such a manner so as to be visible from any location other than within the adult-oriented business.

(k) Exclusion of minors. The adult oriented business shall not be accessible to any person under the age of eighteen (18), and such exclusion shall be clearly posted at all entrances.

(l) Areas open to public view. No area within the adult oriented business shall be visible from its exterior.

(m) Nude adult-oriented performances are prohibited. Adult oriented performers shall wear no less than pasties to cover the nipple areas of female breasts, and a g-string that covers the genital area.

(n) Interior orientation. The interior of the adult oriented business shall be configured such that there is an unobstructed view, by use of the naked eye and unaided by video, closed circuit cameras or any other means, of every public area of the premises (excluding restrooms), including, but not limited to, the interior of all individual viewing areas, from a manager's station which is no larger than thirty-two (32) square feet of floor area with no single dimension being greater than eight (8) feet in a public portion of the establishment. No public area (excluding restrooms), including, but not limited to, the interior of any individual viewing area, shall be obscured by any door, curtain, wall, two way mirror or other device which would prohibit a person from seeing into the interior of the individual viewing area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means, from the manager's station. A manager shall be stationed in the

manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations. No individual viewing area shall be designed or operated to permit occupancy of more than one (1) person at a time.

(o) Business hours. No adult oriented business shall operate from the hours of 2:00 a.m. to 7:00 a.m.

(p) Parking lot lighting. The parking lot lighting system shall be designed to produce a minimum light level of three (3) foot-candles on the entire parking facility's horizontal surface.

(q) Interior Lighting. All areas of the adult-oriented business shall be illuminated at a minimum of the following foot-candles, minimally maintained, and evenly distributed at ground level:

(1) Arcade: Ten (10) foot-candles in public areas;

(2) Bookstores: Twenty (20) foot-candles;

(3) Cabaret: Five (5) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;

(4) Individual viewing booths: 1.25 foot-candles;

(5) Motion picture theater: Ten (10) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;

(6) Theater: Five (5) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot candles;

(7) Other establishments not listed above: Twenty (20) foot-candles ground level (excluding those areas shielded by tables and similar obstructions).

(r) Operation of individual viewing areas. Each machine used to show films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions, which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, shall be located in an individual viewing area. Any individual viewing area of the adult oriented business shall be separated from patrons by a floor to ceiling plexiglass or other clear, permanent barrier and shall be operated and maintained with no holes, openings, or other means of direct visual or physical access between the interior space of two (2) or more individual viewing areas. No individual viewing area may be occupied by more than one (1) person at any one (1) time.

(s) Separation zones. Whenever live entertainment is provided, patrons shall be physically separated from performers by a buffer zone of at least six (6) feet and no physical contact between performers and patrons shall be permitted. This provision shall not apply to an individual viewing area where the stage is completely separated from the individual viewing area by a floor to ceiling permanent, solid barrier.

(t) Use of single building for multiple uses. No building, premises, structure, or other facility shall be permitted to contain more than one (1) type of adult oriented business as such types of adult oriented business are defined in Article I. For the purposes of this section, the phrase "adult oriented business" shall not be considered a single type of adult oriented business.

(u) Payment of gratuity. No patron shall directly or indirectly pay or give any gratuity to any performer and no performer shall solicit or accept any gratuity from any patron.

(v) Separate restrooms. The adult-oriented business shall provide separate restroom facilities for male and female patrons and employees. The restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in the restroom at any time, unless otherwise required by law, in which case the adult oriented business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the restroom during operating hours. The attendant shall prevent any person(s) from engaging in any specified sexual activities within the restroom and shall ensure that no person of the opposite sex is permitted in the restroom.

(w) Parking. The adult oriented business complies with the City's parking standards for the underlying use. Where no city parking standards exist for a particular underlying use, the applicant shall provide one (1) space per occupant as based upon the maximum occupancy as determined by the building official.

(x) Security plan. A detailed security plan is submitted to the Community Development Director that describes measures that will be implemented to provide adequate security both within the interior and exterior of the premises of the business, specifically including, but not limited to, measures to comply with the requirements of for areas open to public view and parking.

(y) Security guards. For an adult oriented business that provides live entertainment, at least one (1) security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open and providing live entertainment. If the occupancy limit of the premises is greater than fifty (50) persons, an additional security guard shall be on duty inside the premises for each additional fifty (50) patrons permitted. The security guard(s) shall be charged with preventing violations of and enforcing compliance by patrons with the requirements of this division, and notifying the appropriate authorities of any violations of law observed. Any security guard required by this subparagraph shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this subparagraph shall act as a door person, ticket seller, ticket taker or admittance person while on duty as a security guard.

(z) The business location, structure, and equipment complies with all applicable health, fire, building, or other state, federal, or local laws and regulations.

(aa) The owner or manager of an adult oriented business will not permit any employee on the premises to engage in a live showing of specified anatomical areas. The owner or manager of an adult oriented business shall be responsible to ensure compliance with this division by employees, performers and patrons.

26-109 Alcohol Beverage Sales Establishments [EX. DIVISION 15 OF ARTICLE XII]

The purpose of this section is to provide conditions for the establishment of commercial uses that serve and/or sell alcohol (retail on-sale and off-sale licenses) and to do so in accordance with certain requirements designed to ensure compatibility of such services with surrounding commercial and residential development, to not create any undue concentration of such licenses, and to not create any adverse effect on the health and welfare of the community.

(a) The required permit as specified in Article II Division 2 in specified commercial and manufacturing zones for any business that sells alcohol for off-site consumption, except for service stations that sell alcohol, which requires a conditional use permit pursuant to section 26-109(b).

(1) Violation of the provisions of this section or other applicable sections of this code may result in the revocation of the permit in accordance with the revocation standards, provisions and procedures of Article VI Division 12.

(b) Service Stations Selling Beer and Wine for Off-Premises Consumption

(1) Conditional Use Permit Required. Any service station located in specified commercial and manufacturing zones may sell beer and wine for off-site consumption with a conditional use permit. The sales of distilled spirits shall not be allowed.

(2) The site shall comply with all current development standards for service stations as set forth in the West Covina Municipal Code, including, but not limited to, the minimum number of parking spaces prior to the approval of a conditional use permit to allow off-sale of alcohol.

(3) Unless otherwise noted, the following requirements shall apply to all gasoline service stations selling beer and wine:

(i) A maximum of ten (10) percent of the retail floor area shall be allowed for the display and sale of alcohol. Merchandise stacking shall not be included in the retail floor area calculation when determining the maximum area for display and alcohol sales.

(ii) The sale of beer in quantities fewer than three containers is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

(iii) No beer and wine shall be displayed within five feet of the cash register or front door.

(iv) The advertisement of beer and wine shall not be permitted at motor fuel islands.

(v) Identification card reader is required to determine the authenticity of the identification that displays the age of the individual.

(vi) No beer and wine shall be sold from or displayed in an ice tub.

(vii) No coin or other fee-based operated video games or video entertainment machines shall be permitted on the premises.

(viii) Signage shall be posted in the parking lot and on the exterior of the building notifying persons that alcohol shall not be consumed on the premises.

(ix) Signs shall be prominently posted, stating that California State Law prohibits the sale of beer and wine to persons under the age of 21 years.

(x) A CCTV surveillance system shall be installed that views and records all areas within the interior of the store sales floor and the exterior of the gasoline station, including all points of ingress/egress from the street.

(xi) A Flock Safety camera with license plate recognition that is integrated with the Police Department's system shall be installed at every vehicle entry/exit points for the site.

(c) On-site instructional tasting events at for off-sale premises may be established as follows:

(1) A Conditional Use Permit is required for businesses which offer instructional tasting events.

(2) Conditional Use Permits for instructional tasting may only be granted to businesses with an active off-sale or on-sale alcohol license from the department of alcoholic beverage control (ABC).

(d) Alcohol service (on-sale licenses) may be established in conjunction with the following uses, only in the zones specified in Article II, with the approval of a Conditional Use Permit:

(1) Clubs, lodge halls, and similar facilities as defined in section 23428.9 of the California Business and Professions Code;

(2) Accessory use billiard parlor with a kitchen and dining area as specified in this Article; or

(3) A major motel or a major hotel as defined in this Division;

(e) Alcohol service (on-sale licenses) may be established in conjunction with the following uses, only in the zones specified in Article II, with the approval of an Administrative Permit:

(1) Bona fide eating place as defined in section 23038 of the California Business and Professions Code

(f) Alcohol Beverage Manufacturing (ABM) uses, and Accessory Tasting rooms may be established subject to and Administrative Permit and the following:

(1) The ABM shall comply with all federal, state, and local laws and regulations, including a valid license from the California Department of Alcoholic Beverage Control (ABC) for the specific type of alcoholic beverage manufacturing occurring on site.

(2) The ABM use located in a commercial zone shall not exceed six thousand (6,000) square feet of gross floor area (GFA), unless otherwise permitted by the Administrative Permit.

(3) The ABM in a commercial zone may not exceed production of fifteen thousand (15,000) barrels per year.

(4) The ABM located in a commercial zone must include an accessory tasting room.

(5) The ABM may not be located within five hundred (500) feet of the nearest property line of any elementary, secondary, or high school, as measured from the nearest property line of the site on which the alcohol manufacturing use is located.

(6) All production activities shall be located completely within the ABM facility. All on-site storage shall be located within the ABM facility.

(7) The display of alcoholic beverages shall not be located outside of an ABM and accessory tasting room facility.

(8) Accessory uses such as cooking facilities, and the sales of alcohol for off-site consumption may be allowed as a part of the administrative permit provided that the proposed accessory use complies with the applicable development standards of this title, is permitted in the underlying zone and that the accessory uses are incidental and do not substantially alter the character of the principal use.

(9) The ABM and accessory tasting room use shall not be open to the public, except for the following hours:

(i) Manufacturing and Production: 7:00 a.m. - 7:00 p.m. Monday - Saturday.

(ii) Accessory Tasting Room (Industrial Zone): 12:00 p.m. - 9:00 p.m. Sunday - Thursday, and 11:00 a.m. - 10:00 p.m. Friday - Saturday.

(iii) Accessory Tasting Room (Commercial Zone): 12:00 p.m. - 9:00 p.m. Sunday - Thursday, and 11:00 a.m. - 12:00 p.m. Friday-Saturday. Additional hours may be permitted through an Administrative Permit.

(10) Service trucks used for the purposes of loading and unloading materials, ingredients, products, and equipment shall be restricted to the hours of 8:00 a.m. - 6:00 p.m. Monday - Friday and 11:00 a.m. - 6:00 p.m. on Saturday; the use of service trucks for the purposes of loading and unloading materials, ingredients, equipment, and finished product shall be prohibited on Sunday.

(11) To the greatest extent feasible, access and loading bays are discouraged from facing toward a street.

(12) The purchase, consumption, tasting and sales of alcoholic beverages shall be limited to only those products produced on site.

(13) Ancillary retail sales shall be limited to only those retail items directly associated with the on-site ABM facility and accessory tasting room.

(14) The ABM use or accessory tasting room shall not charge an admission fee, cover charge, or require a minimum purchase.

(15) A sewage plan and all on-site infrastructure shall be approved by the appropriate City departments.

(16) The ABM and accessory tasting room use shall comply with Chapter 15 Article IV- Noise Regulations.

(17) A security plan, including a video surveillance system and exterior lighting plan, satisfactory to the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR), capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than thirty (30) days. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors, as well as the business address.

(18) No more than ten percent (10%) of the square footage of the windows and transparent doors of the premises shall be allowed to bear advertising, signs, or any other obstructions. All advertising, signage or other obstructions shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.

(19) Tours of the ABM and accessory tasting room use shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively impact adjacent businesses or property owners.

(20) ABM and accessory tasting room uses located adjacent to or across from residential areas shall be restricted from utilizing natural ventilation practices that may negatively impact neighboring residences and may be required to install mechanical air filtration systems.

(g) Breweries, wine blending, and distilleries

(1) In addition to the standards for the underlying zone, the following requirements shall apply to breweries, wine blending business, distilleries and accessory tasting rooms:

(i) A brewery, wine blending or distillery use may not exceed production of 15,000 barrels per year for breweries or 150,000 gallons for wine blending/distillery uses.

(ii) All production activities and on-site storage shall be located completely within the facility. Off-site storage is permitted, provided it meets all applicable provisions of the underlying zone. The display of alcoholic beverages shall be located within the manufacturing area and accessory tasting room facility.

(iii) The brewery, wine blending, or distillery use, and accessory tasting room use shall be allowed to operate and be open to the public during the following hours:

a) Manufacturing and Operation: 7:00 A.M. to 7:00 P.M. Monday through Saturday; and Accessory Tasting Room Open to the Public: 11:00 A.M. to 12:00 A.M. daily.

(iv) Service trucks used for the purposes of loading and unloading materials, ingredients, products, and equipment shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday and 9:00 A.M. to 6:00 P.M. on Saturday.

(v) The consumption, tasting, and sales of alcoholic beverages shall be limited to only those products produced on site, unless the use establishes a bona fide eating establishment.

(vi) Ancillary retail sales, including the sale of beer, wine or distilled spirits for off-premises consumption, shall be limited to only those retail items directly associated with the on-site facility and accessory tasting room.

(vii) The brewery, wine blending, distillery use, or accessory tasting room shall not charge an admission fee, cover charge, or require a minimum purchase.

(viii) A security plan, including a video surveillance system and exterior lighting plan, satisfactory to the Community Development Director or designee, shall be submitted and approved prior to issuing a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring of both the interior and exterior of the property. A Digital Video Recorder (DVR) or similar video recording device, capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than 30 days. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors and the business address.

(ix) No more than ten percent of the window display area (including any transparent doors) shall be allowed to bear advertising, signs, or any other obstructions. All advertising, signage, or other obstructions shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.

(x) Tours of the brewery, wine blending, or distillery use, and accessory tasting room use shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively affect adjacent businesses or property owners.

(xi) The business shall be restricted from utilizing ventilation practices that may negatively affect residences and may be required to install mechanical air filtration systems to the satisfaction of the Community Development Director or designee.

(xii) Any proposed alcohol establishment shall comply with all Police Department conditions imposed, including those listed under Section 19 "Building/Site Security" of City Council Resolution 95-20.

26-110 Amusement and entertainment facilities [EX. DIVISION 9 OF ARTICLE XII FORMERLY TITLED "GAME ARCADES"]

The purpose of this Division is to permit the operation of amusement and entertainment facilities, through consideration of physical treatment and compatibility with the community and surrounding property.

(a) The permit required (as specified in Article II Division 2) shall be obtained prior to establishing an amusement and entertainment facility.

(b) The following special development standards shall apply to amusement and entertainment facilities:

(1) Hours of operation shall be limited to between eight (8:00) a.m. to twelve o'clock (12:00) midnight. The Community Development Director or their designee may, after twelve (12) months of operation approve extended hours of operation. The hours of operation must be posted in a conspicuous place.

(2) All activities associated with the use shall comply with the standards of the noise ordinance. An accessory computer game/internet access center with ten (10) or more computers, shall be subject to the granting of a Conditional Use Permit is required, as specified in Article II, Divisions 2 and Article VI Division 4 of this Chapter.

(3) Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks, or similar obstructions.

(4) The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police.

(5) Exterior lighting shall not intrude on surrounding properties.

(6) The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking.

(7) A security plan, including a video surveillance system, exterior lighting plan, noise, litter, loitering, crowd control and parking to the satisfaction of the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy.

(8) The development standards of the zone in which this use is to be located shall apply (as specified in Article III, unless this section specifically permits or prohibits otherwise.

(9) Such other conditions as deemed by the Planning Commission or Community Development Director or their designee to reasonably relate to the purpose of this Division, such as but not mandatory or limited to:

(i) Windows shall be maintained to allow an unobstructed view of the interior.

(ii) Noise, congregation, parking, and other factors generated by the use, which are detrimental to the public health, safety, and welfare.

(iii) Review of the computer game/internet access center, main or accessory use, operation permitted by the Administrative Use and/or Conditional Use Permit is required after six (6) months after opening, then annually thereafter. Ownership changes shall meet the same requirements. The current or new business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to ½ of the pertinent current application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(iv) At no time shall alcoholic beverages be sold, dispensed, possessed, brought, or allowed on the premises of any amusement and entertainment facility except in those cases where the facility is accessory to a bona fide eating place with a Conditional Use Permit for on-sale alcohol service.

(c) Specific development requirements for a game arcade:

(1) No arcade shall be located within one thousand (1,000) feet of a public or private school conducting classes between first and twelfth grades. The distance shall be measured over a pedestrian path of travel from the nearest customer entrance of the arcade to the nearest accessible portion of any school property.

(2) Conditions of approval of an Administrative Use Permit or Conditional Use Permit for an amusement and entertainment facility:

(i) No admittance of juveniles under sixteen (16) years of age until 1:30 p.m. except on Saturday, Sunday, holidays, and school vacations.

(ii) No one under twelve (12) years of age admitted unless supervised by an adult.

(iii) One (1) attendant, twenty-one (21) years of age or older, is required for every twenty-five (25) games; two (2) attendants minimum required for a main use or accessory use game arcade.

(iv) Review of the operation permitted by the Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of a main use game arcade. The business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to two times the current Conditional Use Permit application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(v) The Conditional Use Permit may be revoked, amended, or suspended by the Planning Commission under the provisions of Article VI of this Chapter.

(vi) Licenses or permits as required in Chapter 5, Article V and Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(vii) Amusement and entertainment facility business hours: 10:00 a.m. to 10:00 p.m. The Planning Commission may approve extended hours of operation under certain circumstances; but in any case, after 10:00 p.m. attendance shall be limited to adults and minors accompanied by a parent or legal guardian.

(viii) No sound created by the entertainment facility, or its patrons shall be detected from the exterior of the facility.

(3) Such other conditions as deemed by the Community Development Director or Planning Commission to reasonably relate to the purpose of this Division, such as but not mandatory or limited to:

(i) Review of the operation permitted by the Administrative Permit or Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of an accessory use game arcade.

(ii) Windows shall be maintained to allow an unobstructed view of the interior.

(iii) Accessory use game arcade business hours, if different from business hours of the main use.

(d) Specific development requirements for billiard parlors.

(1) Spacing of tables. A clear and unobstructed distance of six (6) feet shall be provided between tables, and between tables and walls or other obstructions.

(2) Lighting. The interior and exterior of the building and the front and rear parking lot shall be brightly lit with no dark areas. Exterior lighting shall be installed and maintained in a manner eliminating any nuisance to adjacent residential property.

(3) Floor covering. All floor surfaces of the playing and spectator area shall be covered with fabric carpet.

(4) Proximity to school. No billiard parlor shall be located within one thousand (1,000) feet of a public or private school conducting classes between the first and twelfth grades. This distance shall be measured over a pedestrian path of travel from the nearest customer entrance of the parlor to the nearest accessible portion of any school property.

(5) Open view. All billiard parlors shall be so constructed and maintained that a clear and unobstructed view of the entire interior thereof may at all times be had from the street or sidewalk in front of the same, except

in those cases where the billiard parlor is an accessory use to a bona fide eating place, as defined in section 23038 of the California Business and Professions Code. No partitions forming rooms, stalls, or other enclosures where the public congregates shall be permitted. This provision, however, shall not be construed to preclude the maintenance of washrooms, toilet rooms for proper purposes or the maintenance of closets for storage purposes exclusively.

(6) Conditions of approval of a Conditional Use Permit conditions of approval for a billiard parlor:

(i) At no time shall alcoholic beverages be sold, dispensed, possessed, brought or allowed on the premises of any billiard parlor except in those cases where ~~there is a main use with a minimum of twenty-five (25) percent of the floor area of the business utilized as a kitchen and dining area~~the billiard parlor is an accessory use to a bona fide eating place utilizing no more than 10-percent of the total floor area available for customer assembly and/or dining. In no case shall alcoholic beverages be allowed within a primary/main use billiard parlor.

(ii) No person shall operate a billiard parlor between the hours of 2:00 a.m. and 6:00 a.m., or permit or allow any person to play billiards or remain in any billiard parlor between the hours of 2:00 a.m. and 6:00 a.m. This section, however, shall not be construed to prevent regular employees from performing necessary work within the premises.

(iii) Any billiard parlor shall be subject to code enforcement or police inspection and supervision for the purpose of ascertaining if the provisions of this Article are being observed, and no personnel shall hinder, obstruct, or delay any police officer from entering any such place.

(iv) No person shall keep any door or entrance to any billiard parlor locked, barred, or barricaded in such a manner as to make it difficult for access to police officers while two (2) or more persons are present.

(v) No person shall permit gambling of any kind or description or playing any games whatsoever for money or anything of value, within any billiard parlor.

(vi) No card table shall be kept, or any card games played or allowed in any billiard parlor.

(7) Main use billiard parlors and all accessory use billiard parlors shall comply with the following:

(i) No person under the age of sixteen (16) years shall be in, remain in, enter, or visit any billiard parlor, unless accompanied by a person over twenty-one (21) years of age who is responsible for the minor's control and supervision.

(ii) No person having charge or control of the billiard parlor shall permit or allow any person under the age of sixteen (16) years to be in, remain in, enter, or visit any billiard parlor, unless such minor person is accompanied by a person over twenty-one (21) years of age who is responsible for the minor's control and supervision.

(iii) The provisions of paragraphs (i) and (ii) of this section shall not apply to any person under the age of sixteen (16) years, if such person while in any billiard parlor is a member of a bona fide organized recreational group attending such room as a part of its activities, and there is in charge of such group and accompanying such group, while in a billiard parlor, a person over the age of twenty-one (21) years.

(iv) No person shall represent themselves to have reached the age of sixteen (16) years to obtain admission to a billiard parlor or to be permitted to remain therein when such person in fact is under sixteen (16) years of age.

(v) No person under the age of eighteen (18) years shall be in, remain in, enter, or visit any billiard parlor after 10:00 p.m. and before 6:00 a.m. of the next day, unless accompanied by his/her parent, guardian or other person having the legal care, custody, or control of such person.

(vi) No person having charge or control of any billiard parlor shall permit or allow any person under the age of eighteen (18) years to be in, remain in, enter, or visit any billiard parlor, after 10:00 p.m. and before 6:00 a.m. of the next day, unless accompanied by his/her parent, guardian or other person having the legal care, custody, or control of such person.

(vii) The proprietor or manager of such billiard parlor shall maintain a notice at the front entrance thereof to the effect that a person under the age of sixteen (16) years of age is prohibited from entering the same unless accompanied by a person over twenty-one (21) years of age who is responsible for his/her control and supervision.

(viii) No alcohol shall be served in main use billiard parlors.

26-111 Animal Keeping [EX. SECTION 26-391 (5)]

The purpose of this Division is to permit and regulate the keeping and maintenance of animals on any lot or parcel being legally used as a single-family residence and/or zoned for residential use without changing the residential character of surrounding neighborhoods. The following animals of such type, size and number so as not to be capable of inflicting harm or discomfort or endangering the peace, health or safety of any person or property.

(a) Household pets: Provided that not more than three (3) adult dogs or four (4) adult cats, one (1) miniature pot-bellied pig ~~(subject to the approval of an administrative use permit)~~ or a combination of three (3) such animals may be kept on any lot unless a Conditional Use Permit has been granted authorizing the development, maintenance, and operation of a hobby kennel on the lot.

(b) Poultry and fowl provided that not more than six (6)~~twenty-four (24)~~ birds are maintained on any lot or parcel, with the exception of domestic homing pigeons in excess of six (6) birds approved through an Administrative Permit outlined in subsection (2) below.

(1) Roosters are prohibited.

(2) Domestic homing pigeons, in excess of six (6) ~~twenty-four (24)~~ birds and not more than twenty-four (24)~~sixty (60)~~ birds on any lot or parcel may be permitted subject to the approval of an Administrative Permit and compliance with the standards listed below. Domestic homing pigeons are defined as members of the family Columbidae, and include "racing pigeons," "fancy pigeons," and "sporting pigeons," as defined by the American Racing Pigeon Union and can be identified by a numbered leg band issued by a recognized national or state pigeon organization or other organization recognized by the City of West Covina.

(i) A detailed plan of the loft showing its location on the property and evidence of membership and/or certification by one (1) of the above-mentioned organizations shall be submitted in conjunction with the Administrative Permit application.

(ii) The loft shall be of sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.

(iii) No loft structure shall be closer than ten (10) feet to any separate accessory building on the subject site.

(iv) Lofts and pigeons shall be located no closer than thirty-five (35) feet from any property line and/or habitable building on the subject site.

(v) Lofts and pigeons shall be located no closer than one hundred (100) feet from any school or hospital property.

(vi) All feed for pigeons shall be stored in sealed containers in a manner as to protect against intrusion by rodents and other vermin.

(vii) The hours in which exercising/training may occur are limited by the Administrative Permit.

(viii) Each pigeon shall not be allowed out of its loft more than one (1) time in a twenty-four-hour period.

(ix) Pigeons shall not be allowed out of their loft except for exercising/training or when being transported for a flight.

(x) Facilities and equipment shall be cleaned daily and maintained in a clean and healthy condition.

(xi) No one shall release pigeons to fly for exercise, training, or competition except in compliance with the following:

a) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

b) Pigeons shall not be released for flying which have been fed within the previous four (4) hours.

c) All pigeons shall be banded and registered with one (1) of the national pigeon associations/registries.

(c) Small animals such as rabbits, chinchillas, hamsters, reptiles, and other small animals (subject to Section 671, Title 14, of the California Code of Regulations) raised for:

(1) Domestic noncommercial use in residential zones. Provided not more than a total of six (6) of such animals maintained on a site.

(d) Bovine animals, sheep and goats or any combination thereof shall only be allowed in the R-A zone on sites having at least twenty thousand (20,000) square feet, provided that the following ratio of animals to lot area is maintained and that they are owned only by persons residing on the parcel:

Table 4-1 Number of Bovine Animals per Lot Size

Number of Animals	Lot Area
1	20,000 sq ft
2	35,000 sq ft
3	43,560 sq ft (one acre)

(e) Horses may be maintained on lots of twenty thousand (20,000) square feet or greater. The number of horses over nine (9) months of age permitted to be maintained shall be as follows:

Table 4-2 Number of Horses Per Lot Size

No. of Horses	Minimum Lot Area (square feet)
2	20,000
3	27,500
4	35,000
5	42,500+

(f) For lots that abut equestrian facilities and trails, the number of horses permitted to be maintained shall be increased as follows:

Table 4-3 Number of Horses per Lot Size (Adjacent to Special Facilities Park)

Number of Horses	Minimum Lot Area (Square feet)
2	20,000
3	25,000
4	30,000
5	35,000+

(g) The keeping of horses under ten (10) months of age are not subject to the limitations stated above.

(h) An additional number of horses, bovine animals more than those permitted above, may be maintained up to a maximum of ten (10), subject to the granting of a conditional use permit.

(i) Commercial boarding or breeding of horses may be permitted subject to the granting of a conditional use permit.

(j) Poultry, homing pigeons, small animals, bovine animals, and horses must be kept within a corral, pen, or other suitable enclosure maintained so as to confine such animals. In addition, horses must be provided with a corral or stable area of the following minimum sizes:

(1) Corral: Two hundred forty (240) square feet per horse; minimum dimensions of twelve (12) feet by twenty (20) feet;

(2) Stable: Twelve (12) feet by twelve (12) feet per horse.

(3) Corrals shall be a minimum of five (5) feet in height and shall be constructed of material to adequately confine the horses.

(k) The location of barns, corrals, or stables shall comply with applicable zoning setback requirements. A barn, corral, or stable may be located within fifty (50) feet of a front property line at the discretion of the Community Development Director or their designee or his designee through an Administrative Permit where the design and appearance of such structures is determined to be harmonious with and complementary to that of surrounding properties.

(l) Refuse from animals shall be stored in water-tight receptacles with close fitting lids or stockpiled for composting. The outer layer of manure shall be covered with polyethylene tarp and sealed by covering the edges with soil for animal composting. Stored animal refuse shall be disposed of not less than once per week.

(m) Barns, corrals, or stables shall be cleaned and maintained on a weekly basis such that dust, flies, and odors shall not be detectable from adjacent properties.

(n) Notwithstanding the poultry and animals permitted to be kept, no wild and dangerous or wild and potentially dangerous animal or animals (as defined in Chapter 6 Article I of this Code) shall be brought into, kept, harbored, possessed, liberated, or maintained on any portion of any lot or within any building or structure thereon.

(1) This prohibition shall not apply to any offspring of any legally kept wild animal until such offspring reaches an age of four (4) months.

(2) This prohibition shall not apply to any circus or show involving the temporary exhibition of wild animals when otherwise permitted under this Code.

(o) Miniature pot-bellied pig. Miniature pot-bellied pigs commonly referred to as a pygmy pig or mini pig, which stands no higher than twenty (20) inches at the shoulder and is no longer than forty (40) inches from the tip of the snout to the end of the buttocks and weighs no more than one hundred twenty (120) pounds shall be permitted.

(1) Only one (1) miniature pot-bellied pig shall be permitted per single-family residential lot.

(2) If kept outdoors, the pot-belly pig must be maintained at least twenty (20) feet from any habitable dwellings (other than the permittees).

(3) Breeding of the pot-bellied pig is prohibited. Each pig shall be surgically altered to prevent reproduction. Evidence of such surgery shall be submitted to the City prior to the approval of an Administrative Permit for miniature pot-bellied pigs.

(4) The owner of the miniature pot-bellied pig is responsible for ensuring that the animal is maintained in a manner which complies with Chapter 6, Article II pertaining to the general keeping of miniature pot-bellied pigs and the licensing requirements thereof.

(5) The keeping of adult dogs and adult cats in conjunction with a miniature pot-bellied pig shall be limited such that the total number of adult household pets, including the one (1) miniature pot-bellied pig, shall not exceed three (3) for a single-family residential property.

(6) If kept as an indoor pet, a minimum of one hundred (100) square feet outdoor cemented, or turfed, fenced with solid footings, smooth-surfaced floor run shall be provided.

(7) If kept outdoors a minimum of two hundred (200) square feet cemented, or turfed, fenced with solid footings, smooth-surfaced floor run shall be provided. Said fenced area must comply with all setback requirements for the underlying area district and be maintained in an orderly and odor-free manner.

26-112 Body Art [COMBINED EX. DIVISIONS 23 AND 24 OF ARTICLE XII]

(a) Body Piercing. The practice of body piercing shall be allowed in conjunction only with a beauty shop or jewelry store use. Only body piercing uses shall supply body piercing services to the public. Medical practitioners licensed by the State of California under the Business and Professions Code Chapter 5 (commencing with Section 2000 of Division 2) who utilize body art activities as part of patient treatment are exempt from the registration and permitting requirements of this Division.

(1) The practice of body piercing shall be subject to and comply with the following standards and regulations:

(i) Body piercing uses established and operated only in the zones specified in Article II Division 2 and shall occupy no more than ten (10) percent of the gross floor area of the primary business.

(ii) Body piercing uses may only be established in permitted businesses with a minimum of one thousand two hundred (1,200) square feet of gross floor area.

(iii) The permit required (as specified in Article II Division 2) shall be obtained prior to establishing a body piercing use. An administrative permit is not required for jewelry stores or beauty shops that offer incidental ear piercing.

(iv) The body piercing use shall comply with the Los Angeles County Code Department Regulations Body Art Title 11-Health and Safety Code Division 1 - Health Code Chapter 11.36-Body Art Establishments and Environmental Health Regulations Part 1 Public Health Chapter 36 Body Art Regulations as adopted July 1999 or as may be amended in the future.

(v) A business license as required by Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation.

(vi) The Community Development Director or their designee may impose other conditions deemed necessary to reasonably relate to the purpose of this Division.

(b) Tattooing. The practice of tattooing established and operated only in the zones specified in Article II Division 2 and shall be subject to the permit required (as specified in Article VI Division 4). Tattooing shall comply with the following standards and regulations:

(1) Tattooing uses may only be established in a tenant space with a minimum of one thousand (1,000) square feet of gross floor area.

(2) Tattooing uses shall be located a minimum of three hundred (300) feet from a residential use, religious facility, public parks, or educational institution which is utilized by minors (measured from property line).

(3) Tattooing uses shall be located more than one thousand five hundred (1,500) feet from the perimeter of the tenant space of any other tattooing use.

(4) Tattooing uses shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

(5) Temporary or mobile tattooing uses or events are not allowed by this section.

(6) The parking requirement for a tattooing use shall be consistent with standards for personal service business. Accessory use tattooing shall comply with the parking requirements for primary use.

(7) The tattooing use shall comply with the Los Angeles County Code title 7, Chapter 7.94, Body Art Establishments.

(8) A business license as required by Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(9) The Planning Commission may impose other conditions deemed necessary to reasonably relate to the purpose of this Division.

26-113 Cannabis [REPLACED EX. DIVISIONS 27 AND 28 OF ARTICLE XII]

Commercial cannabis uses and activities are prohibited in the City of West Covina, and no commercial cannabis uses shall operate, locate, or otherwise be permitted or established within the City, even if located within or associated with an otherwise permitted use, and neither the City Council nor City staff shall approve any use, interpretation, permit, license certificate of occupancy, Zoning Code or General Plan amendment allowing the operation and/or establishment of commercial cannabis uses.

(a) No person shall own, operate, engage with or manage a commercial cannabis activity in the City of West Covina. No person shall lease or offer to lease any facility or any location for a commercial cannabis use in the City of West Covina. No person shall employ any person or be employed at a commercial cannabis business in the City of West Covina, whether or not such employment is on a paid or volunteer basis.

(b) Personal cultivation. Cultivation of cannabis indoors for personal consumption shall be permitted within a fully enclosed and secure structure by persons twenty-one (21) years of age or older, which shall conform to state law and the following minimum standards.

(1) The cultivation of cannabis by any person, including primary caregivers and qualified patients, collective, cooperatives or dispensaries, for commercial cannabis activity, as defined in Article I Division 4- Definitions.

(2) Cannabis plants shall be cultivated by a person or primary caregiver exclusively for personal use only and shall not be donated, sold, distributed, transported, or given to any other person or entity.

(3) Outdoor cannabis cultivation by any person, including primary caregivers, qualified patients, and dispensaries, for any purpose including medical or non-medical (recreational) purposes is prohibited in all zoning districts within the City of West Covina.

(4) No person shall cultivate more cannabis plants indoors than is expressly authorized by State Law.

(c) Public nuisance. Any violation of this Division shall constitute a public nuisance and may be abated in accordance with applicable laws, including, but not limited to, Chapter 15, Article IX of this Code, or remediated by way of a criminal proceeding, civil action, or abatement. Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this Article, is hereby declared to be unlawful and a public nuisance and may be abated by the City through civil, criminal, and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

(d) Violation. Any person who violates this division shall be guilty of a misdemeanor and be punished in accordance with applicable laws, including, but not limited to, Section 1-37 of this Code.

(e) This Article is not the exclusive means for the abatement of cannabis cultivation within the City of West Covina. The remedies set forth pursuant to this section shall be in addition to any other existing remedies for violations of the Zoning Code, including, but not limited to, any action at law or equity.

26-114 Community assembly facility [REPLACED EX. DIVISION 8 OF ARTICLE XII]

The purpose of this Division is to provide for the establishment and operation of privately owned community assembly facilities in accordance with certain requirements designed to ensure compatibility of such facilities with surrounding businesses and residential development.

(a) The requirements of this Division shall apply to community assembly facilities such as banquet halls, dance halls, union halls, meeting halls for clubs and other membership organizations, and other similar facilities. Any business which permits a community assembly facility on the premises, whether for profit or not for profit, whether as a primary use or in conjunction with a commercial use, shall be considered a community assembly facility as defined in Article I Division 4.

(b) Community assembly facilities may be established and operated only in the zones specified in Article II Division 2 of the Zoning Code.

(c) The permit required (as specified in Article VI Division 4) shall be obtained prior to establishing a community assembly facility.

(d) The community assembly facility shall be subject to periodic review by the Planning Commission every six (6) months for an initial two (2) years from date of commencement of the facility operation. The current or new business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to ½ of the pertinent current application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(e) Live entertainment and other entertainment activities conducted on the premises shall be subject to the City noise regulations prescribed in Chapter 15, Article IV of this Code.

(f) The permitted occupancy or total number of patrons allowed to enter the premises for dancing or related activity shall be restricted to two (2) persons per parking space provided on the site or the maximum occupancy permitted by the Uniform Building Code whichever is less.

(g) Hours of operation for community assembly facilities may be established by the Planning Commission but in no case shall extend beyond 1:45 a.m.

(h) A Conditional Use Permit for the community assembly facility use shall be granted personally to the owner of such business or use and shall become null and void upon transfer of ownership or any other interest for such business or use.

(i) There shall be no public nuisance created by such use as a result of noise.

(j) No person in charge of or assisting in the conduct of the facility, or featuring live entertainment, shall permit any person to enter into, to be in or to remain in any place where such dance hall, facility or live entertainment is conducted, who is intoxicated, boisterous, or disorderly. No person in an intoxicated condition shall enter, be in or remain in the facility or where live entertainment is permitted by this Article. No person shall conduct themselves in a boisterous or disorderly manner in or at a dance hall, facility or where live entertainment is permitted by this Article.

26-115 Containment of Carts [EX. DIVISION 31 OF ARTICLE XII]

This division sets forth a uniform set of standards for any business establishment that uses carts in its operations, or that provides, or otherwise makes carts available for the use of its customers. Business establishments utilizing carts shall employ and/or install physical containment devices and/or equipment designed to prevent the unauthorized removal of such carts from the premises where they are located.

(a) The following definitions shall apply:

(1) Cart means any basket or other like container of any size, dimension or material construction which is mounted on wheels or a similar device and is typically (but not necessarily exclusively) used by the customers, agents or employees of a business establishment for the purposes of transporting items of any kind.

(b) Cart containment regulations:

(1) Each business establishment shall have a sign permanently affixed to all carts complying with the requirements of the Business and Professions Code Section 22435.1, shall have signage installed on site notifying customers that removal of the carts from the premises is prohibited, and shall be required to employ and or install one or more of the following physical containment measures, subject to the Community Development Director's review and approval of a cart containment plan specifically indicating the means of cart containment proposed to be utilized;

(i) Equipping all carts with a wheel locking or stopping mechanism used in conjunction with an electronic or magnetic barrier running along or within the perimeter of the premises. Such wheel locking or stopping mechanism must activate when the cart crosses the electronic or magnetic barrier.

(ii) Equipping all carts with devices and/or equipment which physically prevents the carts from being removed from the interior of any building or structure in which they are used;

(iii) Installing physical barriers within all buildings or structures which physically prevent carts from being removed from the interior of any building or structure in which they are used;

(iv) Installing an alternative cart containment system proposed by the specific business establishment and approved by the community development director.

(2) The employment and/or installation of any one or more of the options set forth under subsections (b)(1) through (b)(3) of this section shall be required within sixty (60) calendar days of a written determination by the Community Development Director or their designee determining that an approved alternative cart containment system option does not reliably prevent the removal of carts from the premises. A containment system option does not relatively prevent the removal of carts from the premises. A containment system shall be deemed not to reliably prevent the removal of carts from the premises if the number of carts removed from the premises or found abandoned exceeds three (3) carts in a thirty (30)-day period and/or eight (8) total carts in any calendar year.

(c) Cart containment approval process.

(1) Approval by community development director. Commencing upon the effective date of this division, every new or existing business establishment utilizing carts must either:

(i) Submit documentation proving, to the reasonable satisfaction of the Community Development Director or their designee, that the business establishment has installed any one or more of the measures set forth under subsections (b)(1) through (b)(3) and that such system is operational and in good working condition; or

(ii) Submit to the Community Development Director or their designee a proposal for the installation of an alternative cart containment system. The Community Development Director or their designee shall have thirty (30) calendar days from the date of submission to review any proposal for a barrier system contemplated under section (b)(4) and may thereafter approve the proposal; deny the proposal; approve the proposal subject to modification and amendments aimed at enhancing its cart containment reliability and/or its architectural and aesthetic consistency with other on-premises improvements; or forward the proposal to the Planning Commission for review and render the final decision . No new business establishment shall be issued a certificate of occupancy until the requirements of this section are satisfied.

(d) Implementation and amortization.

(1) All existing business establishments which do not have cart containment measures employed in accordance with subsections (b)(1) through (b)(3) or have an approved alternative containment measure employed per subsection (b)(4), as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after the effective date. A business establishment and/or owner of the premises upon which the business establishment is located may apply for an extension of time from the

amortization period no more than ninety (90) days prior to the expiration date or no more than thirty (30) days after the expiration date.

(i) The extension of time request shall be reviewed by the community development director. The Community Development Director may only consider one extension of time per business establishment. In no case shall an extension of time greater than six (6) months be granted. The Planning Commission, upon appeal, shall make the following findings in approving or conditionally approving an application for the extension of time request.

a) That the struct application of the required cart containment measure will create an unreasonable hardship upon the applicant, which was not brought about by an act of the applicant.

b) That the extension of time requested will not be materially detrimental to the public health, safety, or general welfare or to the use, enjoyment or valuation of property of other persons located within the vicinity.

c) That sufficient evidence has been submitted to support the need for the extension of time and appropriate amount of time.

(ii) Written notice of time and place of hearings conducted by the Planning Commission upon appeal relating to such matter shall be given not less than ten (10) consecutive calendar days in advance of such hearing to the applicant and property owner whose property is within a three hundred (300) foot radius of the subject lot. The applicant shall be responsible for providing the City with the required radius map and mailing labels. All persons interested in such matters shall be given a reasonable opportunity to present relevant evidence relating to the request.

(e) Requirements for securing carts.

(1) All carts located on the premises of any business (other than business establishments open 24 hours per day) shall be collected at the end of each business day by employees of the establishment and shall be collectively confined in a secure manner until the commencement of the next business day.

(f) Cart retrieval requirements.

(1) The cart owner shall secure and continuously maintain a service to retrieve shopping carts which have been removed from their business premises within 24 hours of the removal or notice of removal.

26-116 Drive-Through Facilities [REPLACED EX. DIVISION 19 OF ARTICLE XII]

This Division sets forth the performance standards for the construction and implementation of drive-through pharmacies and financial institutions in a manner which ensures the on-going compatibility of such uses with neighboring residential development and other sensitive receptors such as but not limited to schools, hospitals, convalescent homes, etc. A conditional use permit shall be obtained prior to establishing and operating a drive-through facility in a commercial, mixed use and industrial zones, and specific plan zones where applicable, provided that the facility and/or site complies with the following minimum requirements:

(a) Drive-through facilities shall not be within five hundred (500) feet of another drive-through facility. This shall be measured from the building and/or queuing lane, whichever is closer.

(b) Area requirements. Every drive-through facility shall be located on a site having an area of not less than ten thousand (10,000) square feet and a minimum street frontage of not less than one hundred (100) feet.

(c) Drive-through facilities are prohibited in the West Covina Downtown Plan area.

(d) Adequate separation between drive-through facility and adjacent residential developments and other sensitive receptors, as determined by the Community Development Director or their designee and/or Planning Commission, shall be provided by the following methods:

(1) A minimum distance of fifty (50) feet between the property lines of any residential zone or residential development or other sensitive receptor and the outer perimeter of the drive-through lane(s), outdoor play area, and outdoor seating area shall be maintained.

(2) The drive-through facility shall not be located within a 500-foot radius of a school or park unless mitigating factors exist.

(3) A minimum of five-foot (5'-0") wide landscaped buffer and/or minimum six-foot (6'-0") high wall along the property line shall be provided. Said landscape buffer shall be landscaped with specimen plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the Community Development Director or their designee.

(e) Design standards. The following standards shall apply to the design of any new development providing a drive-through service.

(1) Drive-through lanes shall not obstruct the circulation routes necessary for access to the property, parking areas (including backup area of parking spaces), and pedestrian walkways.

(2) Pedestrian walkways shall be emphasized by enriched pavement or striping.

(3) Drive-through facilities within an integrated shopping center shall be consistent with the center in terms of architectural design and detailing, roof material, exterior finish materials and color.

(4) Each drive-through aisle shall be appropriately screened with a combination of landscaping, low decorative walls, and/or berms to prevent headlight glare from impacting adjacent residences, businesses, public rights-of-way, and parking lots.

(5) Landscaping along the drive-through aisle shall be a minimum of five (5) feet in width.

(6) Landscaping and fencing shall be consistent with Article III Division 5 and trees should be provided to buffer adjacent uses.

(7) Decorative paving shall be used at project entries and in pedestrian areas to enhance the pedestrian environment.

(8) New buildings with drive-through facilities shall orient the primary building entrance toward the street to provide direct access to the public sidewalk.

(f) Queuing. Proposed drive-through facilities shall require a parking and queuing study that is based on similar operations, addressing the anticipated traffic volumes and vehicular stacking needs of the proposed business.

(1) Queuing lanes shall be a minimum length of 200 feet starting from the center of a pick-up station or window. Queuing length may vary dependent on the queuing study.

(2) Queuing lanes shall not interfere with the use of or access to any parking or loading spaces.

(g) Noise levels shall not increase ambient noise levels by five (5) dba as measured at all property lines abutting residential development and other sensitive receptors. This may be achieved through one (1) or more of the following methods, as determined by the Community Development Director or their designee and/or Planning Commission:

(1) All deliveries and exterior building and landscaping maintenance and cleaning activities may be limited as necessary to achieve compatibility with adjacent sensitive land uses.

(2) Hours of operation may be limited as necessary to achieve compatibility with adjacent sensitive land uses.

(3) The applicant shall provide a noise study prepared by an acoustical engineer indicating that the proposed operation will not increase ambient noise levels by five (5) dba as measured at all property lines abutting residential development and other sensitive receptors.

(4) The applicant shall provide the plans and specifications for any potential noise sources (e.g., the speaker system, trash compactor, delivery trucks, etc.).

(5) If speakers are utilized, the speaker box shall be oriented away from adjacent residences and other sensitive receptors.

(h) The site shall be served by an improved arterial or collector street adequate in width to carry the quantity of traffic generated by the use without significantly lowering the existing level of service of that street. The Community Development Director or their designee and/or Planning Commission may require the applicant to prepare and submit a traffic study which addresses:

(1) The placement, design, and adequacy of the vehicle queuing aisle.

(2) The use demand for the proposed facility.

(3) On-site circulation and parking lot design.

(i) Such other requirements and/or standards as deemed by the Community Development Director or their designee and/or Planning Commission to reasonably relate to the purpose of this Division may be required as a condition of approval.

(j) Findings. The Planning Commission shall not grant a Conditional Use Permit for a drive-through facility without finding:

(1) Said facility has adequate vehicle queuing distance, including with due consideration for menu board location, clear of any adjacent public right of way, and shall not create any vehicular or pedestrian travel hazards as demonstrated in a traffic study prepared to the satisfaction of the city engineer.

(2) That the project substantially conforms with the purpose, intent and provisions of the General Plan, any applicable Specific Plan, or other applicable regulation.

(3) That the location and design of the facility is compatible with surrounding existing uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities, and interior floor area.

(4) The said facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.

(5) That said facility includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris that may impact surrounding sensitive receptors.

(6) That said facility, if located within 150-feet of a residential zone, includes appropriate limits on hours of operation of the drive-through.

(7) That said facility is not located in an area of existing overconcentration of drive-through facilities and is not located within a 500-foot radius of a school or park unless mitigating factors exist.

26-117 Electric Vehicle Charging Stations and Solar Carports *NEW*

This Division sets forth design and development standards for Commercial Electric Vehicle Charging Stations and Solar Carports located within parking lots.

(a) Electric Vehicle Charging Stations. This section shall provide additional development standards in addition to the standards adopted in Article XVIII- Permit Process for Electric Vehicle Charging Stations.

(1) Electric vehicle charging stations may only provide required signage for compliance with accessibility requirements and U.S Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Controls.

(2) Per State law, electric vehicle charging stations and related equipment are required to be counted towards the City's parking standards/ratio. As such, signage preventing non-electric vehicles from being parked on electric vehicle charging station spaces shall be prohibited.

(b) Solar Carports. This section shall provide development standards for Solar Panel Canopies located within parking lots.

(1) Solar carports shall not be located within any required building setback.

(2) Solar carports shall not be located within 100 feet of the front facing portion of buildings.

(3) Solar carports shall not result in a net loss of any required parking.

(4) Solar carport shall not result in a net loss of any required parking.

(5) No signage shall be permitted on the solar carports other than signage required for ADA and identification purposes.

(6) No offsite advertising.

26-118 Emergency Shelters [EX. DIVISION 25 OF ARTICLE XII updated to be consistent with State Law]

This Division sets forth a uniform set of standards for emergency shelters to provide temporary housing for ~~the homeless~~people who are not securely housed.

(a) Standards and Regulations. Emergency shelters for ~~homeless persons~~people experiencing homelessness shall be subject to and comply with the following standards and regulations.

(1) A single emergency shelter for thirty (30) occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants, shall be allowed as a permitted use per Article II Division 2, consistent with section 65583(a)(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet the minimum standards contained herein below. Any emergency shelter with a capacity greater than thirty (30) occupants shall also be subject to the approval of a Conditional Use Permit, as set forth in Article VI Division 4.

(2) The maximum stay at the facility shall not exceed ~~one hundred twenty (120)~~one hundred eighty (180) days in a three hundred sixty-five (365) day period. ~~The facility shall operate on a first-come, first-serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew no later than 10:00 p.m. shall be established and strictly enforced and clients shall not be admitted after the curfew.~~

(3) A minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter, as measured from the property line.

(4) A minimum of one (1) staff member per fifteen (15) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.

(5) Bike rack parking shall be provided at the facility at a rate of one space for every four (4) beds.

(6) Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Parking Lot Design and Lighting Standards.

(7) A waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility. Said waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by a minimum six (6) foot tall visually screening decorative wall or fence and shall provide consideration for shade/rain provisions.

(b) Operational Plan. An operational plan shall be provided. The approved operational plan shall remain active throughout the life of the facility. At a minimum, the plan shall contain provisions addressing the topical areas outlined below.

(1) Security and safety. Addressing both on and off-site needs shall include the following rules and procedures:

(i) The facility shall establish and enforce a strict code of conduct including the prohibition of weapons and their use.

(ii) The facility shall establish procedures for client intake and shall maintain a client roster. The roster shall be made available to the City upon request.

(2) Loitering control. With specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.

(3) Management of outdoor areas. Including a system for daily admittance and discharge procedures and monitoring of waiting areas.

(4) Hiring procedures. Describe procedures for ensuring that staff are not convicted felons or are required to register as a sex registrant.

(5) Staff training. With objective to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income.

(6) Communication and outreach. With objective to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the public.

(7) Screening. Provide criteria to screen clients for admittance eligibility, with objective to provide first service to individuals with connections to West Covina.

(8) Counseling. To provide counseling programs with referrals to outside assistance agencies and provide an annual report on this activity to the City.

(9) Litter control. With an objective to provide for the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four (24) hour period.

(10) Contact information. The operator shall provide the City with the most current contact information for the operator of the facility during the normal daytime office business hours, and the nighttime contact information for the "person on duty" when the emergency shelter is operating.

(11) State law compliance. The operator shall ensure proper compliance with all state laws pertaining to client residency and occupancy.

(12) Emergency response. The operator shall establish standards for responding to emergencies and incidents by expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.

(c) Required Services. The facility shall provide the following services in a designated area separate from sleeping areas:

(1) A recreation area inside the shelter or in an outdoor area visually separated from [public] view by a minimum six (6) foot tall visually screening decorative wall or fence.

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

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

(4) Kitchen and dining area.

(5) Client storage area.

(6) Similar types of facilities to address the needs of homeless clients, as determined by the Community Development Director or their designee.

(d) Parking. An emergency shelter facility shall provide parking as indicated in Article III, Division 6.

(e) The facility shall comply with all other laws, rules, and regulations that apply including, but not limited to, building and fire codes. The facility shall be subject to City inspections prior to the commencement of operation. In addition, the City may inspect the facility at any time for compliance with the facility's operational plan and other applicable laws and standards.

26-119 Private Gymnasiums and Fitness Studios [EX. DIVISION 10 OF ARTICLE XII]

The purpose of this Division is to serve the need of the public in regard to gymnasiums and fitness studios while guaranteeing the adequacy of the site for the use and the protection of the surrounding properties through consideration of physical treatment, parking requirements and compatibility with surrounding properties.

(a) Application. Gymnasiums and fitness studios may be established only in the zones as specified in Article II, Division 2 through a Conditional Use Permit. The application shall include a precise plan for new structures (as specified in Article VI, Division 3).

(b) Development Standards. The development standards of the zone in which this use is to be located shall apply (as specified in Article II, Division 2 of this Chapter) unless this section specifically permits or prohibits otherwise.

(c) Parking shall be required as indicated in Article III, Division 6.

(d) Conditions of Approval. Conditions of approval of an Administrative Permit or Conditional Use Permit for gymnasiums and athletic clubs shall include but not limited to the following:

(1) The Administrative Permit or Conditional Use Permit shall become null and void upon transfer of ownership or any other interest in the use permitted.

(2) The Administrative Permit or Conditional Use Permit may be revoked, amended, and suspended by the community development director or Planning Commission under the provisions of Article VI of this Chapter.

(3) Licenses and permits as required in Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(4) Such other conditions as deemed by the Community Development Director or Planning Commission to reasonably relate to the purpose of this Division.

26-120 Home Occupation [EX. DIVISION 5 OF ARTICLE XII]

The purpose of the home occupations provisions is to permit the conducting of a business for supplemental income in residential dwellings without changing the residential character of surrounding neighborhood.

(a) Regulations and Requirements. The following regulations and requirements apply to home occupations:

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

(2) No mechanical, electrical equipment, or stock material shall be used other than that customarily found in the home associated with a hobby or avocation not conducted for gain or profit except machinery, equipment or stock material which is essential in the conduct of the home occupation, providing that such machinery, equipment or stock material does not generate, emit or create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than normally experienced in an average residential neighborhood.

(3) No in person contact with the public or in person sale of products on the premises except by mail, phone, or internet ~~or telephone~~.

(4) No generation of pedestrian or vehicular traffic beyond the amount normal to a residential neighborhood.

(5) No more than one (1) room or two hundred (200) square feet, whichever is less, shall be employed for the home occupation.

(6) No garage, accessory building or open ground space shall be employed for home occupation or for storage of equipment, supplies, or products, except the vehicle (and equipment, supplies or products stored within the vehicle) employed by the home occupation.

(7) No commercial advertising or identifying signs.

(8) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character prior to the installation of the home occupation.

(9) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes~~. (Private telephone excluded)~~, including computers and phones used for business.

(10) These regulations shall not apply to community care facilities except when in conflict with a specific state licensing requirement.

(b) Permitted uses regarding home occupations are limited to sales and services type business with no on-site contact with the public, production and assembling of small quantities of items. Contact with clients is limited to one client on the premises. This does not include family day cares.

(c) The following services and uses require a Conditional Use Permit as set forth in Article VI.

(1) Foster home (more than six (6) children)

(2) Hobby kennel (subject to requirements of section 26-111- Animal Keeping)

(3) Horse boarding or breeding (subject to requirements of section 26-111- Animal keeping)

(d) The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby substantially impair the use and value of a residential neighborhood. These specified uses shall not be permitted as home occupations:

(1) Auto Repair

(2) Barber or beauty shop.

(3) Bicycle repair.

(4) Carpentry work.

(5) Dance instruction.

(6) Laundering service.

(7) Massage parlor.

(8) Medical or dental office.

(9) Painting of vehicles, trailers or boats.

(10) Photo developing.

(11) Photo studio.

(12) Private school with organized classes.

(13) Radio or television repair.

(14) Upholstering.

(15) Welding.

26-121 Massage Parlors and Health and Beauty Spas [EX. DIVISION 12 OF ARTICLE XII]

The purpose for this Division is to serve the need of the public in regard to massage parlors and health and beauty spas while guaranteeing the adequacy of the site for the use and the protection of surrounding properties through consideration of physical treatment and compatibility with surrounding properties.

(a) This Division shall not apply to any uses or professions exempted by Chapter 14 Article V of this Code.

(b) Massage parlors and health and beauty spas may be established only in the zones as specified in Article II, Division 2 of this Chapter.

(c) The permit required (as specified in Table 2-12 in Article II, Division 2) shall be obtained prior to establishing a massage parlor or health and beauty spa.

(d) The development standards of the zone in which this use is to be located shall apply (as specified in Article II of this Chapter unless this section specifically permits or prohibits otherwise.

(e) Parking shall be required as indicated in Article III Division 6.

(f) Massage Parlors and Health and Beauty Spas shall comply with the following minimum standards:

(1) Massage parlors and Health and Beauty Spas shall not be located within 1,000 feet of another massage use;

(2) Massage parlors and Health and Beauty Spas shall not be located within 150 feet from any residential use.

(3) A massage room shall not have light dimmers and shall not be equipped with lamps.

(4) Accessory massage uses (where massage is not the primary use) shall not have any doors for massage rooms but may cover the doorway with draped curtains. Massage parlors and Health and Beauty Spas may have doors that are not equipped with any locking devices.

(5) Each massage room or area where massage is performed shall be illuminated with light equivalent to a minimum of forty-watt incandescent light bulb and shall provide sufficient ventilation. Such lighting and ventilation shall otherwise comply with the current mechanical and building code of the city. The lighting in each massage room shall be always activated while the patron is in such room or area.

(6) No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area, shall, during business hours, block visibility into the interior reception and waiting area by curtains, closed blinds, or any other material that obstructs, blurs, or darkens the view into the premises.

(g) No person or persons shall be allowed to live inside the massage establishment at any time. Beds, mattresses, waterbeds, futons, sofa beds, or any type of portable or convertible beds are not permitted on the premises.

(h) No food of any kind shall be cooked or prepared in a massage establishment. No food of any kind shall be for sale or sold in the establishment.

(i) A massage establishment may be inspected at least twice a year for the purpose of determining that the provisions of this chapter are met. Such inspections may be made by the police department, persons employed by the City whose job descriptions require the person to enforce the provisions of this code, including, but not limited to, code enforcement officers, and such other enforcement officials.

(j) Advertising. No permitted massage establishment shall place, publish, or distribute, or cause to be placed, published, or distributed, in any publication or any website, any advertising that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services authorized by the Massage Therapy Act and pursuant to this chapter. No massage establishment shall employ language in the text of such advertising that would reasonably suggest to a prospective patron that any service is available other than those services authorized by this chapter. The massage establishment shall ensure that it and all certified massage professionals comply with Business and Professions Code Sections 4608, 4609 and 4611, by requiring the massage professionals to include the name under which he or she is certified and his or her certificate number in any and all advertising of massage for compensation; to not engage in sexually suggestive advertising related to massage services; to not hold him or herself out as a certified massage professional, or use terms such as "licensed" or "certified," that implies that an uncertified person is certified as a massage professional; to not falsely state or advertise or put out any sign or card, or to falsely represent to the public, that any individual is licensed, certified, or registered as a massage professional if that individual is not so certified by the CAMTC.

(k) Clothing. A massage professional may not wear attire that is transparent, see-through, or substantially exposes the massage professional's undergarments or that exposes their breasts, buttocks, or genitals, or that in any way willfully and lewdly exposes their private parts in any place that is in public or where there are other people present who may be offended or annoyed by such action. Swim attire may not be worn unless the massage professional is providing a water-based massage modality approved by the CAMTC. A massage professional shall not wear any clothing that is deemed by the CAMTC to constitute unprofessional attire. All employees of the massage establishment that are not massage professionals shall also adhere to these clothing requirements.

(l) Responsibility for Conduct of Massage Establishment. The operator and on duty manager shall be jointly responsible for the conduct of all employees while the employees are on the premises of the massage establishment. Any act or omission of an employee constituting a violation of any provision of this chapter shall be deemed to be an act or omission of the operator and on duty manager for purposes of determining whether the massage establishment permit should be revoked, or an application for such permit or renewal thereof, denied.

(m) Conditions of approval of a Conditional Use Permit for health and beauty spas or massage parlors:

(1) Review of the operation permitted by the Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of the use. The business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to two times the current Conditional Use Permit application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(2) All persons providing massage services shall obtain a CAMTC certificate.

(3) Signs—Display of Permits. Neither signs nor the front of the business shall be illuminated by strobe, flashing lights or string lights. Each operator and/or on-duty manager shall display the massage establishment permit in a conspicuous public place in the lobby of the massage establishment. In addition, each operator and/or on-duty manager shall ensure: (a) CAMTC Certificates for each massage professional employed at the establishment (whether on-duty or not) are conspicuously displayed in the lobby area of the massage establishment; and (b) that each massage professional has his or her identification card in his or her possession while providing massage services for compensation.

(4) The Conditional Use Permit may be revoked, amended, or suspended by the Planning Commission under the provisions of Article VI Division 4 of the West Covina Municipal Code.

(5) Licenses and permits as required by Section 14-117 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(6) The use shall be conducted in compliance with all applicable requirements of Article V of Chapter 14 of the West Covina Municipal Code.

(7) Such other conditions as deemed by the Planning Commission to reasonably relate to the purpose of this Division.

(n) Accessory massage service is allowed as an accessory to hair salons, barbershop, nail salons, gyms/fitness studios, medical office/clinic only.

(1) An administrative review shall be obtained prior to establishing accessory massage and prior to issuance of business license and the start of operations subject to the following minimum standards:

(i) A massage room shall not have light dimmers and shall not be equipped with lamps.

(ii) The massage room shall not have any doors but may cover the doorway with draped curtains.

(iii) Each massage room or area where massage is performed shall be illuminated with light equivalent to a minimum of forty-watt incandescent light bulb and shall provide sufficient ventilation. Such lighting and ventilation shall otherwise comply with the current mechanical and building code of the City. The lighting in each massage room shall be always activated while the patron is in such room or area.

(2) A letter signed by the applicant for massage services requesting that the Community Development Director or their designee approve massage services as an accessory use at the subject address. The letter should also include the following:

(i) Applicant's full name, mailing address, and phone number (the applicant must be the same business owner of the primary business.

(ii) The proposed hours of operations for the massage services and hours of operation of the primary use.

(iii) A statement that massage services will not be permitted beyond the hours of operation of the primary use.

(iv) A statement that the proposed massage technician is strictly accessory to the primary use and will abide by all requirements of an accessory use, including permitting no exterior advertising relating to massage services.

(3) A floor plan, drawn to scale, of the primary use indicating location of walls and entries and labeling the intended use of rooms. Specifically, show the following:

(i) The location of the massage room and fixtures related to the business (sink, table, counter, bathroom shall be indicated on the floor plan);

(ii) No separate exterior entrance to the massage room. The path of travel to the massage room should be through the main entrance of the primary use; and

(iii) The massage room and other areas devoted to the massage service shall not exceed ten (10) percent of the total business floor area.

(4) A business license from the city treasurer's office is required.

(5) Each individual massage technician shall comply with the requirements of section 14-68 of the Municipal Code.

26-122 Mobile Home Development and Design Standards [EX. DIVISION 2 OF ARTICLE XII]

The regulations contained in this Division, in addition to the requirements for the underlying zone, shall govern the land, buildings, yard restrictions, signs, landscaping, and other improvements required for mobile home parks developed within any such district.

(a) The following general criteria are hereby set forth to guide the Planning Commission in establishing a mobile home park district. The Planning Commission may, based upon compliance with said criteria, approve or deny a request for a mobile home park district.

(1) A mobile home park shall be located on a four (4) lane or wider street.

(2) A mobile home park shall consist of not less than five (5) acres of usable area (ten (10) percent grade or less).

(3) The existing utility systems (water, sewer, drainage, electrical, gas and communications facilities) should be adequate or the construction of new systems possible to serve a mobile home park within the mobile home park district.

(b) The following development standards shall apply to a mobile home park.

(1) The required permit (as specified in Article II Division 2) shall be obtained prior to construction of a mobile home park.

(2) State standards. The mobile home park standards of the state, as the same now exist or as they may be amended, shall apply.

(3) Underground utilities. All utilities shall be underground in accordance with the Municipal Code and approved by the city engineer.

(4) Off-street parking shall be provided as indicated in Article III Division 6.

(5) Landscaping. The required setback areas shall be landscaped. In addition, there shall be planters, trees, shrubs, and other plant material generally dispersed through the mobile home park. Such landscaping shall be permanently watered and maintained. All such planted areas shall be surrounded by a curb of concrete or comparable material not less than six (6) inches high.

(i) No planting area shall be less than twenty-four (24) square feet in overall area or less than three (3) feet in width (inside dimension) except for raised planter boxes around or near buildings.

(ii) There shall be at least one fifteen (15) gallon size tree provided per mobile home lot.

(iii) Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

(iv) Each unused space resulting from the design or layout of parking spaces or accessory structures which is over twenty-four (24) square feet shall be landscaped.

(v) The landscaping plan shall be drawn to a minimum scale of one (1) inch for each fifty (50) feet; shall indicate the square footage of each planting area; shall tabulate the square footage of all landscaped area and percentage of the total site devoted to landscaping; shall identify at the planting area the type of plant; shall list the botanical and common names of all plants with the number of each and their container size; and shall clearly portray the permanent irrigation system.

(6) Walls. A five (5) foot high (minimum) concrete, masonry or decorative block wall shall be provided and maintained on the boundary of the mobile home park. Walls along dedicated street frontages must be set back a minimum distance of fifteen (15) feet from the property line and this setback area shall be landscaped. Type, texture, and color shall be approved by the Planning Commission.

(7) Yards. There shall be a fifteen (15) foot setback along all dedicated street frontages which area shall be landscaped as indicated in subparagraph (e) above.

(8) No mobile home or structure shall be located within five (5) feet of the side or rear line of a mobile home park boundary.

(9) Refuse storage. All outdoor trash, garbage, and refuse containers shall be screened on all sides from public view by a minimum five and one-half (5½) foot high concrete, masonry or decorative block wall and the opening provided with a gate of durable wood or comparable material. Such an area shall be so located as to be easily accessible for trash pickup. Type, texture, and color shall be approved by the Planning Commission.

(10) Lighting. All lighting of the mobile home buildings, landscaping, parking lot, or similar facilities shall be so located and directed as to reflect away from adjoining properties.

(11) Mechanical equipment. All ground mechanical equipment shall be completely screened behind a permanent structure, and all roof top mechanical equipment on permanent structures shall be placed behind a permanent parapet wall and be completely restricted from all view.

26-123 Mobile services [EX. DIVISION 13 OF ARTICLE XII]

(a) The purpose for this division is to serve the need of the public for convenient and economical services to residents and business while guaranteeing the adequacy of the site for the use and the protection of surrounding properties.

(b) Mobile Services permitted

(1) For the purposes of this division, mobile services shall include specified commercial services that are rendered at residences or places of business, provided only in response to direct requests for such services. Mobile services shall be limited to those typically and customarily provided by stationary service businesses permitted in the commercial zones (not including the M-1 zone) of the City.

(2) Mobile services shall not include services that create a nuisance to adjacent properties, such as but not limited to vibration, sound, electro-mechanical disturbance or radiation, air or water pollution, dust, emission of odorous, toxic, or noxious matter, or violates the provisions of Chapter 15 of the Municipal Code.

(3) Mobile services involving the maintenance of stationary property fixtures shall be exempt from the provisions of this division, notwithstanding that such services must comply with the provisions of Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations). These services shall include, but are not limited to, gardeners, pool maintenance, and building contractors.

(4) Mobile food vendors requiring a business license permit, as stated in section 14-161, shall be allowed only in commercial and manufacturing zones. However, a mobile food vendor may conduct business on a property used or zoned for residential purposes during the construction or reconstruction of any structure on that property if the area actually being constructed or reconstructed consists of 2,500 square feet or greater in area. Such operation shall comply with the provisions of Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations).

(5) The Community Development Director shall be authorized to make determinations regarding the conformance of proposed mobile services with these stated criteria, provided, however, that the decision of the Community Development Director may be appealed to the Planning Commission pursuant to the procedures of section 26-193 of this chapter.

(c) Standards for mobile services operation.

(1) Mobile services provided at residences may be rendered only to the residents of the subject property. Mobile services provided at places of business may be rendered only to the owner or proprietor of the subject business, or to employees of the subject business with the consent of the owner or proprietor.

(2) Mobile services may be provided only in response to direct request for such services, and may not be provided through "door-to-door" solicitation.

(3) The total number of days that a service may be provided at a particular residence or place of business by a given mobile service operator shall be limited to a maximum of five (5) during any given thirty-day period.

(4) Mobile services may be rendered only between the hours of 8:00 a.m. and 9:00 p.m., except as prohibited by noise regulations contained in Chapter 15 of the West Covina Municipal Code.

(5) Mobile services shall be provided entirely within enclosed buildings, with the exceptions of the following services:

(i) Auto repair and services provided at single-family residential properties, provided it occurs in conformance with section 26-45 of this chapter (including the prohibition of power tools after 8:00 p.m.), and further provided that oil, gasoline, and other flammable or hazardous materials are properly disposed of in accordance with environmental laws and regulations.

(ii) Auto repair and services provided at multiple-family residential properties, provided it occurs in conformance with section 26-45 of this chapter (including the prohibition of power tools after 8:00 p.m.), and further provided that oil, gasoline, and other flammable or hazardous materials are properly disposed of in accordance with environmental laws and regulations.

(iii) Services provided at residential properties, provided it occurs within a commercial service vehicle designed for the particular service provided.

(6) Licenses and permits as required in Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations) must be obtained by operators of mobile services.

(7) The Community Development Director shall be authorized to make exceptions to these standards, based on extraordinary circumstances, provided that negative impacts are not created, provided, however, that the decision of the Community Development Director may be appealed to the Planning Commission pursuant to the procedures of section 26-193 of this chapter.

26-124 Temporary leasing centers, Modular trailers and Model Homes [EX. DIVISION 3 OF ARTICLE XII]

Notwithstanding any other provisions of this Chapter, after a tentative subdivision map or precise plan has been approved, a model home marketing complex may be constructed within the area covered by the tentative subdivision map if all the conditions of this division are complied with.

(a) The owner or developer of land within a subdivision who desires to construct a model home marketing complex therein shall file the following with the Community Development Director or their designee:

(1) The model home marketing complex site plan (which must be a typical representation of the proposed development), including plot plans showing the proposed location and elevation of all models and of all other structures proposed to be built, the location of roads, walks, parking areas and other improvements within the complex and landscaping plans.

(2) An "Agreement and Consent to Judgment" signed and acknowledged by both the owner and the developer guaranteeing that all land and improvements constructed as part of the model home complex shall conform to the final subdivision map, zoning and improvement plans, or guaranteeing that if the final subdivision map is not recorded within eighteen (18) months from the date of the agreement or any authorized extension thereof, all of the improvements shall be removed at the sole cost of the owner thereof and the land restored to its former condition. The form of the agreement shall be approved by the City Attorney before it is filed.

(3) The legal description of the area including each individual lot within the subdivision upon which the model home marketing complex is to be constructed.

(b) The Community Development Director or their designee shall review the plot plans of a proposed model home marketing complex and may either approve, amend, or disapprove the plot plans.

(c) Any applicant dissatisfied with the action of the Community Development Director or their designee may appeal in the manner and within the time specified in section 26-193.

(d) After the plot plans have been approved by the Community Development Director or their designee, the owner or developer may apply to the building official for the necessary permits required for the construction of the model home marketing complex in accordance with the approved plot plans. All plans, specifications and certificates required for compliance with the building code, together with the payment of the prescribed fees, shall be required.

(e) Plans and specifications shall be submitted to the city engineer for the construction of necessary streets, curb, gutters and paving to serve the model home complex and necessary utilities, sewers and storm drains shall be constructed. Plans and specifications shall be approved by the city engineer prior to issuance of building permits. Final street construction may be deferred until such time as the model home complex is no longer in use provided a bond, in an amount approved by the city engineer, guaranteeing final street construction, is posted.

(f) The owner or developer shall also construct on the model home complex site suitable and adequate toilets and washing facilities for public use. The plans and specifications for such facilities and their location shall be approved by the building official prior to construction. The facilities shall be permanently maintained in a clean and sanitary manner to the satisfaction of the health department.

(g) A model home marketing complex may be constructed in a Planned Residential Development overlay zone or in a Planned Community Development zone for which no tentative subdivision map is required if the owner or developer complies with all the conditions of this division with the following exceptions:

(1) Reference to the approved tentative subdivision map shall mean the approved development plan for the planned residential development or the planned community development, whichever is applicable.

(2) Reference to the removal of improvements if a final subdivision map is not recorded shall refer to a notice to remove improvements issued by the Community Development Director or their designee of the City for noncompliance with master plan requirements or with development plan requirements. Removal of

improvements may be required within eighteen (18) months of the date of the approval of the development plan unless an extension of time is approved by the Planning Commission.

(h) No residential occupancy shall be permitted in any dwelling unit constructed as a part of a model home marketing complex until the Community Development Director or their designee and city engineer have certified that all the requirements of this Chapter which are applicable to the unit have been met and the building official has finally certified that all building code requirements have been met.

(i) A fee as established by a resolution of the City Council is required for the application and review of the plot plans for a model home complex. Building permit and engineering fees required by other provisions of this Code shall be paid.

26-125 Outdoor Dining *NEW*

(a) Outdoor dining and seating areas may be permitted for approved restaurant or other similar uses subject to the following standards:

(1) New outdoor dining facilities shall be subject to an Administrative Permit as per Article VI Division 6 Administrative Permit.

(2) Minor Modifications of existing outdoor dining facilities shall be subject to the provisions of Article VI Division 7 Minor Modifications.

(3) Outdoor dining areas located on public walkways shall be limited to commercial areas within the plaza area and which provide meal service, specialty food service or full menu food services.

(4) Outdoor dining areas located on City owned properties shall require a separate encroachment permit issued by the Engineering Division and/or a lease agreement with the City that includes indemnification of the City.

(5) Dining areas adjacent to storefronts shall not be permitted in areas where less than an eight (8) foot minimum sidewalk width exists, unless additional or lesser public walkway is approved by the Community Development Director or their designee. The dining area must permit at least four feet of unobstructed area of public walkway.

(6) The outdoor dining area shall be located in a manner which will not obstruct pedestrian or vehicular line of sight, interfere with vehicular or pedestrian mobility, or impede access to City or public utilities or facilities. The determination of whether an outdoor dining area, or any part thereof, interferes shall be made by the Community Development Director or their designee at the time of application based on the characteristics of each proposed site.

(7) All Fire Department regulations and standards concerning exterior lighting and power must be met. These regulations and standards will be supplied at the time of application.

(8) Any permanent supports for shade structures, such as solar sails shall obtain the appropriate building permit and Fire Department approval for use of the solar sails. For purposes of lot covered, solar sails shall not be considered towards lot coverage.

(9) The outdoor dining area shall only be located directly adjacent to the business that it serves. The outdoor dining area shall not encroach into the front of adjacent tenant spaces.

(b) Operating requirements and restrictions.

(1) Tables and other outdoor dining components shall be located on the same site as the restaurant, within private property.

(2) Outdoor dining areas are limited to the serving and consumption of food and non-alcoholic beverages. An approval to serve alcoholic beverages within the outdoor dining shall comply with the standards established by the state Department of Alcohol Beverage Control and shall require a permit as specified in Article II Division 2.

(3) Displaying merchandise within the outdoor dining area is prohibited.

(4) Any proposed furnishings associated with the outdoor dining areas shall not obstruct or restrict the lines of sight of vehicles.

(5) Applicants requesting outdoor dining areas exceeding 25 percent of the restaurant's gross floor area shall provide evidence of sufficient parking onsite or provide a parking study analyzing on-site parking impacts that is prepared by a licensed civil or traffic engineer.

(6) Components associated with the outdoor dining areas shall be arranged in a manner that is compliance with all local, state, and federal laws, including but not limited to, the Americans with Disability Act.

(7) Access to entrances and exits, fire hydrants and fire lanes shall not be obstructed.

(8) The use of amplified music including live entertainment within outdoor dining areas shall require live entertainment approval pursuant to Article II, Division 2.

(9) Lighting shall be incorporated into the façade of the building and shall complement the style of the building. Lights on buildings shall not be glaring at pedestrian or vehicular traffic and should illuminate only the outdoor dining area.

(10) Heating sources are not permitted for outdoor areas when underneath an awning canopy or other temporary or permanent structure.

(i) Any temporary shade structures such as canopies, etc. shall obtain a Temporary Use Permit from the Planning Division.

(11) The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition at all times. Regular cleanup of trash and debris shall be the responsibility of the business owner.

(12) If table service is not offered, then outdoor dining area must contain waste receptacles for use by the public and employees.

(13) All moveable furniture shall be stored indoors during hours of non-operation or shall be secured to the satisfaction of the City.

(c) Design standards.

(1) The outdoor dining area may be defined by placement of fencing or other suitable dividers as required or approved by the Community Development Director or their designee and shall be in keeping with the aesthetic and architectural character of the building.

(2) Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structures.

(3) The outdoor dining area shall be defined by placement of portable but sturdy fencing or other suitable dividers such as planter boxes, as required or approved by the Community Development Director or their designee and shall be in be compatible with the business's exterior aesthetic features. All fences and/or dividers shall be of durable material, fire safe, structurally sound, aesthetically pleasing, and compatible with adjoining improvements or structures.

(d) Any modification to public surfaces, such as borings for recessed sleeves or post holes must be approved in advance by the Community Development Director or their designee. A cash deposit or bond, posted in a form acceptable to the City Attorney's office, in the amount of $1,000.00 and shall be posted by the permittee to ensure proper site restoration.

(e) Parking requirements for outdoor dining shall be consistent with the provisions of Article III Division 6.

26-126 Portable Self-Storage Containers [NEW - COMBINED AND CONSOLIDATED EX. STANDARDS IN RESIDENTIAL AND COMMERCIAL ZONES]

This section provides location, development, and operating requirements for portable self-storage containers.

(a) *Temporary placement on residential zoned properties developed with a residential use.* Storage containers may be located on a lot developed with a single-family residence, duplex, or multi-family residential on a temporary basis, subject to the following standards:

(1) *Short-term location.* One (1) container may be located on a lot up to a total of fourteen (14) days in a calendar year without the approval of any permit.

(2) One (1) storage container may be located on a lot in conjunction with active construction with a valid Building and/or grading permit on the same lot. The storage container shall be removed from the site within ten (10) days of building permit final.

(3) *Location.* The temporary storage container shall be located no closer than 5 feet from the rear and side property lines. Location within the front setback shall be limited to no more than fourteen (14) days unless screened from the public right-of-way. The temporary storage container shall not impede access to the garage and/or carport. The temporary storage container shall not be located on the driveway if parking of at least two vehicles is not feasible.

(4) *Size.* Storage containers shall be no greater than twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width.

(b) *Temporary placement on commercial properties.* Temporary storage containers may be located on a commercial lot subject to the following standards:

(1) *In conjunction with permitted active construction.* Storage containers may be temporarily located on a commercial site for the storage of construction materials and/or store/retail inventory in conjunction with active construction with a building or grading permit.

(ii) The location of the temporary storage container shall be indicated on a site plan approved by the Planning and Engineering Divisions prior to its placement on site.

(iii) The temporary storage container(s) shall be screened and secured with temporary construction fencing.

(iv) The temporary storage container(s) and temporary construction fencing shall be removed within 7 days after building permit final or the issuance of a temporary certificate of occupancy, whichever comes first.

(2) *Size.* Storage containers shall be no greater than twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width.

(c) *Permanent placement.* Permanent placement of storage containers is prohibited on vacant lots and lots developed with a single-family residence, multifamily residence and/or commercial use.

(d) The temporary storage container shall be immediately removed at such time as the storage container becomes a nuisance or danger due to its conditions.

26-127 Recycling Facilities [EX. DIVISION 14 OF ARTICLE XII]

The purpose of this Division is to address the critical statewide issue of diminishing landfill capacity. Consistent with the waste diversion goals and objectives adopted as part of the City's source reduction and recycling element, this Division is intended to conserve, to the extent possible, remaining landfill capacities, by promoting an integrated waste management approach whereby each waste stream is handled in the most efficient and environmentally sound manner and providing the public with convenient recycling and/or disposal alternatives. This Division further seeks to guarantee the adequacy of the site for the proposed use and ensure the protection of the surrounding properties through review and consideration of physical design and compatibility with surrounding properties.

(a) *Permitted zones and required permit.* No person or entity shall be permitted to place, construct, or operate a recycling facility, materials recovery facility, and/or a solid waste transfer station without first obtaining the required permit indicated in Article II, Division 2 of this Development Code. This permit is in addition to and is

intended to supplement permits required by state law to protect local health, safety and welfare. Any business seeking a land use permit must obtain a business license.

(b) *Development standards.* The following development standards, in addition to the requirements of the underlying zone, shall apply. In no case shall there be more than one (1) small collection facility, donation drop box, and/or reverse vending machine located and approved on the same site, shopping center, and/or lot. Where the following code provisions conflict with other, the stricter requirements shall apply.

(1) *Small collection facility.* Unless otherwise noted, the following requirements shall apply to all small collection facilities:

(i) The center shall be established in conjunction with an existing or planned commercial use, industrial use, or service facility (herein referred to as the "host use") which is in compliance with the zoning, building and fire codes of the City of West Covina.

(ii) The center shall be no larger than five hundred (500) square feet, and the placement of a small collection facility shall not create a parking deficit.

(iii) The center shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director, or their designee, or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(iv) No power-driven processing equipment except for reverse vending machines shall be employed.

(v) Containers shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the materials collected and the collection schedule.

(vi) All recyclable material shall be stored in containers or in the mobile unit vehicle, and no materials shall be left outside of containers when the attendant is not present.

(vii) The facility shall be maintained free of vermin, litter, and any other undesirable materials, and be swept at the end of each collection day and cleaned weekly.

(viii) Noise levels shall not exceed sixty (60) dBA as measured at the property line of a residentially zoned or occupied site; otherwise, noise levels shall not exceed seventy (70) dBA.

(ix) Attended facilities shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use. This minimum distance requirement does not need to be met if the facility is at least one hundred fifty (150) feet from a site zoned or occupied for residential use and is separated from that site by an arterial street.

(x) Attended facilities shall operate only during the hours between 8:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends and holidays.

(xi) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the containers.

(xii) The facility shall not impair the landscaping required for any concurrent use.

(xiii) No additional parking spaces are required for customers of the recycling center when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

(xiv) Small collection facility shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

(xv) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

a) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.

b) A parking study shows that the existing parking capacity is not already fully utilized during the time the recycling facility is in operation.

c) If the permit expired without renewal, the recycling facility shall be removed from the site on the day following permit expiration.

d) A twelve-inch by twelve-inch sign which states the redemption value offered shall be posted daily.

e) The small collection facility shall be screened when determined by the review authority to reduce visibility impacts from off-site and main traffic areas on-site.

f) Small collection facilities shall only be located on a property with a market that is greater than twenty ~~five~~ thousand (~~25,000~~20,000) square feet in floor area.

(2) *Donation drop boxes.* Unless otherwise noted, the following requirements shall apply to all donation drop boxes:

(i) Donation drop boxes must be attended by employee(s) per the schedule approved and posted on the site.

(ii) Donation drop boxes shall be established in conjunction with an existing or planned commercial use, industrial use, or service facility (herein referred to as the "host use") which is in compliance with the zoning, building, and fire codes of the City of West Covina.

(iii) The drop box location shall be no larger than one thousand (1,000) square feet.

(iv) The drop box shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director or their designee or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(v) Donation drop boxes shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the materials collected and the collection schedule.

(vi) All donated material shall be stored in the drop box and no materials shall be left outside of containers.

(vii) The drop box shall be maintained free of vermin, litter, and any other undesirable materials, and be swept at the end of each collection day and cleaned weekly.

(viii) Noise levels shall not exceed sixty (60) dBA as measured at the property line of a residentially zoned or occupied site; otherwise, noise levels shall not exceed seventy (70) dBA.

(ix) Donation drop boxes shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use.

(x) Donation drop boxes shall operate only during the hours between 8:00 a.m. and 9:00 p.m.

(xi) An approved donation drop box shall be open and attended at least six (6) days of the week. If the donation drop box is open only six (6) days in a week, an attendant shall patrol the donation drop box on any day that the donation drop box is not open to clean up any discarded items within the site.

(xii) Donation drop boxes shall be open at least six (6) hours a day on weekdays and four (4) hours a day on weekends.

(xiii) Donation drop boxes shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the containers.

(xiv) The facility shall not impair the landscaping required for any concurrent use.

(xv) No additional parking spaces are required for customers of the donation drop box when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

(xvi) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary use.

(xvii) Graffiti-resistant coatings shall be used on approved donation drop boxes to assist in deterring graffiti.

(xviii) If the permit expires, the donation drop box shall be removed by the owner of the donation drop box from the site on the day following permit expiration or when the business ceases. The provisions of the California Welfare and Institutions Code, section 150 et seq. are incorporated by reference here.

(xix) This section does not apply to religious facilities or non-profit businesses which place and operate their own donation boxes on the property at which they operate.

(3) Reverse vending machines.

(i) Provide and maintain a minimum illumination level of two-foot candles within a minimum twenty-five-foot radius around the reverse vending machines from dusk to dawn.

(ii) Provide an eight-foot wide unobstructed clear walkway area in front of the reverse vending machines. Consideration may be given to alternative solutions such as recessing the machines into the building frontage of the adjacent lease space.

(iii) The placement of the reverse vending machines shall not obstruct any portion of a storefront window or door and shall be placed immediately in front of or inserted into, the facade of the building.

(iv) Where practicable, the reverse vending machines shall be placed in a location away from the most heavily traveled pedestrian areas within the vicinity of the store being served and in compliance with the other provisions of the WCMC.

(v) The machines shall be located within thirty (30) feet of a primary entrance to the commercial structure, and shall not obstruct pedestrian, handicapped or vehicular circulation. If a more suitable location presents itself because of the layout and/or architecture of the development, the Community Development Director or their designee may approve a variation to the location.

(vi) The machines shall not occupy parking spaces required by the primary use(s).

(vii) The machines shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall not be more than eight (8) feet in height.

(viii) The machines(s) shall be constructed and maintained with durable waterproof material.

(ix) Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operation instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

(x) The machines shall be maintained in a clean, vermin free, and litter free condition daily. This shall include the cleaning of the machines and the surrounding walkways to reduce the discoloration, stickiness, and likelihood for attracting vermin. A cleaning schedule shall be submitted for approval via a Community Development Director or their designee's modification to the approved precise plan for the site. Said cleaning schedule shall identify the tasks to be undertaken, and the frequency of those tasks.

(xi) Operating hours shall be at least the operating hours of the primary host use.

(xii) A twelve-inch by twelve-inch sign which states the redemption value offered shall be posted prominently on or adjacent to the machines.

(xiii) Reverse vending machines do not require additional parking spaces for recycling customers.

(4) *Material recycling facilities and solid waste transfer or processing stations.* These requirements are minimum land use requirements which supplement the requirements of state law permits. Additional requirements may be required through the Conditional Use Permit process.

(i) Site location criteria:

a) Said facilities shall not substantially increase vehicular traffic, noxious odors, or existing noise levels in adjacent residential areas on local residential streets or shall be mitigated.

b) Said facilities shall not substantially lessen the usability and suitability of adjacent or nearby properties for their existing use.

c) The site shall be served by an improved arterial street adequate in width and pavement type to carry the quantity and type of traffic generated by said use without significantly lowering the existing level of service of that arterial.

d) The site shall be adequate in size and shape to accommodate said use, and to accommodate all yards, walls, vehicular stacking, parking, landscaping, and other required improvements.

(ii) Site development standards.

a) All buildings, structures or improvements shall meet the setback requirements of the underlying zone. Setbacks may be used only for the following purposes: passage or temporary standing of automobiles, landscape areas or light poles.

b) All waste unloading, loading, and processing equipment and activities shall be contained within an enclosed building with only sufficient openings for ingress/egress of vehicles and ventilation.

c) Sufficient off-street parking shall be provided to accommodate all company, employee, and visitor vehicles on-site.

d) On-site truck stacking and maneuvering area shall be provided as necessary to accommodate the anticipated vehicular usage of the facility, depending on the size and nature of the facility. No truck stacking and maneuvering area shall be permitted within the required front and street side yard setback and shall be completely screened by solid masonry walls not less than six (6) feet in height with appropriate landscaping and irrigation.

e) Any leachate and other liquid flow that may result shall be contained on-site and disposed of through an on-site treatment and/or sewer system to a regular or industrial sewer. Such leachate must also be handled pursuant to the requirements of the integrated waste management board, regional water quality control board, and Los Angeles County Department of Health.

f) Average noise levels shall not exceed seventy (70) dBA as measured at the property line of the facility in cases where any abutting nonresidential zoned property is impacted, and sixty (60) dBA as measured at the property line of the facility in cases where any abutting residentially zoned property is impacted.

g) Adequate safety features (e.g., sprinkler systems, alarm systems, materials screening program, emergency procedures) shall at a minimum be incorporated into the design of the facility.

h) Adequate dust, odor and noise controls shall be incorporated into the facility to minimize generation and off-site transmission of dust, odor, and noise.

i) All materials stored outside shall either be in processed bales or kept within storage bins constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry and removal of material, and of a capacity sufficient to accommodate the materials collected and the collection schedule.

j) All lighting shall be focused and directed and so arranged as to prevent glare or direct illumination on streets or adjoining property.

k) The lighting system shall be so designed to produce a minimum maintained average lighting level of one (1) footcandle on the entire facility's horizontal surface.

l) If the MRF/transfer station facility is located within five hundred (500) feet of property occupied by residential use, operating hours of operation shall at a minimum be restricted to between 6:00 a.m. and 8:00 p.m., and the average noise levels during this time shall be in accordance with subsection (c)(2)f. above, except for indoor activities such as, but not limited to, dispatching of

vehicles and administration. Said hours may be extended for some or all activities when appropriate mitigation measures and acceptable noise performance standards during these extended operating hours, as determined by the Planning Commission or Community Development Director, or their designee, are in place.

m) All open areas, other than landscaped planter beds, shall be paved with not less than two and one-half (2½) inches of asphaltic concrete or an equivalent surface meeting the established standards and specifications of the engineering department, shall be graded and drained to adequately dispose of all surface water and shall be maintained in good repair at all times.

n) No operating portion of the site shall be visible from public view. This requirement may at a minimum be satisfied by a solid masonry wall not less than six (6) feet in height, landscaping, existing topographic conditions, or a combination thereof.

o) A minimum of twenty-foot (20'-0") wide planters shall be provided along all street frontages except for driveway openings.

p) A daily cleaning program for floors, equipment and facility buildings and grounds and ongoing maintenance program shall be established to the approval of the West Covina Enforcement Waste Management Agency.

q) Refuse shall be handled as quickly as possible to avoid long term exposure on-site.

r) All incoming or outgoing trucks shall be completely enclosed or equipped with an impermeable tight-fitting cover to suppress odors and prevent spillage of materials.

s) No waste, trash except for separated recyclables, shall be stored at the facility overnight for longer than twenty-four (24) hours, unless the facility is properly permitted to do so.

t) Additional noise controls including use of the best available noise suppression and control technology shall be used if necessary to achieve the established noise control performance standards.

u) The facility operator shall prepare and implement a noise monitoring and abatement program, which shall be approved by the City Enforcement Waste Management Agency. The program shall monitor noise levels at the property line of at a minimum of three (3) sensitive receptor locations within the potential impact zone of the project. If noise levels at these locations exceed performance standards the operator shall notify the City within twenty-four (24) hours and institute additional noise reduction measures to bring noise emanating from the facility into compliance with the standards within thirty (30) days or otherwise seek City approval for a time extension. Data from all noise monitoring activities are to be recorded and made available for review by the City upon request.

v) The facility shall comply with Rule 402 of the South Coast Air Quality Management District.

w) Upon detection, extremely odorous loads entering the MRF shall be transferred as soon as possible.

x) When necessary, the MRF operator shall treat waste in the MRF with odor suppressants to comply with the baseline odor standards. A certified industrial hygienist shall establish baseline indoor odor standards and perform quarterly inspections to monitor odor levels.

y) Additional odor controls, including the base available odor suppression technology, shall be used if necessary to minimize the release of fugitive odors.

z) The facility operator shall prepare and implement an odor monitoring and abatement program, which shall be approved by the West Covina Enforcement Waste Management Agency. The program shall ensure that odor levels within the facility are kept within the baseline odor standards and that odors emanating from the facility shall not exceed the odor detection thresholds at the facility's boundary line. The program shall use the services of a certified industrial hygienist to monitor odor levels on a quarterly basis, both within the facility and at a minimum of three (3) sensitive receptor locations within the potential impact zone of the project.

If odor levels at these monitoring locations exceed the odor detection thresholds, the operator shall notify the City within twenty-four (24) hours and institute additional odor reduction measures to meet the specified odor performance standards. The facility operator shall bring the odor level into compliance with the baseline odor standards within thirty (30) days or shall otherwise request an extension of time from the City in order to reach compliance. Data from all odor monitoring activities are to be recorded and made available for review by the City upon request.

(iii) *Load inspection program.* All material recovery facilities, solid waste transfer stations or other solid waste management facilities will be required to institute a load inspection program (LIP) as part of their daily operations. The requirements for the LIP are as follows: The facility operator shall prepare and implement a program for screening loads at the facility gate house, and for checking loads at the facility building(s) and areas of operation. The load inspection program shall include inspection for hazardous wastes and other ineligible wastes and shall include procedures for their handling and disposal. Specifics of the program will be submitted to the City in a written report for their review and comment. The program shall be approved by the West Covina Enforcement Waste Management Agency.

(c) Signage. Reverse vending machines shall have a sign area of a maximum of two (2) square feet per machine, exclusive of operating instructions.

(1) Recycling centers may have signage provided as follows:

(i) Identification signs with a maximum of sixteen (16) square feet.

(ii) The signs must be consistent with the architectural style and character of the host use.

(iii) Directional signs, bearing no advertising message, may be installed on the site with the approval of the Community Development Director or their designee, if deemed to be necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

(2) Materials recovery facilities and solid waste transfer or processing stations shall have signs as provided for the zone in which they are located.

26-128 Restaurants, Limited-Service, Take-Out, Delivery-Only only *NEW*

The purpose of this Section is to ensure that Limited-Service, Take-Out, Delivery Only restaurants do not result in adverse impacts on adjacent properties and residents or on surrounding neighborhoods by reason of customer and employee parking demand, traffic generation, noise, light, litter, or cumulative impact of such demands in one area. Limited-Service, Take-Out, and Delivery-Only restaurants shall be located, developed, and operated consistent with the following standards.

(d) Applicability. The provisions of this Section shall apply to all new Limited-Service and Take-Out Only Restaurants, and to any existing such restaurant that is expanded by more than 10 percent of the gross floor area or increase of more than 25 percent of the number of seats.

(e) Litter. Employees shall collect on-site and off-site litter including food wrappers, containers, and packaging from restaurant products generated by customers on the subject property and abutting public parking at least once per business day. On-site trash and recycling containers shall be maintained and kept from overflowing.

(f) In addition to meeting the standards of Chapter 12- Garbage and Rubbish Collection, one on-site outdoor trash and one recycling receptacle shall be provided for each entrance to the establishment.

(g) Equipment. No noise-generating compressors or other such equipment shall be placed on or near the property line adjoining any Residential District or any property used for residential uses.

26-129 Service Stations [EX. DIVISION 4 OF ARTICLE XII]

The purpose of service stations is to supply motor fuel to motor vehicles. Additionally, specified accessory services and sales may be provided in conjunction with service stations, either as an extension of the service station or as a separate multi-tenant use. Only service stations shall sell gasoline from a pump to the general public.

(a) Development Standards.

(1) *Zoning.* Service stations may be established and operated only in the zones specified in Table 2-12 in Article II Division 2 of this Chapter.

(2) A Conditional Use Permit shall be obtained prior to establishing a service station as specified in Article VI, Division 4 of this Chapter.

(3) The development standards of the zone in which the service station is to be located shall applied, unless otherwise permitted or prohibited by this section.

(4) Materials, goods or commodities offered for sale, rent or storage upon the premises of *service stations* shall be located on the gasoline pump island or islands or within a structure enclosed on at least two (2) sides which shall be visible only from adjacent abutting streets and located a minimum of fifteen (15) feet from any street-side property line.

(5) The minimum site size required for service stations is fifteen thousand (15,000) square feet.

(b) Permitted incidental uses:

(1) In additional to the sale of motor fuel, a service station may offer and consist of the following sales, services, and facilities:

(i) Motor oil;

(ii) Lubrication including grease rack or elevator;

(iii) Minor tire service;

(iv) Minor battery service;

(v) Minor motor tune-up;

(vi) Head lamp adjusting;

(vii) Brake adjustment and repair;

(viii) Sale of automotive accessories ;

(ix) Car washes, hand and/or automatic;

(x) Rental of trailers, trucks, and other such vehicles, limited to twenty-five (25) percent of the site area, shall not interfere with the required parking or access and shall be located a minimum of fifteen (15) feet from any street-side property line;

(xi) The sale of nonalcoholic drinks, packaged food, tobacco and similar convenience goods, but only as an accessory or incidental use, enclosed within the main building.

(xii) Vending machines subject to the condition of paragraph (xi).

(xiii) Fast-food restaurants and other similar food service establishments offering quick food service from a limited menu of items generally served in ready-to-consume individual portions often in disposable wrappings or containers for consumption either within the restaurant or for carry-out.

(c) Car washes.

(1) Car washes established in conjunction with service stations shall be subject to the following minimum standards and conditions, which may be made more restrictive as necessary through the Conditional Use Permit process.

(i) Noise levels shall not exceed 70db(A) at the property line. If the property line is adjacent to residential property, the noise level shall not exceed 65db(A).

(ii) The wash and dry mechanism shall be contained entirely within a building.

(iii) A water recovery system shall be installed and in operation at all times.

(iv) All wash fluids used shall be biodegradable and environmentally safe.

(v) The car wash shall in no way interfere with the primary function of motor fuel distribution, automobile access, or traffic circulation.

(vi) Accessory items normally associated with a car wash, such as vacuums, may be permitted provided they meet the above-specified criteria.

(vii) Hours of operation may be limited through the Conditional Use Permit process.

(d) Prohibitions.

(1) A service station shall not be established or maintained without facilities to pump gasoline.

(2) Garage, mechanical repair service not specifically mentioned in section 26-129 (b), including but not limited to the following items are prohibited:

(i) Battery repair.

(ii) Tire rebuilding or recapping.

(iii) Painting.

(iv) Body work.

(v) Steam cleaning or radiator repair.

(vi) Transmission rebuilding.

(vii) Motor repairs involving the removal of the head or crank case.

(3) Subleasing of floor space or site area except for any use specifically authorized by section 26-129 (b), subparagraphs (i) through (ix), (xi) and (xiii).

26-130 Skilled nursing facilities, assisted living facilities, dialysis facilities and other similar facilities *NEW*

(a) Skilled nursing facilities assisted living facilities, dialysis facilities and other similar facilities may be established and operated only in the zones and permit required as specified in Table 2-2 and Table 2-12 in Article II of this Chapter. The uses listed shall provide the following information along with the required permit application:

(1) Provide information regarding the ambulance services that are to be provided. This includes the number of expected trips per day, the ambulance company that will service the site, etc.

(2) Provide a fiscal analysis.

26-131 Single Room Occupancy Structure (SRO) *NEW*

The purpose of this Division is to assist in providing housing for persons of all income levels, consistent with the public health and safety and good planning practices. The specific purpose of this Chapter is to provide access to clean, comfortable, and safe living conditions for residents. A related purpose is to facilitate new construction of efficiency dwelling units, or the structural conversion of transient occupancy uses into single-room occupancy projects, as appropriate, and to require that efficiency units be consistently maintained in accordance with applicable standards so as not to create a public nuisance.

(a) *Efficiency unit standards.* Efficiency residential units, also known as single room occupancy ("SRO"), shall be subject to and comply with the following standards and regulations.

(1) *Unit size.* Units shall have a minimum size of one hundred fifty (150) square feet and a maximum of four hundred (400) square feet.

(2) *Occupancy.* Each unit shall accommodate a maximum of two (2) persons.

(3) *Lighting.* Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Parking Lot Design and Lighting Standards (Planning Commission Resolution No. 2513)

(4) *Laundry facilities.* Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units of fractional number thereof, with at least one (1) washer and dryer per floor.

(5) *Cleaning supply room.* A cleaning supply room or utility closet with a wash tub and with hot and cold running water shall be provided on each floor of the SRO facility.

(6) *Bathroom.* Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.

(7) *Kitchen.* Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than thirty (30) inches.

(8) *Closet.* Each SRO unit shall have a separate closet.

(9) *Trash Enclosure:* An SRO building shall provide a trash enclosure in compliance with the minimum requirements and standards in Section 26-81 of this code.

(10) *Code compliance.* SRO units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

(11) *Separation.* An efficiency unit project shall not be located within three hundred (300) feet of any other efficiency unit project, emergency shelter, or other similar program, unless such program is located within the same building or on the same lot.

(12) *Facilities management.* An efficiency units project with ten (10) or more units shall provide on-site management. An efficiency units project with less than ten (10) units may provide a management office on-site.

(13) *Tenancy.* Tenancy of efficiency units shall not be less than thirty (30) days.

(14) *Review process.* Applications for efficiency unit projects shall be processed in a manner consistent with procedures for a multiple-family residential project per Article VI.

26-132 Kiosk *NEW*

The purpose of this section is to provide standards and regulations for stand-alone kiosks such as water fill stations, key duplication kiosks, or other similar uses that may be an accessory use to another commercial use or as a standalone use.

(a) *Permitted zones and required permit.* No person or entity shall be permitted to place, construct, or operate an unattended or attended stand-alone kiosk without first obtaining the required permit indicated in Article II Division 2 of this Development Code.

(1) An unattended kiosk and/or machines for water refills shall only be permitted in conjunction with a larger retail use and must be located within the commercial building or along the outside wall of the building and shall meet the following development standards:

(i) Graffiti-resistant coatings shall be used on approved machines to assist in deterring graffiti.

(ii) Provide and maintain a minimum illumination level of two-foot candles within a minimum twenty-five-foot radius around the machines from dusk to dawn.

(iii) Provide an eight-foot (8'-0") wide unobstructed clear walkway area in front of the kiosk. Consideration may be given to alternative solutions such as recessing the kiosk into the building frontage of the adjacent lease space.

(iv) The placement of the kiosk shall not obstruct any portion of a storefront window or door and shall be placed immediately in front of or inserted into, the front facade of the building.

(v) Where practicable, the kiosk shall be placed in a location away from the most heavily traveled pedestrian areas within the vicinity of the store being served and in compliance with the other provisions of the WCMC.

(vi) The kiosk shall be located within thirty (30) feet of a primary entrance to the commercial structure, and shall not obstruct pedestrian, handicapped or vehicular circulation. If a more suitable location presents itself because of the layout and/or architecture of the development, the Community Development Director or their designee may approve a variation to the location.

(vii) The kiosk shall not occupy parking spaces required by the primary use(s).

(viii) The kiosk shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall not be more than eight (8) feet in height.

(2) The following requirements shall apply to stand-alone kiosks with an attendant:

(i) The kiosk shall be established in conjunction with an existing or planned commercial use, or service facility (herein referred to as the "host use").

(ii) The kiosk shall be no larger than five hundred (500) square feet, and the placement of the kiosk will not create a parking deficit.

(iii) The kiosk shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director, or their designee, or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(iv) Kiosks shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the kiosk is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the kiosk services.

(v) All materials shall be stored within the kiosk/structure, and no materials shall be left outside of the kiosk.

(vi) The kiosk shall be maintained free of vermin, litter, and any other undesirable materials.

(vii) Noise levels shall comply with the noise standards in Chapter 15 Article IV.

(viii) Attended kiosks shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use. This minimum distance requirement does not need to be met if the facility is at least one hundred fifty (150) feet from a site zoned or occupied for residential use and is separated from that site by an arterial street.

(ix) Attended kiosks shall operate only during the hours between 8:00 a.m. and 10:00 p.m.

(x) The facility shall not impair the landscaping required for any concurrent use.

(xi) No additional parking spaces are required for customers of the kiosk when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

26-133 Transitional and Supportive Housing *NEW*

These provisions are intended to allow transitional and supportive housing, as defined in Government Code Section 65582, consistent with State law to ensure equality of treatment for all residential uses regardless of the occupant. Transitional housing is generally described as a type of supportive housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living. Supportive housing is generally described as permanent housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives.

(a) Permitted Zones.

(1) Transitional and supportive housing shall be permitted in any zoning designation in which residential uses are allowed, and subject only to the regulations, permits, parking requirements, and development standards applicable to residential uses of the same type in that zone as specified in Article II Division 2.

(2) Supportive housing shall be permitted in any zone where multifamily and mixed uses are permitted if the proposed housing development satisfies all the requirements of California Government Code Section 65651(a).

(3) If the supportive housing development is located within one-half mile of a major transit stop, no parking spaces are required for the units occupied by supportive housing residents per Government Code Section 65654.

(b) Standards for Transitional and Supportive Housing. Supportive and Transitional Housing shall comply with the same development standards that apply to other residential dwellings of the same type in the same zoning designation, and with the following standards:

(1) Length of occupant stay: No limit of the length of stay.

(2) Supportive and transitional housing shall include adequate living space, shower and toilet facilities, laundry facilities with washer and dryer appliances, and secure areas for storage for residents.

(3) If the supportive housing facility is located within one-half mile of a public transit stop, no parking spaces are required for the units occupied by supportive housing residents pursuant to California Government Code Section 656554.

(4) Supportive and Transitional housing services include but are not limited to, a combination of subsidized, permanent housing, case management, medical and mental health services, substance abuse treatment, employment, and benefits services. At minimum a Supportive and Transitional Housing facility shall provide the following services:

(i) For facilities including drug or alcohol abuse counseling, appropriate State and/or Federal licensing shall be required.

(ii) The program shall identify a transportation system to provide clients with a reasonable level of mobility to access social services including housing and employment opportunities.

(iii) The program shall provide clear and acceptable arrangement for residents of the facility, including on-site meal preparations or food provisions.

(iv) The supportive and transitional housing program shall provide childcare services and ensure that school-age children staying at the facility are enrolled in school.

26-134 Standards for Special Group Residences and Similar Uses *NEW*

The following conditions shall apply to special group residences including but not limited to, board and care, convalescent home, half-way house, boardinghouses and communal housing;

(a) Density. In a residential zone, special group housing shall be limited to the density allowed by the underlying zone district. In congregate care facilities, each bedroom with one (1) or two (2) beds shall count as a unit when calculating density. In bedrooms with more than two (2) beds, each bed shall count as a unit. This shall be the maximum permitted density. The Planning Commission may require a lower density as the situation requires. In a nonresidential zone, density shall be limited to one (1) unit per two hundred (200) square feet of lot area;

(b) Location. When within a residential district, no other similar facility may be in operation within one-half mile of the proposed project site. If the use is a fraternity or sorority, the use shall be sufficiently located from other residential uses so as not to potentially disturb the surrounding neighborhood;

(c) Concerns. Consideration of the conditional use permit shall address crime rate, concentration of similar uses, and the style and scale of the proposed building in relation to other buildings in the immediate vicinity;

(d) Continuation of use. The applicant shall provide sufficient evidence that the use will remain as the use applied for through a deed restriction or other method suitable to the Planning Commission;

(e) Open Space. Each facility shall provide not less than three hundred (300) square feet of common open space and one hundred fifty (150) square feet of usable open space per unit or room. Of the one hundred fifty (150)

square feet, not less than fifty (50) square feet shall be private open space, and the remainder may be common open space added to the required three hundred (300) square feet of common open space;

(f) Proximity to public transit. The facility shall be located within one thousand feet (1,000') by legal pedestrian route to a public transit stop; and

(g) Parking requirements. Parking and loading shall be as required by Article III, Division 6 of this Development Code.

26-135 Hotel and Motel Conversions for Affordable Housing. *NEW*

The purpose of this section is to establish a set of regulations and standards for the conversion of hotels and motels to and maintaining compatibility of such uses with surrounding properties.

(a) Development standards for the conversion of hotels and motels to apartments

(1) Any hotel or motel to be converted shall have been established and in operation as a hotel and/or motel for a minimum of ten (10) years.

(2) All hotel or motel conversions shall convert all hotel and/or motel rooms to apartments.

(3) Except as otherwise allowed in this section, any converted hotel and/or motel shall provide dwelling units exclusively for lower income households, as defined in Section 50079.5 of the California Health and Safety Code.

(4) Each unit shall meet the standards for decent, safe and sanitary dwelling units, as defined by Section 50099.5 of the California Health and Safety Code and other applicable regulations and shall include the following:

(5) A kitchen that includes a sink, garbage disposal, refrigerator, stove and oven, and a countertop;

(6) A separate bathroom that includes a sink, toilet and a shower; and

(7) A closet providing storage space.

(8) Each converted hotel and/or motel shall have a minimum of 499 square feet plus an additional 10 square feet for each unit over thirty (30) units of common usable open space as defined in 26-32, except that if the hotel and/or motel to be converted is to be rented out exclusively to senior citizens, no less than forty (40) percent of this common open space shall be indoors. The common recreation area may be provided in multiple locations, but no single open space area shall be less than 200 square feet.

(9) Any hotel and/or motel to be converted shall have a common laundry facility, including washers, and dryers accessible and available to the residents, except if such facilities are provided within each unit.

(10) Any hotel and/or motel to be converted shall maintain the parking and landscaping required at the time of the original construction and any modifications shall be permitted by the City.

(11) One parking stall shall be provided per unit and the stall shall be registered to the resident of that unit.

(12) Any hotel and/or motel to be converted shall conform to any required building, electrical, mechanical, plumbing, and other construction codes administered by the City at the time of the application for the conversion.

(13) Each bedroom shall not be occupied by more than two (2) persons.

(14) The use shall operate with an on-site manager who shall be available to resolve standard residential issues (e.g., broken equipment, noise complaints) and maintain order within the facility.

26-136 Wireless Telecommunications within all Land Uses [EX. DIVISION 16 OF ARTICLE XII]

(a) This Division sets forth a uniform and comprehensive set of development standards for the placement, design, installation and maintenance of wireless telecommunication facilities within all land-use zones of the City. The purpose of these regulations is to ensure that all wireless telecommunication facilities are consistent with the

health, safety, and aesthetic objectives of the City, while not unduly restricting the development of needed telecommunications facilities.

(b) *Applicability.* Unless otherwise exempt by this Division, the regulations set forth herein shall apply to wireless telecommunication facilities within the City.

(c) *Exemptions.* The regulations of this Division do not apply to the following:

(1) Single ground-mounted, building- mounted, or roof-mounted receive- only AM/FM radio or television antennas, DBS dish antennas, amateur and/or citizens band radio antennas, for the sole use of the occupant of the parcel on which the antenna is located.

(2) Wireless telecommunications facilities owned and operated by the City or other public agency when used for emergency response services, public utilities, operations, and maintenance.

(3) This exemption does not apply to free-standing or roof-mounted satellite dish antennas greater than twenty-one (21) inches in diameter.

(4) Wireless telecommunication facilities located in the public right-of-way, which are regulated under Chapter 19 (Streets, Sidewalks, and Public Places), Article X.

(d) Prohibited wireless telecommunication facilities in residential zones.

(1) Antennas with a solid or wire-mesh surface with a diameter or maximum width greater than twelve (12) feet are prohibited in residential zones.

(2) No wireless telecommunication facilities are permitted within residential zones except for the following:

(i) Wireless telecommunication facilities listed under Section 26-136(c)(1) and (2).

(ii) Wireless telecommunication facilities located in residential zones that are developed with permitted nonresidential uses.

(iii) Wireless telecommunication facilities consisting of roof-mounted antennas located on multiple-family residential buildings.

(e) Administrative Permit required.

(1) The following types of wireless telecommunications facilities shall be permitted subject to approval of an Administrative Permit pursuant to Article VI, Division 6 of this Chapter:

(i) New building-and roof-mounted antenna facilities.

(ii) Other forms of wireless telecommunication facilities not specifically addressed within this Division which are designed to integrate with a supporting building and pose minimal visual impacts similar to building and roof-mounted antenna facilities, as determined by the Community Development Director or their designee.

(2) *Review by Planning Commission.* The Community Development Director or their designee may elect to not rule on a request for an Administrative Permit and transfer the matter to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant.

(f) Conditional Use Permit required. Wireless telecommunication facilities consisting of free-standing wireless facilities shall be permitted subject to approval of a Conditional Use Permit pursuant to Article VI, Division 4 of this Chapter.

(g) Minor modification permitted per the process identified within Article VI, Division 7 of this Chapter.

(1) Additions or modifications to existing wireless telecommunication facilities which meet all the following criteria shall be permitted subject to approval by the Community Development Director or their designee pursuant to section 26-238:

(i) The overall height of the free-standing wireless facility is not increased by more than 10%, or more than 10 feet, whichever is greater per Title 47 of the Code of Federal Regulations. Changes in height shall be measured from the original support structure, tower, or base station, inclusive of originally approved appurtenances.

(ii) No ancillary features are added to the monopole other than the antennas, required safety equipment, and accessory equipment enclosures.

(iii) All conditions of approval for the previous facility have been met.

(iv) No required parking stalls are eliminated in conjunction with the placement of the additional accessory equipment.

(v) The addition or modification is designed to minimize visual impacts.

(vi) The wireless facility has been well maintained and does not consist of damaged flags, dead trees/landscape, discolored elements, peeling paint, graffiti, broken/missing faux branches/fronds, etc.

(2) Additions or modifications to existing wireless telecommunication facilities which do not meet all the above criteria shall be permitted subject to the approval of a Conditional Use Permit pursuant to Article VI, Division 4 of this Chapter.

(h) Conditional Use Permit required. Wireless telecommunication facilities located on City owned property shall be permitted subject to approval of a Conditional Use Permit pursuant to Article VI, Division 4 of this Chapter provided that development standards listed under 26-136(i) are complied with.

(i) Development standards. All wireless telecommunication facilities regulated under this Division shall comply with the following development standards:

(1) *Site Selection.* City-owned properties shall be considered before privately-owned properties where wireless telecommunication facilities are permitted.

(2) Location on property.

(i) Free-standing wireless facilities or roof-mounted satellite dishes greater than twenty-one (21) inches in diameter and located in residential zones.

a) No free-standing wireless facilities shall be permitted in the required side yard or front yard.

b) No free-standing wireless facilities shall be permitted within five (5) feet of the rear property line.

c) No antennas consisting of a solid or wire-mesh surface shall be permitted on the roof.

(ii) Nonresidential zones and Nonresidential uses (including wireless telecommunication facilities located in residential zones which are developed with permitted nonresidential uses).

a) No free-standing wireless facilities shall be permitted in the required front or streetside yards of the underlying zone.

b) No free-standing wireless facilities shall be permitted within ~~one~~five hundred (~~100~~500) feet of surrounding single-family residences or one hundred (100) feet of surrounding multi-family ~~residences~~residential zones (MF). This distance shall be determined by measuring from the free-standing wireless facility to the nearest property line of the single- or multi-family residence.

c) No free-standing wireless facilities shall be permitted in a required parking space or driveway.

d) Free-standing wireless facilities shall be located to the extent feasible to the rear of all existing buildings on the property.

(3) Height restrictions.

a) No free-standing wireless facilities shall exceed sixty (60) feet in height measured from the average finished grade of the subject site, except as otherwise approved under Section k.

b) No roof-mounted antennas shall exceed twenty (20) feet above the peak of the roof (excluding the height of mechanical penthouses and parapets).

c) In addition to the maximum height limits stated above, free-standing wireless facilities shall be designed at the minimum functional height as demonstrated by RF coverage maps or other alternative acceptable to the community development director.

1) In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be required to determine the engineering or screening requirements of establishing a specific wireless telecommunication facility. This service will be provided at the applicant's expense.

(4) Noise. No portion of a wireless telecommunications facility, including, but not limited to, emergency generators, shall violate the City's noise ordinance at any time.

(j) *Design Standards.* All wireless telecommunication facilities regulated under this section shall comply with the following design standards:

(1) Setbacks for wireless telecommunications facilities shall be determined in each individual case with the minimum setbacks adhering to those required by the zone.

(2) No part of any antenna, telecommunication facility, or support structure shall be in any required front, side or rear setback area, unless it's determined by the approving body that using a setback area is required in achieving the best design.

(3) Telecommunication facilities and antennas shall not be located within 1,500 feet of a property with an existing facility or antenna (measured from property line to property line), unless the proposed facility will be co-located and designed to be fully screened or camouflaged. This shall not be interpreted to include receive only antennas installed for individual residences.

(4) Monopoles and alternative antenna support structures shall be located a minimum of one-half mile (1/2) from other monopole or alternative support structure.

(5) All facilities, antennas and associated structures shall be architecturally designed, located, screened, concealed, or disguised to the extent reasonably necessary to achieve compatibility with adjacent or nearby structures, neighborhoods, and streetscapes. Alternative antenna support structures (e.g., man-made trees) shall be used in lieu of monopoles where there would otherwise be a substantial negative visibility impact.

(6) At least two 36-inch box size trees shall be planted with the construction of any mono-tree. The trees shall be of the same species as the proposed mono-tree.

(i) This requirement may be waived by the Planning Commission or City Council if there are at least two mature trees within 40 feet from the proposed mono-tree (measured from center of tree and center of mono-tree), depending on the maturity and species of the neighboring trees.

(7) Free-standing wireless facilities designed as faux trees shall bear a realistic resemblance to the type of tree that it is designed after to the greatest extent possible with emphasis on features including branches, fronds, leaves, needles, bulb diameter, trunk shape, trunk color, and trunk diameter. All antennas shall have "sock covers" installed over each antenna to simulate tree branches, leaves, needles, or similar elements for additional stealthing.

(8) All facilities, towers, antennas and associated structures shall have a matte finish to prevent glares and painted to blend into the surrounding background.

(9) Satellite dishes, other than microwave dishes, shall be of mesh construction, except where technical evidence shows that this is infeasible.

(10) Ground level support facilities shall be no taller than 17 feet in height and shall be designed to look like a building or facility typically found in the area. Said facilities shall be located below grade wherever aesthetically desirable.

(11) Security fences shall not be less than six feet in height. Chain-link may be used in those areas where accessory support facilities are not easily visible from the public view, as determined by the community development director.

(12) All satellite dishes greater than one meter in diameter and located in residential zones shall be screened to the extent necessary to achieve concealment when viewed from ground level from any adjacent public rights-of-way, parks, schools, or residentially zoned properties. Such screening may include perimeter fence/wall, landscaping, or a combination thereof, and must achieve its screening effect within sixty (60) days of installation. Roof mounted facilities may incorporate features of the existing roof such as a parapet or the slope of a pitched roof and/or landscaping or fencing which is compatible with the design and material of the existing development of the subject site.

(13) Backup generators shall only be used during power outages and for testing and maintenance purposes. Noise attenuation measured shall be incorporated to reduce noise levels to an exterior level of a maximum sixty (60) dBA at the property line when adjacent to a residential use and a maximum forty-five (45) dBA in other zones. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(14) All areas disturbed during the construction, other than required road or parking areas, shall be replanted as it existed prior to construction or with plants and/or vegetation compatible with surrounding area. New vegetation shall be irrigated unless native plantings are used. Native plantings shall include temporary irrigation (for a minimum period of six months) to ensure proper establishment of the vegetation.

(15) All telecommunication facilities shall be unlit except for:

(i) Manually operated motion sensor light(s) above the access doors, which shall be kept off unless person(s) are present;

(ii) The minimum identification tower lighting that is required under FAA regulations; or

(iii) Essential lighting that is necessary for safety and security purposes. Where essential lighting is required, it shall be shielded or directed downward or away from adjacent properties.

(16) Building and roof-mounted antennas shall be mounted on a building feature such as a parapet, penthouse wall, or building façade unless the antennas are designed to reduce negative visual impacts to adjacent properties and/or public rights-of-way. Building mounted antennas shall be painted or architecturally integrated to match the existing structure.

(k) Deviation from certain development and design standards not defined as an eligible facilities request by Title 47 of the Code of Federal Regulations. Deviation from the height requirements and minimum distance between free-standing wireless facilities by not more than twenty (20) percent may be granted by the ~~Community Development Director or their designee or~~ Planning Commission if one (1) or more of the following findings is made based on evidence submitted by the applicant:

(1) None of the permitted locations or height restrictions for free-standing wireless facilities provide for an obstruction-free reception window of said antenna as per blockage by the primary on-site structure or off-site buildings and trees of abutting properties; and/or

(2) Existing natural geographic conditions preclude an obstruction-free reception window.

(3) The relief from the development standards results in a more appropriate design which minimizes the visual impact of the facility.

(4) In order to accommodate the establishment of a co-located facility, the antenna height of the facility must be increased.

(5) The visual impacts of locating free-standing wireless facilities closer than 1,500 feet ~~¼ mile~~ to one another is negligible because the facility is designed to architecturally integrate with the surrounding environment.

(6) The visual impact of locating free-standing wireless facilities closer to single-family residential and/or multifamily residential is negligible because the facility is designed to architecturally integrate with the surrounding environment.

(l) Installation and operation.

(1) All wireless telecommunication facilities shall be installed and maintained in compliance with the requirements of the City of West Covina Municipal Code Chapter 7 (Buildings and Building Regulations), the Uniform Building Code, National Electric Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Fire Code, and the manufacturer's structural specifications.

(2) All antennas shall be permanently and properly grounded for protection against a direct strike of lightning, with an adequate ground wire as specified by the electrical code.

(3) All electrical wires (excluding those wires covered in co-axial cables) connected from the electrical cabinets to the antennas or antenna support structure shall be protected in conduit, which shall be undergrounded or fixed to the ground and/or building.

(4) Prior to the issuance of a certificate of occupancy for any wireless telecommunication facility, the project applicant shall submit a radio frequency radiation (RFR) field measurement study which verifies compliance with FCC emission standards to the Community Development Director or their designee. The study shall be accompanied by a report written to be easily understood by a lay person which describes compliance with these standards.

(5) Prior to the issuance of a certificate of occupancy for any building-or roof-mounted wireless telecommunication facility, a disclosure notice approved by the Community Development Director or their designee shall be mailed to the manager or property management company of the building on which the facility is installed.

(6) All wireless telecommunication facilities shall comply at all times with all FCC regulations, rules, and standards.

(m) Maintenance of facilities.

(1) The wireless telecommunication provider and/or property owner shall be responsible for maintaining the facility in an appropriate manner, which includes, but is not limited to, the following: Regular cleaning of the facility, graffiti abatement, periodic repainting of antennas, free-standing wireless facilities, rooftop screen enclosures, accessory equipment walls and fences as needed, keeping debris and other similar items cleared from the antenna area, and regular landscape maintenance.

(i) *Landscaping maintenance.* All trees, foliage, and other landscaping elements on a wireless telecommunication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping. Modifications to the landscape plan shall be submitted for approval to the planning department.

(ii) *Lighting.* Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal Law or FCC rules. Lighting shall be maintained in good condition at all times, including any shielding to reduce light impacts to neighboring properties.

(n) Periodic safety monitoring.

(1) As requested by the Community Development Director or their designee, all wireless telecommunication providers shall submit a certification attested to by a licensed engineer expert in the field of RF emissions, that the facilities are and have been operated within the then current applicable FCC standards for RF emissions.

(2) Any wireless telecommunication facilities operated and/or maintained in violation of FCC emission standards shall be subject to permit revocation by the Planning Commission under Article VI.

(o) Posting ownership information. In the event that a wireless telecommunication facility changes ownership, change of ownership notification must be posted on-site within sixty (60) days of the ownership change. The ownership and contact information shall be posted on site, on the wireless facility or the equipment.

(p) Abandonment provisions.

(1) The provider and/or property owner shall be required to remove the facility and all associated equipment and restore the property to its original condition within ninety (90) days after the abandonment, expiration, or termination of the Conditional Use Permit or Administrative Permit.

(2) The provider shall notify the City of its intent to remove the wireless telecommunications facility at least thirty (30) days prior to implementation.

(q) Required modifications.

(1) Notwithstanding, the City may add conditions after issuance of the Conditional Use Permit or other permit if necessary to advance a legitimate governmental interest related to health, safety, or welfare; provided, however, that no one condition by itself may impose a substantial expense or deprive the applicant or provider of a substantial revenue source. Any condition relating to technological changes shall comply with applicable Federal Communications Commission (FCC) and Public Utilities Commission (PUC) standards.

(r) Application requirements.

(1) A "justification study" shall be submitted for each wireless telecommunication application indicating the rationale for selection of the proposed site in view of the relative merits of any feasible alternative site within the service area. This study shall also include the applicant's master plan which indicates the proposed site in relation to the provider's existing network of sites within the City and surrounding areas (if applicable). For modifications or alterations to existing facilities, the applicant may be required to submit a "justification study" limited to the need to modify, alter, or expand the facility. ~~All wireless telecommunication providers shall submit a wireless telecommunication master plan for city review and approval. Providers who operate and maintain existing antenna facilities shall submit this master plan for review and approval within one (1) year of the effective date of this division or concurrent with a request to modify or alter an existing facility, or for the placement and installation of a new antenna facility, whichever is sooner. Proprietary information, when so designated, will not be available for public review.~~

(2) All wireless telecommunication applicants shall submit a "co-location study." This study shall examine the potential for co-location at an existing site. A good faith effort in achieving co-location shall be required of all applicants. Applicants which propose facilities which are not co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location. Furthermore, new wireless facilities shall include information with the application about how many co-locations are anticipated to be accommodated at the new facility.

(3) All wireless telecommunication applicants shall conduct a radio frequency (RF) "drive test" and submit documentation analyzing the results of the test. This study shall examine the existing signal strength within the targeted area in comparison to the anticipated signal strength of the proposed wireless telecommunication facility.

(4) All wireless telecommunication applicants shall provide a visual analysis, including photographic simulations, to ensure visual and architectural compatibility with surrounding structures.

(5) Written documentation with property owner contact information for all sites that were considered as an alternate location for the proposed wireless telecommunication facility.

(6) Other relevant information requested by the Community Development Director or their designee or his/her ~~Planning Commission or~~ authorized representative.

(s) Findings. In addition to the findings for approval required pursuant to Article VI, Division 4, the following findings shall also be met:

(1) The project complies with the goals and objectives of the City's General Plan.

(2) The facility structures and equipment are located, designed, and screened to blend with the existing natural environment and/or built surroundings to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.

(3) The wireless facility or equipment is located on a site that is appropriate in size and shape to accommodate the use of the facility, its equipment, and all other required features. ~~The facility is designed to blend with any existing supporting structures and does not substantially alter the character of the structure or local area.~~

DIVISION 2 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS [EX. DIVISION 11 OF ARTICLE XII]

26-137 Purpose

The purpose of this section is to ensure that accessory dwelling units and junior accessory dwelling units remain as an accessory use to single-family and multifamily residential uses, that the structures on parcels are organized to accommodate an accessory dwelling unit (ADU) and/or junior accessory dwelling unit (JADU), and that such dwelling units do not impact surrounding residents or the community. This division is intended to retain the maximum ability of the City to regulate accessory dwelling units and to comply with the requirements California Government Code Sections 65852.2 and 65852.22.

26-138 Permit

(a) Accessory dwelling units are permitted only in areas zoned to allow multifamily and single family residential, subject to the issuance of a building permit. Any application for an accessory dwelling unit that meets the unit size standards and development standards contained in this division or is the type of accessory dwelling unit described in this division, shall be approved ministerially by the City by applying the standards herein and without a public hearing.

(b) An application for an accessory dwelling unit permit (Second Unit Review- see Article VI Division 9) shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the City on a City-approved application form and subject to the established fee set by City Council resolution as it may be amended from time to time. The Second Unit Review application process shall be considered the same as a zoning clearance.

(c) Applications for accessory dwelling units shall conform to the requirements for, and shall obtain, a building permit consistent with the requirements of Chapter 7 (Buildings and Building Regulations) of this Code.

26-139 Types

(a) An accessory dwelling unit approved under this Division shall be one of the following types:

(1) *Attached.* An accessory dwelling unit that is created as a result on a new construction which is attached to an existing or proposed primary dwelling, such as through a shared wall, floor or ceiling. An attached accessory dwelling unit can also be constructed within an existing or proposed primary dwelling.

(2) *Detached.* An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The detached accessory dwelling unit shall be located on the same parcel as the existing or proposed primary dwelling.

(3) *Converted on a Single Family Lot.* One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(i) Is either: within the space of a proposed single-family dwelling; within the space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to a studio, pool house, detached garage, or other similar structure, plus up

to one hundred and fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress to the converted structure.

(ii) Has exterior access that is independent of that for a single-family dwelling.

(iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(4) *Junior accessory dwelling unit.* A junior accessory dwelling is a dwelling unit that meets the following:

(i) Is no more than 500 square feet in size and contained entirely within a single-unit primary dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

(ii) Is located and contained entirely within an existing or proposed single-unit primary dwelling.

(iii) Has a separate entrance from the main entrance to the existing or proposed single-unit dwelling.

(iv) Has a bathroom that is either shared with or separate from those of the primary dwelling.

(v) Includes an efficiency kitchen.

26-140 Development standards

(a) The following types of accessory dwelling units shall be approved, regardless of whether the accessory dwelling unit meets the development standards contained in this title. Accessory dwelling units and junior accessory dwelling units are accessory to the primary use. Therefore, accessory dwelling units and junior accessory dwelling units shall not be assigned an address separate from the primary dwelling unit, unless the accessory dwelling unit is accessory to a multi-family residential use.

(b) For single family dwelling lots in residential zones, either:

(1) One (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot may be constructed. Each accessory dwelling unit and junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety and comply with all other setback requirements. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of Section 26-139; or

(2) One (1) detached, new construction, accessory dwelling unit with setbacks of at least four (4) feet from side and rear setbacks, no more than eight hundred (800) square feet floor area with an existing or proposed single-family dwelling.

(c) On a lot with an existing multi-family residential use:

(1) Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five (25) percent of the current number of units of the multi-family complex on the lot and at least one (1) such unit shall be allowed; and

(2) Up to two (2) detached accessory dwelling units may be constructed, provided they are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks. Detached accessory dwelling units constructed pursuant to this subsection (b) shall not exceed one thousand (1,000) square feet in floor area per unit.

(d) Accessory dwelling units or junior accessory dwelling units approved under this section shall not be rented for a term of 30 days or less.

(e) Accessory dwelling units or junior accessory dwelling units approved under this section shall not be required to correct legal nonconforming zoning conditions as a pre-condition to obtaining this authorization.

(f) Allowable Zoning District.

(1) An accessory dwelling unit or junior accessory dwelling unit subject to a building permit, as described in subsection 26-139 above may be constructed on a lot in a single-family or multi-family residential or mixed-use zone.

(2) An accessory dwelling unit or junior accessory dwelling unit subject to a Second Unit Review, as described under section 26-139 above may be constructed on a lot that is zoned for single-family or multi-family residential uses.

(g) Unit Size Standards. Except as otherwise provided in this section of this division, all accessory dwelling units shall not exceed the size standards listed below.

(1) Attached accessory dwelling units. The maximum floor area of an attached accessory dwelling unit shall be the greater of:

(i) Eight hundred fifty (850) square feet for an accessory dwelling unit with zero (0) to one (1) bedroom or one thousand (1,000) square feet for an accessory dwelling unit with two (2) or more bedrooms; or

(ii) If there is an existing primary single-family dwelling, fifty percent (50%) of the square footage of the existing primary single-family dwelling but shall not exceed one thousand two hundred (1,200) square feet; or

(iii) Existing habitable and/or non-habitable areas may be converted into an attached accessory dwelling unit without any size and/or setback limitations.

(2) Detached units. A detached accessory dwelling unit shall not have more than one thousand two hundred (1,200) square feet of living area.

(h) Setback requirements.

(1) No setbacks are required for:

(i) Portions of accessory dwelling units that are created by converting existing living area or existing accessory structures to new accessory dwelling units; or

(ii) New accessory dwelling units in the same location and to the same dimensions as an existing structure.

(2) For all other accessory dwelling units, there must be a minimum setback of four (4) feet from side and rear yard setbacks.

(3) The accessory dwelling unit shall adhere to the required front setback of the underlying zone, unless it can be demonstrated by the applicant that an accessory dwelling unit of up to 800 square feet is not feasible on the subject property. In this case, there shall be no required front yard setback for an accessory dwelling unit of up to 800 square feet.

(4) The minimum required distance between a detached accessory dwelling unit and the primary dwelling unit, and all other structures, including garages, on the property, shall be ten (10) feet. An accessory dwelling unit may only be attached to another accessory structure if the construction of at least an 800 square foot detached accessory dwelling unit would not be possible on the property without the said attachment.

(i) Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the City that contains a legal, single-family or multi-family residence as an existing or proposed primary unit on a lot.

(j) Accessory dwelling units and junior accessory dwelling units are accessory to the primary use. Therefore, accessory dwelling units shall not be assigned an address separate from the primary dwelling unit, unless the accessory dwelling unit is accessory to a multi-family residential use.

(k) Number of accessory dwelling units per lot.

(1) For lots with proposed or existing single-family residences, no more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be on the lot.

(2) For lots with existing multi-family residential dwellings:

(i) No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space (e.g., storage rooms, boiler rooms, hallways, attics, basements, or garages) of the existing multifamily dwelling structure provided that applicable building codes are met; or

(ii) No more than two (2) detached accessory dwelling units, provided that no such unit shall be more than sixteen (16) feet in height, and each such unit complies with front yard setbacks, and meets rear-yard and side yard setbacks of four (4) feet. No setback shall be required for an existing living area or accessory structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit when created within an existing structure. The maximum square footage of detached accessory dwelling units on lots with existing multi-family residential dwellings shall be limited to one thousand (1,000) square feet of living area per accessory dwelling unit.

(l) Building code compliance. All new accessory dwelling units must comply with chapter 7 of this Code (Buildings and Building Regulations) and any other applicable provisions of the California Building Standards Code. However, fire sprinklers shall not be required if they are not required for the primary residence.

(m) Utilities.

(1) All accessory dwelling units and junior accessory dwelling units must be connected to public utilities (or their equivalent), including water, electric, and sewer services. Accessory dwelling units and junior accessory dwelling units shall not have its own separate utility meter and shall share utility connections with the primary use with the exception of accessory dwelling units on properties developed with a multifamily residential use.

(2) All accessory dwelling units and junior accessory dwelling units shall have adequate water supply and sewer service.

(3) No overhead utility lines are to be relocated or otherwise modified to permit construction of an accessory dwelling unit or junior accessory dwelling unit, unless required by the California Building Code or by the utility provider. If existing overhead utility lines are to be relocated or otherwise modified to permit construction of an accessory unit, such lines shall be converted to underground services.

(4) The City may require the installation of a new or upgraded utility connection for a new accessory dwelling unit structure and/or the existing house to accommodate the additional burden of the proposed accessory dwelling unit on the existing utility infrastructure. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on either its square feet or number of drainage fixture unit values. New or upgraded utility connection shall not be required for existing structures converted into accessory dwelling units.

(n) Parking.

(1) The City shall require the owner to provide one (1) parking space unless the accessory dwelling unit has no bedrooms (e.g., a studio), in which case no space is required. The required parking space shall have a minimum dimension of ten (10) feet in width and twenty (20) feet in depth. The required parking space may be provided as:

(i) Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk and otherwise complies with City parking requirements; or

(ii) Within a setback area or as tandem parking in locations determined feasible by the City for such use. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that such parking is not permitted anywhere else in the City.

(2) Notwithstanding the foregoing, no parking space shall be required for an accessory dwelling unit if:

(i) It is located within one-half (½) mile walking distance of public transit;

(ii) It is located within an architecturally and historically significant district;

(iii) It is part of a proposed or existing primary residence or accessory structure;

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

(v) Where there is a car share vehicle located within one (1) block of the accessory dwelling unit.

(o) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the off-street parking spaces do not have to be replaced.

(p) Exterior access. The entrance to an accessory dwelling unit shall be separate from the entrance to the primary dwelling unit.

(q) Recorded covenants. Before obtaining a permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration or agreement of restrictions which has been approved by the City Attorney as to its form and content, describing restrictions that allows for and the continued use of the accessory dwelling as follows:

(1) The accessory dwelling unit shall not be sold separately from the primary residence, except for instances allowed by Government Code section 65852.26;

(2) The accessory second unit is restricted to the maximum size allowed per the development standards set forth in this section;

(3) The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance with the requirements for an accessory dwelling unit. In the event of violation, the property owner shall be responsible for all fees and penalties, as well as the City's enforcement costs.

(r) Conversion of existing primary unit. An existing primary dwelling may be converted to an accessory dwelling unit if it complies with all applicable requirements of this division. If so, a new, larger primary residence may be constructed.

(s) Design requirements for new units. All new accessory dwelling units must comply with the following design requirements:

(1) The exterior materials, colors, roof design~~pitch~~ (e.g. gable, hipped, flat) and architecture shall match the primary unit.

(2) Accessory dwelling units shall not exceed sixteen (16) feet in height, with the following exceptions;

(i) The accessory dwelling unit is a conversion of an existing second floor area, a second-story addition to an existing residence, or is located on the second floor of a new two-story house. All second-story additions to an existing residence, and/or new two-story homes shall require the approval of an Administrative Permit per Article VI of this Code.

(ii) The accessory dwelling unit is located within a half-mile of a major transit stop or high-quality transit corridor then a detached ADU that is on a lot with a single-family or multifamily dwelling may be constructed up to 18 feet in height by right. In no case shall the City require ADUs to match the roof-pitch of the main house.

(iii) The detached ADU is on a lot with an existing or proposed multistory multifamily dwelling, then the ADU may be up to 18 feet in height, regardless of how close it is to transit.

(iv) An attached ADU may be up to 25 feet high or as high as a primary dwelling may be under the underlying zone, whichever is lower.

(3) Exterior staircases serving second-floor accessory dwelling units shall not be located in between the side property line and the existing building.

(4) Lighting shall be shielded so that light rays are not spilled onto neighboring lots.

(5) Any attached accessory dwelling unit shall be attached to the living area of the primary dwelling unit by a common wall or floor/ceiling, and not simply by an attached breezeway, porch, or patio.

(t) Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(u) Patio covers and porches. The accessory dwelling unit shall not have more than one (1), thirty (30) square foot covered patio or porch. The patio cover and/or porch shall be considered as a part of the accessory dwelling unit structure, but shall not be included in the maximum allowable ADU size calculation.

26-141 General Plan Consistency

In adopting these standards, the City recognizes that the approval of dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the General Plan. The City finds that this occurrence is consistent with the general plan, as dictated under state planning and zoning law applicable to accessory dwelling units.

26-142 Junior Accessory Dwelling Units

(a) Purpose. This section provides standards for the establishment of junior accessory dwelling units. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing or proposed single family residence and require owner occupancy in the single-family residence where the unit is located.

(b) Size. A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size.

(c) Owner occupancy. The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or "housing organization" as that term is defined in Government Code section 65589.5(k)(2), as that section may be amended from time to time.

(d) Sale prohibited. A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

(e) Short term rentals. The junior accessory dwelling unit shall not be rented for periods of thirty (30) days or less.

(f) Location of junior accessory dwelling unit. A junior accessory dwelling unit shall be entirely within a single-family residence; an attached garage is considered a part of the residence.

(g) Kitchen Requirements. The junior accessory dwelling unit shall include an efficiency kitchen, including a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(h) Parking. No additional parking is required beyond that already required for the primary dwelling.

(i) Fire protection; utility service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single-family dwelling. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single-family dwelling unless the junior accessory dwelling unit is being constructed in connection with a new single-family dwelling.

(j) Deed restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (c) above, does not permit rentals for periods thirty (30) days or shorter, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

DIVISION 3 AFFORDABLE HOUSING AND DENSITY BONUS INCENTIVES [REPLACES EX. DIVISION 6 OF ARTICLE XII TO BE INCOMPLIANCE WITH STATE LAW]

26-143 Purpose and Intent

(a) The purpose of this Division is to provide requirements and incentives for the development of affordable housing units in conjunction with other residential, mixed-use, and commercial projects by partnering with affordable housing providers as provided by state law. The following provisions are intended to implement the policies of the City's General Plan to encourage the production of affordable housing for all economic groups, and housing for disabled and elderly residents, transitional foster youth, and disabled veterans, and homeless persons as defined in Government Code 65915, all of which is integrated, compatible with and complements adjacent uses, and is located near public and commercial services.

(b) The incentives offered in this Division are provided by the City as a means of meeting its commitment to encourage housing affordability to all economic groups, and to meet the regional fair share requirements for the construction and rehabilitation of affordable housing for very-low-, low-, and moderate-income persons.

(c) This Division shall be interpreted in a manner supplementary to, and consistent with, the California Government Code 65915, et seq., as it may be amended from time to time.

26-144 Definitions

The definitions found in State Density Bonus Law shall apply to the terms contained in this section.

26-145 Applicability

(a) The provisions of this Division apply to a housing development consisting of either five (5) or more general Dwelling Units. A housing development as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory incentives that are provided by State Density Bonus Law when the applicant seeks and agrees to provide very-low, low or moderate income housing units, or units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, and lower income students in the threshold amounts specified in State Density Bonus Law. A housing development includes only the residential component of a mixed-use project.

26-146 Application Requirements

(a) Any applicant requesting a density bonus and any incentive(s), concession(s), waiver(s), parking reductions, or commercial development bonus provided by State Density Bonus Law shall submit a density bonus application as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing development, commercial development, or mixed-use development. The requests contained in the density bonus report shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with California Government Code Section 65943.

(b) The density bonus application shall include the following minimum information:

(1) Requested Density Bonus.

(2) Summary table showing the maximum number of dwelling units permitted by the zoning and General Plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

(3) A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.

(4) The zoning and General Plan designations and assessor's parcel number(s) of the housing development site.

(5) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

(6) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very-low or lower income households in the five-year period preceding the date of submittal of the application.

(7) If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in California Government Code Section 65915, subdivision (g) can be met.

(8) Requested Concession(s) or Incentive(s). In the event an application proposes concessions or incentives (a reduction in site development standards or a modification of zoning code or architectural design requirements) for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each incentive requested, shown on a site plan if appropriate:

   (i) The City's usual development standard and the requested development standard or regulatory incentive.

(9) Requested Waiver(s). In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each waiver requested on each lot, shown on a site plan if appropriate:

   (i) The City's usual development standard and the requested development standard.

   (ii) Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.

(10) Requested Parking Reduction. In the event an application proposes a parking reduction for a housing development pursuant to California Government Code Section 65915, subdivision (p), a table showing parking required by the zoning regulations, parking proposed under Section 65915, subdivision (p), and reasonable documentation that the project is eligible for the requested parking reduction.

(11) Child-Care Facility. If a density bonus or incentive is requested for a child-care facility in a housing development, reasonable documentation that all of the requirements included in California Government Code Section 65915, subdivision (h) can be met.

(12) Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all the requirements included in California Government Code Section 65915.5 can be met.

(13) Commercial Development Bonus. If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement and the proposed commercial development bonus, as defined in Section 21.86.110, and reasonable documentation that each of the standards included in Subsection 21.86.110(C) has been met.

(14) Fee. Payment of any fee in an amount set by resolution of the City Council for staff time necessary to determine compliance of the Density Bonus Plan with State Density Bonus Law.

26-147 Density Bonus

(a) All calculations are rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density as well as the resulting number of affordable units needed for a given density bonus project.

(b) When calculating the density bonus, the base density shall be the allowed gross density of the property allowed under the applicable zoning code.

(c) If a housing development qualifies for a density bonus under more than one income category, or additionally as a senior citizen housing development as defined in State Density Bonus Law, or as housing intended to serve transitional foster youth, disabled veterans, homeless persons, or lower income students, the applicant shall identify the categories under which the density bonus would be associated and granted. Density bonuses from more than one category can be combined up to the maximum allowed under State Density Bonus law.

(d) The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law.

(e) The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in California Government Code Section 65915, subdivisions (b), (c), and (f). Regardless of the number of affordable units, no housing development shall be entitled to a density bonus of more than what is authorized under State Density Bonus Law.

26-148 Discretionary density bonuses

(a) In providing opportunities for the granting of density bonuses in excess of those specified in section Article IV, Division 3, it is the City's intent to be of further meaningful assistance to promoting the development of housing to meet the diverse housing needs of the community. This notwithstanding, proposals for discretionary density bonuses shall be carefully reviewed and considered and may only be granted where standards set forth under subsection (b) have been determined to be met.

(b) Determination of discretionary density bonuses. Rather than utilizing a specific formula, the determination of whether and at what level to grant a discretionary density bonus shall be based on a case-by-case evaluation of proposed housing developments. The factors to be considered in this evaluation shall include, but are not limited to:

(1) The type and extent of target units being proposed.

(2) That the density bonus is necessary to make the project economically feasible.

(3) That the proposed housing will help fulfill the housing needs of the community as established within the housing element of the General Plan.

(4) That the housing development reflects high standards in the quality of design and provision of amenities.

(5) That the proposed housing development is compatible with the surrounding neighborhood.

(c) A density bonus of greater than thirty-five (35) percent above the otherwise allowable density, but in no case greater than one hundred (100) percent as allowed in each income category of the State Density Bonus Law may be granted at the City's discretion to applicants that agree to provide the following types of housing, provided said housing developments comply with all other provisions of this Division.

(1) Greater than fifty (50) percent of the total dwelling units reserved for qualifying residents (senior citizens); or

(2) Any combination of dwelling units, meeting or exceeding the minimum percentages specified State Density Bonus Law, reserved for and affordable to very low-income households, reserved for and affordable to lower-income households, and reserved for qualifying residents (senior citizens).

(d) A density bonus of greater than thirty-five (35) percent above the otherwise allowable density, but in no case greater than two hundred (200) percent, may be granted at the City's discretion to applicants that agree to provide any combination of dwelling units where all of the units are reserved for and affordable to very low-income households and/or lower-income households.

26-149 Incentives and Concessions

(a) Incentives and concessions area a reduction in site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards, and which results in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:

(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 minimum building separation requirements.
(7) Reduced street standards, such as reduced minimum street widths.
(8) Reduced standards included in the West Covina Multi-Family Objective Design Standards

(b) If an applicant requests a height increase pursuant to AB 2334 (2022), increased maximum building height and/or stories may not be granted as a concession.

(c) The number of incentives or concessions that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.

(d) Nothing in this section requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.

(e) For the purposes of this calculation, each individual deviation from the zoning requirements, rules, or other standards or conditions of the City shall constitute a separate concession. However, a variation in one (1) standard or requirement shall constitute only one (1) concession if, by necessity, the one (1) variation results in the automatic and unavoidable variation in a second standard.

(f) Concessions shall not be provided to a development which obtains its entire density bonus entitlements through a qualifying land dedication.

(g) Findings to deny incentive or concession. The City shall grant the incentive or concession requested by the applicant unless the City makes a written finding based upon substantial evidence of any of the following:

(1) The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units;
(2) The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5, upon public health and 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 without rendering the development unaffordable to low- and moderate-income households; or
(3) The incentive or concession would be contrary to state or federal law.

26-150 Waivers

(a) An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria at the densities or with the concession or incentives permitted under this Division. The applicant may request a meeting with the City.

(b) The City shall not waive or reduce development standards if the waiver or reduction would:

(1) Have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment.

(2) Be contrary to state or federal law.

26-151 Parking Reductions

(a) Except for projects subject to Government Code section 65863.2, in the event an application proposes a parking reduction for a residential development project pursuant to Government Code Section 65915 (p), as it may be modified from time to time, a table showing parking required by the zoning regulations, parking proposed under Government Code Section 65915 (p), as may be modified from time to time and reasonable documentation that the project is eligible for the requested parking reduction.

26-152 Childcare Facility

(a) When an Applicant proposes to construct a Residential Development Project that conforms to the requirements of this Division and includes a Childcare Facility that will be located on the premises of, as part of, or adjacent to, the Residential Development Project, the City shall grant an additional density bonus pursuant to Government Code Section 65915, as it may be modified from time to time.

26-153 Land Donation

(a) If a density bonus is requested for a land donation as per Government Code Section 65915, the applicant shall provide the following:

(1) The location of the land to be dedicated; and

(2) A title report showing proof of site control.

26-154 Commercial Development bonus

(a) In accordance with Government Code Section 65915, as it may be modified from time to time, when an Applicant proposes to construct a commercial development and has entered into a partnered housing agreement approved by the City, the City shall grant a commercial development bonus mutually agreed upon by the developer and the City. The commercial development bonus shall not include a reduction or waiver of fees imposed on the commercial development to provide affordable housing. The requirements for commercial development bonus are as follows, which shall also be described in the partnered housing agreement:

(1) The residential development project shall be located either:

(i) On the site of the commercial development; or

(ii) On a site within the City that is within one-half mile of a major transit stop as defined in Government Code Section 65915, as it may be modified from time to time, and is located within one mile of public amenities, including schools and employment centers.

(2) At least 30 percent of the total units in the residential development project shall be made available at affordable ownership cost or affordable rent for low-income households, or at least 15 percent of the total units in the residential development project shall be made available at affordable ownership cost or affordable rent for very low-income households.

(3) The commercial developer must agree either to directly build the affordable units; donate a commercial development site consistent with State Density Bonus Law, for the affordable units; or make a cash payment to the housing developer for the affordable units.

(4) Any approved partnered housing agreement shall be described in the City's Housing Element annual report as required by Government Code Section 65915, as it may be modified from time to time.

26-155 Design and Quality

(a) The City may not issue building permits for more than 50 percent of the market rate units until it has issued building permits for all the affordable units, and the City may not approve any final inspections or certificates of occupancy for more than 50 percent of the market rate units until it has issued final inspections or certificates of occupancy for all the affordable units.

(b) Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.

(c) Affordable Units shall be built on site and shall be dispersed within the housing development. The number of bedrooms of the affordable units shall be equivalent to the bedroom mix of the non-affordable units of the housing development, except that the developer may include a higher proportion of affordable units with more bedrooms. The design and appearance of the affordable units shall be compatible with the design of the overall housing development.

26-156 Review Procedures

(a) All requests for density bonuses, incentives, parking reductions, waivers, or commercial development bonuses shall be considered and acted upon by the approval body with authority to approve the development within the timelines prescribed by California Government Code Section 65950 et seq., with right of appeal to the City Council, as applicable.

(b) Eligibility for Density Bonus, Incentive(s), Parking Reduction, and/or Waiver(s) for a Housing Development. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of state law as applicable:

(1) The housing development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to very-low and low income households as required by California Government Code Section 65915, subdivision (c)(3).

(2) Any requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of California Government Code Section 65915, subdivision (k)(2).

(3) The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.

(4) The housing development is eligible for any requested parking reductions under California Government Code Section 65915, subdivision (p).

(5) If the density bonus is based all or in part on donation of land, all of the requirements included in California Government Code Section 65915, subdivision (g) have been met.

(6) If the density bonus or incentive is based all or in part on the inclusion of a child-care facility, all of the requirements included in California Government Code Section 65915, subdivision (h) have been met.

(7) If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in California Government Code Section 65915.5 have been met.

(c) If a commercial development bonus is requested for a commercial development, the decision-making body shall make a finding that the development complies with all of the requirements of Subsection 21.86.110(C), that the City has approved the partnered housing agreement, and that the commercial development bonus has been mutually agreed upon by the City and the commercial developer.

(d) The decision-making body shall grant an incentive or concession requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

(1) The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5, or for affordable rents, as defined in California Health and Safety Code Section 50053; or

(2) The proposed incentive or concession would be contrary to state or federal law; or

(3) The proposed incentive or concession would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, 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 that the application for the housing development was deemed complete.

(e) The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

(1) The proposed waiver would be contrary to state or federal law; or

(2) The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or

(3) The proposed waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, 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 that the application for the housing development was deemed complete.

(f) If any density bonus, incentive, concession, parking reduction, waiver, or commercial development bonus is approved pursuant to this chapter, the applicant shall enter into an affordable housing agreement or senior housing agreement with the City pursuant to Section 26-146.

26-157 Density Bonus Housing Agreement and Senior Housing Agreement

(a) Density Bonus Housing Agreement. Except where a density bonus, incentive, waiver, parking reduction, or commercial development bonus is provided for a market-rate senior housing development, the applicant shall enter into an affordable housing agreement with the City, in a form approved by the City Attorney, to be executed by the City Manager, to ensure that the requirements of this section are satisfied. The affordable housing agreement shall guarantee the affordability of the affordable units for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; and shall specify phasing of the affordable units in relation to the market-rate units.

(b) Senior Housing Agreement. Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter a restrictive covenant with the City, running with the land, in a form approved by the City Attorney, to be executed by the City manager, to require that the housing development be operated as "housing for older persons" consistent with state and federal fair housing laws.

(c) The executed affordable housing agreement or senior housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The affordable housing agreement or senior housing agreement shall be binding on all future owners and successors in interest.

(d) The affordable housing agreement shall include, but not be limited to, the following:

(1) The number of density bonus dwelling units granted;

(2) The number and type of affordable dwelling units;

(3) The unit size(s) (square footage) of target dwelling units and the number of bedrooms per target dwelling unit;

(4) The proposed location of the affordable dwelling units;

(5) Schedule for production of affordable dwelling units;

(6) Incentives or concessions or waivers provided by the City;

(7) Where applicable, tenure and conditions governing the initial sale of the affordable units;

(8) Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units for affordable rental dwelling units;

(9) Marketing plan; publication and notification of availability of affordable units;

(10) Compliance with federal and state laws;

(11) Prohibition against discrimination;

(12) Indemnification;

(13) City's right to inspect units and documents;

26-158 Fees and expenses

(a) An administrative fee shall be charged to the applicant for City review of all materials submitted in accordance with this Division for implementation and on-going enforcement of the provisions of this Division.

26-159 Interpretation

(a) If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law.

26-160 Severability

(a) If any provision of this chapter or its application to any person or circumstances is held invalid, the remain-der of the chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected.

DIVISION 4 URBAN DWELLING UNITS [EX. DIVISION 30 OF ARTICLE XII]

26-161 Applicability

(a) The City shall ministerially review a housing development containing no more than two (2) residential units through the Second Floor Review process, if it meets the following requirements:

(1) The parcel is located within a single-family residential zone.

(2) The parcel is not located in any of the following areas and does not fall within any of the following categories:

(i) A historic district or property included on the state historic resources inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a City landmark or historic property or district pursuant to a City ordinance.

(ii) A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(iii) A delineated earthquake fault zone as determined by the state geologist in any official maps published by the state geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the City's building department.

(3) The proposed housing development would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

(ii) Housing that is subject to any form of rent or price control by the City;

(iii) A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within fifteen (15) years before the date of the application; or

(iv) Housing that has been occupied by a tenant in the last three (3) years.

(4) Demolition of an existing unit that has not been occupied by a tenant in the last three (3) years shall not exceed more than twenty-five (25) percent of the existing exterior structural walls.

26-162 Standards and requirements

(a) *Number of* units*:* There shall be no more than two (2) urban dwelling units per lot. Accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and an existing primary residential unit will be counted toward the maximum number of units.

(b) Setbacks:

(1) E*xisting structures.* No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

(2) *Side and rear setback for new structures and additions.* The minimum setback from the side and rear property line is four (4) feet. The proposed residential unit(s) occupying an urban lot subdivision may be constructed directly along the side property line adjoining and attached to the unit within the same urban lot split subdivision, if the construction of an 800-square-foot unit would not be physically possible without the setback reduction.

(3) *Front setback for new structures and additions.* The minimum setback from the front property line is twenty-five (25) feet. The front setback may be reduced to ten (10) feet if the construction of an 800-square-foot unit would not be physically possible without the front setback reduction after the implementation of (b)(2). of this section is incorporated with the project design.

(c) *Maximum size:* The maximum size of an urban dwelling unit shall not exceed eight hundred (800) square feet.

(d) *Minimum size:* The minimum size of an urban dwelling unit shall be five hundred (500) square feet.

(e) *Maximum Height:* An urban dwelling unit, or additions to an existing structure within a proposed urban lot split subdivision shall not be more than one-story and shall not exceed sixteen (16) feet in height. Projects may be exempt from the one-story height limitation and may be constructed up to twenty-five (25) feet in height if the construction of an 800 square-foot unit would not be physically possible without the height increase after the implementation of (b)(2) and (b)(3) of this section is incorporated with the project design.

(1) In cases where an urban dwelling is being added by subdividing an existing structure, the height requirements of this subsection do not apply.

(f) Front yard landscaping and paving/hardscape:

(1) The driveway/pavement/hardscape width in the front yard shall be limited to the width of the garage, or twelve (12) feet if the lot does not have a garage.

(2) Within the front yard, a minimum of fifty (50) percent of the land area shall be maintained with landscaping consisting of live organic plant materials. Paving which incorporates planting cells such as turf block, grass grid, open-cell unit paver, geoblock, or grasscrete may be counted towards the landscaping requirement with the exclusion of the hard surface. Parking on such composite planted paving is not allowed.

(3) A minimum of one (1) 24-inch box-sized tree shall be planted on the front yard. If the urban lot split includes a flag lot, the front yard shall be the side of the lot directly in front of the primary entrance to the urban dwelling unit.

(g) Objective Design Standards

(1) *Additions to existing structures.* Additions to existing structures shall utilize the same exterior materials, color, roof pitch, and architecture of the existing structure on the lot.

(2) New construction. The following standards shall apply to all new construction:

(i) The front elevation shall include the primary entrance to the unit and a roofed porch. The porch may utilize a protruding or recessed design that provides for a roofed porch that is a minimum six (6) feet deep and six (6) feet wide.

(ii) All structures shall have at least two (2) exterior building wall materials. The building wall material option shall be limited to stucco, wood, rock/stone, brick, or decorative hand-painted tile. The building materials utilized shall be continued throughout the exterior of the house on all elevations. Window or door trims shall not be counted towards the material requirement.

(iii) Windows:

a) Treatment on windows shall be incorporated into the window design. Allowable window treatments shall be limited to the following: stucco pop outs, wood trim, pot shelves, shutters, or recessed windows.

1) Recessed windows shall be one (1) inch to two (2) inches from the exterior building wall.

2) The height and width of window shutters shall be proportionate to the height and width of the window utilizing the treatment. The shutters shall be wide and tall enough to completely cover the exterior of each side of the window without exceeding the dimensions of the window by greater than two (2) inches.

b) Second-floor side windows shall be limited to clerestory windows for light and ventilation measured no less than five (5) feet above the interior floor level.

(iv) The roof design shall be limited to gable, dutch-gable, or hipped. Flat-roofs and/or shed roofs are prohibited. For the purposes of this subsection, "flat-roof" shall mean having a roof pitch of less than 2:12.

a) Spanish and/or Mediterranean style urban dwellings shall utilize rounded or "S" roof tiles, or a combination thereof.

(v) The color palette for the urban dwelling shall include a minimum of two (2) colors. The color utilized for the main wall shall be a different color than the color used for the architectural trim (e.g., window/door trim).

(vi) Balconies, second-story decks and/or exterior staircases are prohibited. All staircases shall be located within an enclosed structure.

(h) Residents of urban dwelling units are not eligible for any type of street parking permit.

(i) The applicant shall provide easements for the provision of public services and facilities as required.

(j) No additional accessory structures other than a 20-foot deep and 10-foot wide one-car garage for each urban dwelling unit shall be allowed on lots/parcels developed with an urban dwelling unit. Construction of the one-car garage shall be dependent upon compliance with the maximum building coverage requirements listed within Table 2-4 of Section 26-46.

(k) All lots shall have a minimum street frontage of twelve (12) feet to provide for vehicular access.

(l) Off-street parking shall be limited to one (1) space per unit, except that no parking requirements shall be imposed in either of the following circumstances:

(1) The parcel is located within one-half (½) mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or

(2) There is a car share vehicle located within one (1) block of the parcel.

(m) For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last five (5) years, or if the percolation test has been recertified, within the last ten (10) years, which shows that the system meets acceptable infiltration rates.

26-163 Authority

(a) The City shall not require or deny an application based on any of the following:

(1) The City shall not impose any objective zoning or design review standards that would have the effect of physically precluding the construction of two (2) units on either of the resulting parcels or that would result in a unit size of less than eight hundred (800) square feet.

(2) The City shall not deny an application solely because it proposes adjacent or connected structures, provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.

26-164 Affidavit

(a) An applicant for an urban dwelling shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

(1) That the uses shall be limited to residential uses.

(2) That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one (31) days.

(3) That the maximum number of units to be allowed on the parcels is two (2), including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to chapter 26 (Zoning).

(4) That the site and/or residence of the site is not eligible for any type of street parking permit.

26-165 Building official denial procedure

(a) The City may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse

impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

26-166 Effects on other ordinances

(a) The provisions of this division supersede any contrary provisions in the West Covina Municipal Code to the contrary.

DIVISION 5 MULTI-UNIT DWELLING OBJECTIVE DESIGN STANDARDS *NEW (FROM ADOPTED OBJECTIVE DESIGN STANDARDS)*

26-167 Purpose

The purpose of the West Covina Multi-Family Residential Objective Design Standards is to respond to Senate Bill (SB) 330 and supplement the multi-family residential development standards of the West Covina Municipal Code (WCMC). SB 330, "The Housing Crisis Act of 2019," is a state-wide bill intended to streamline housing development approval processes in California. As a result of SB 330, multifamily residential development projects and/or mixed-use development projects with at least two-thirds of the square footage designated for residential use meeting certain eligibility requirements are subject to specific review processes. State law requires cities to approve eligible housing proposals through ministerial processes based on objective standards that "involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal." The West Covina Multi-Family Residential Objective Design Standards provide clear expectations on the design of new multi-family residential development within the City, outlining objective design standards that allow for predictable development outcomes.

26-168 Applicability

(a) The West Covina Multi-Family Residential Objective Design Standards are minimum design requirements that apply to new multi-family residential and mixed-use development located in the following areas within the City:

  (1) Office and Commercial Zones - OPMU, NMU, RMU, SMU

  (2) Multiple Family Zones - MF-8, MF-15, MF-20, and MF-45

(b) The Multi-Family Residential Objective Design Standards apply to site and building design only. Development standards such as density, building setbacks and heights, open space, and off-street parking requirements are contained in Chapter 26 of the WCMC.

(c) If a multi-family residential development project or a residential mixed-use development project is eligible for SB 330 and complies with all applicable requirements of the WCMC and these Objective Design Standards, then the City shall approve the project through the ministerial process without public hearings.

(d) Multi-family residential development projects and residential mixed-use development projects not covered under SB 330 must also comply with the West Covina Multi-Family Residential Objective Design Standards and applicable design guidelines. The applicable City review procedures would apply to these projects.

(e) The Community Development Director or their designee may allow certain deviations from the design standards on a case-by-case basis, provided the requested deviations meet the intent of the Multi-Family Residential Objective Design Standards and are approved by the Planning Commission.

26-169 Multi-Unit Dwelling Objective Design Standards

New multi-family and mixed-use developments shall be subject to the standards included in Multi-family Objective Design Standards document, Chapter 2- Objective Design Standards.

DIVISION 6 LIVE-WORK UNITS *NEW*

(a) The following commercial / residential activities, conducted wholly within enclosed buildings, shall be permitted provided the commercial/office uses shall occur in conjunction with residential uses and are not standalone uses:

(1) Apparel - custom tailoring and sales of apparel, clothing and other sewing products made on the premises

(2) Artists and craft/sculpture products, sales galleries, and studios

(3) Internet-based commerce (no inventory, no pornography)

(4) Office - creative/tech-based offices and services

(5) Office - professional offices and services

(6) Photographer/photography studios

(7) Residential uses in conjunction with office, retail or other work-related uses as permitted herein for live-work development

(8) Spas and personal care to include nail salons and hair salons (for single patron use only)

(9) Similar uses permitted by the determination of the Community Development Director.

(b) The Community Development Director or their designee may permit any other uses that the Community Development Director or their designee determine to be similar to those listed above, in conformity with the intent of the zone, and not detrimental to public health, safety and welfare, or to other uses permitted in the zone.

(c) The property development standards set forth in Article II, Division 2 of the West Covina Development Code shall apply to all live/work units. The following standards shall also apply to live/work units:

(1) Live/work units include the residential living dwelling and a workspace within one unit of a building for self-employed residents. A live/work unit may be fully residential units.

(2) The workspace component of a live/work unit shall be limited to a maximum of 50 percent of the entire unit area (not including porches and garages), and can only be located on the ground floor.

(3) The property manager will be responsible for controlling hours of business, signage standards, visitor and guest parking, carport area appearances, etc.

(4) Storage of hazardous materials necessary for work activities within a live/work unit may be stored in controlled areas per the California Building Code and the West Covina Fire Department.

(5) The work portion of the unit shall be used by the owner or renter of the residential portion of the unit.

(6) Live/work units are single-tenant spaces that include both residential and commercial/office uses within a single unit, including a business to be conducted solely by the resident. In no instance shall the work portion of the live/work unit be sub-leased.

(7) Noise levels generated by live/workspaces shall conform to the City of West Covina Noise Ordinance.

DIVISION 7 LOW BARRIER NAVIGATION CENTERS *NEW*

(a) *Purpose.* The purpose of this Division is to establish standards for low-barrier navigation centers and to ensure this use in constructed and operated in a manner that is consistent with the requirements and allowances of California Government Code Section 65660 relating to low barrier navigation centers.

(b) *Permit Required.* An application shall be submitted to the Planning Department for the development and operation of a low barrier navigation center. The Community Development Director or their designee shall notify a developer whether the application is complete within thirty (30) days, pursuant to California Government Code Section 65943. Action shall be taken within 60 days of a complete application being filed with the Planning Division.

(c) *Where allowed.* Low barrier navigation centers shall be allowed by right in nonresidential and mixed-use zoning districts that include multi-family residential development.

(d) *Development and Operational Standards.* The following standards shall apply to low barrier navigation centers:

(1) The low barrier navigation center shall offer services that connect people to permanent housing through a service plan that identifies services staffing;

(2) *Coordinated Entry System.* The low barrier navigation center shall be linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing;

(3) The low barrier navigation center shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code; and

(4) *Homeless Management Information System.* It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of the Title 24 of the Code of Federal Regulations.

ARTICLE V.NONCONFORMITIES

DIVISION 1 GENERAL NONCONFORMING PROVISIONS [EX. ARTICLE V]

26-170 Purpose and Intent

This division establishes uniform provisions for the regulations of legal nonconforming land uses, structures and parcels. Within the zoning districts established by this Development Code, there are existing land uses, structures, and parcels that were lawful before the adoption, or amendment of this Development Code, but that would be prohibited, regulated, restricted differently under the terms of this Development Code or future amendments. It is the intent of this Development Code to discourage the long-term continuance of nonconformities, but to permit them to exist under the limited conditions outlined in this Article. This Article is intended to be administered in a manner that encourages the eventual abatement of nonconformities.

26-171 Establishment of Nonconforming Uses, Structures

A nonconforming building, structure or other physical feature is a legally established building, structure or other physical feature which does not meet the standards of the Zoning District in which it is located. It can also be a building, structure or other physical feature for which an administrative use permit, variance or other similar permit is required but for which no such permit has been obtained because the building, structure, or other physical feature was established prior to the application of the existing zoning district due to rezoning, annexation or other change in the regulation of the Development Code. Legally established nonconforming building, structures or other physical features shall be governed by the following regulations:

(a) Nonconforming buildings, structures, or other physical features may be continued indefinitely subject to the provisions of this division.

(b) A nonconforming building, structure, or other physical feature shall not be reconstructed, except as provided for in Division (4) of this Article, expanded, or enlarged unless the new work will be in conformance with the regulations and standards of the Zoning District in which is it located and the new provisions of the ordinance.

(c) A nonconforming building, structure, or physical feature may be remodeled, rehabilitated or structurally altered if the new work does not increase the degree of the non-conformity.

(d) A nonconforming, structure, or physical feature damaged or destroyed by any means except demolition or intentional removal, may be reconstructed to its original condition if the chief building inspector determines that the costs of reconstruction does not exceed fifty percent (50%) of the replacement construction value of the building or structure at the time of damage or destruction as determined by the Building Official. The Building Official shall conduct a review and may limit reconstruction of parts of the project that would create a health or safety issue. The Building Official review shall identify those items that, for reasons of health and safety, shall not be allowed to be reconstructed to the dimensions, footprint, or use as they were prior to the damage, and shall provide for those items the required degree of compliance with the current code. Where the Building Official determines that the costs of reconstruction exceed fifty percent (50%) of the replacement construction value of the building at the time of its destruction of or damage, a nonconforming building, structure or physical feature may be reconstructed to its original or other nonconforming condition only upon the approval of a variance by the Planning Commission pursuant to the provisions of Article VI, Division 5 applied for within one year of damage or deconstruction. The Planning Commission may require as a condition of approval that the building is thereafter devoted to a conforming use. The Planning Commission must make the following findings to approve such a use permit.

    (1) The proposed reconstruction of a nonconforming building, structure or physical feature will not be detrimental to any existing or potential permitted use, building or structure in the area in which the nonconforming use is located.

(2) This finding shall be in addition to those required for the approval of a Variance contained in Article VI, Division 5.

26-172 Continuation and Maintenance

(a) Continuation of Nonconforming Uses and Structures

(1) Except as otherwise provided herein, any structure or use legally established on the effective date of the Development Code, may continue as a nonconforming parcel, structure or use.

(2) Any structure or use legally established prior to the annexation of the property may continue as a nonconforming structure or use, respectfully.

(3) A change in ownership or tenancy without any change in use, occupancy or development shall not affect any of the legal nonconforming rights, privileges, and responsibilities provided under this article.

(b) Maintenance of Nonconforming Uses and Structures

(1) Routine maintenance and repairs may be performed on a nonconforming parcel, use or structure provided such work does not involve structural alterations or any enlargement of the structure subject to the granting on building permits as required by the Building Official.

26-173 Continuation of Nonconformities

(a) Maintenance and Repairs allowed.

(1) A nonconformity (i.e., parcel, sign, structure, or use) may be maintained and continued with customary maintenance and repair without any expansion or enlargement of area, space, or volume, except for improvements and expansions specified in subsections (a), (b) and (c) (Improvements and Expansions Allowed), below. A nonconformity may be maintained provided that no structural alterations shall be made to structural supporting members (i.e., bearing wall, column, beam, girder, rafter, joist), except as required for health and safety as determined by the Building Official.

(b) Improvements and Expansions Allowed.

(1) The addition of one accessory structure related to a conventional single-family dwelling provided that all structures shall comply with all other regulations of the zone (This does not apply to accessory dwelling units);

(2) The addition of animal sheds or shades, hay barns, etc. for agricultural operations where there is no increase in animals, wastewater, or employees;

(3) The continued use and expansion of certain nonconforming communications buildings and structures (including, but not limited to, radio towers, wireless facilities, and antennas) that directly or indirectly provide or support emergency services within the County (including, but not limited to, the broadcast of Emergency Alert System messages or public agency communications) may be allowed subject to the approval of a conditional use permit in compliance with Article VI, Division 4 and the following findings;

(i) That the improvement and/or expansion of the nonconformity is directly or indirectly related to the provision of emergency services within the County and will provide these services for the lifetime of the project;

(ii) That the improvement and/or expansion of the existing nonconforming building or structure will not result in an increase of more than 100 percent of the original floor area of the nonconformity, not including the floor area of any previously approved expansions; and

(iii) That the improvement and/or expansion of the nonconformity would not be detriment to the public health, safety and general welfare.

DIVISION 2 NONCONFORMING PARCELS *NEW*

26-174 Continuation of Nonconformities

The following shall apply to all nonconforming parcels existing at the effective date of this Development Code Ordinance or at the effective date of any subsequently adopted ordinance or regulation, unless said ordinance or regulation expressly provides otherwise.

(a) Any improved nonconforming parcel may not be further developed with any additional structure. Any existing structures on a nonconforming parcel shall be considered a nonconforming structure and be subject to the provisions of this article.

(b) Any lawfully created parcel that becomes nonconforming with regard to parcel area, street frontage, parcel width, parcel depth, or accessibility may continue indefinitely with such nonconformity and may be developed and use as if it were a conforming parcel.

(c) Exemptions to the requirements of this section shall apply to parcels that are:

(1) Public utility parcels so long as said parcels are directly involved in providing public utility services.

(2) A parcel made nonconforming solely by reason of a dedication to or acquisition by the City or other governmental agency, directly or by eminent domain, for a public purpose; or

(3) An undeveloped parcel which was lawfully created but by reason of any subsequently adopted ordinance or regulation does not allow to conform to the provisions of this code applicable to the zone in which the parcel is situated.

DIVISION 3 NONCONFORMING SIGNS *NEW*

26-175 General

The following provisions shall apply to all identification signs, on-site commercial or industrial advertising signs, public or quasi-public directional signs, shopping center identification signs, shopping center directory signs, temporary real estate signs and temporary portable advertising signs in public parks, schools and playgrounds:

(a) No lawful sign existing at the time of the passage of this Development Code shall be enlarged, altered, reconstructed or replaced unless the enlarged, altered, reconstructed sign or replacement sign conforms to all the provisions of this Development Code; provided, however, reasonable repair and maintenance shall be permitted.

(b) The foregoing provisions shall also apply to nonconforming signs in districts hereafter changed or established and any time limit for the suspension of a nonconforming sign shall date from the date of the enactment of this Development Code or any amendment of district boundaries which may make the signs nonconforming.

DIVISION 4 NONCONFORMING STRUCTURES

26-176 Continuation of Legal nonconforming Structures

The following shall apply to all nonconforming structures existing at the effective date of this division, or at the effective date of any subsequently adopted ordinance or regulation unless said ordinance or regulation expressly provides otherwise.

(a) Any nonconforming residential structure in any residential zone may be continued and maintained, except as otherwise provided in this section, provided there is no physical change in the structure except for such repairs and maintenance as may be necessary for the structural integrity and safety of the structure, or as may be required by law, the applicability of which shall be determined by the Community Development Director or their designee, and which do not enlarge the structure, and further provided:

(1) In the event of involuntary destruction of a nonconforming residential structure in a residential zone, the cost of reconstruction at the time of the involuntary destruction does not exceed 50% of the cost of replacing the entire structure, as determined by subsection (d)(6) of this division, except as provided in subsections (a)(2) and (3) below.

(2) In the event of involuntary destruction of a nonconforming residential structure as set out in division (a)(1) above, the structure may be rebuilt if the owner can demonstrate to the satisfaction of the Community Development Director or their designee, the following:

(i) Rebuilding will not enlarge the size of the structure nor increase the extent of non-conformance.

(ii) The rebuilt structure will be appropriate to the site and be compatible with existing structures in the neighborhood; and

(iii) The structure was properly maintained, as required by health, safety and building codes and other titles of this Code and Development Code, immediately prior to the destruction.

(iv) Plans for reconstruction shall be submitted for plan-check within one year from the date of destruction. The property owner shall remain active in pursuing the building permits. The building permits shall be obtained and construction commenced within 6 months of building plan-check approval.

(3) Nonconforming residential structures located in any residential or mixed-use zone involuntarily destroyed in whole or in part shall be exempt from the provisions of this division, except that reconstruction or repair shall not increase the size nor alter the configuration of the nonconforming structure, nor increase the extent of any nonconformity.

(4) In no case shall a nonconforming residential structure located in any residential or mixed-use zone involuntarily destroyed in whole or in part be required to comply with the development standards and other requirements of the zoning designation in which the residential or mixed-use structure is situated.

(5) In no case shall the passage of time, in and of itself, cause the termination of any nonconforming residential structure in any multi-family residential zone, unless the City Council shall make a subsequent determination to the contrary.

(6) Any part of a structure housing a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used nor occupied by any nonconforming use.

(b) Nonconforming nonresidential structures in any residential zone may be continued and maintained, except as otherwise provided in this subsection, and provided there is no physical change to the structure except for such repair and maintenance as may be required for the structural integrity of the structure, or as may be required by law as determined by the Community Development Director or their designee, which do not enlarge the structure; and further provided:

(1) The entire structure does not remain unoccupied for six consecutive months or more.

(2) In the event of involuntary destruction of the structure, the cost of reconstruction does not exceed 50% of the cost of replacing the entire structure, pursuance to subsection (d)(6) of this division.

(3) Any part of the structure occupied by a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used by a nonconforming use.

(4) In addition to the causes of termination set out in subsections (b)(1) and (2) of this division, a nonconforming non-residential structure in any residential zone shall be altered and converted to a conforming structure, or completely removed, when such structure as reached the age of 40 years, computed from the date the structure was constructed.

(5) Plans for reconstruction shall be submitted for plan-check within 6 months from the date of destruction. The property owner shall remain active in pursuing the building permits. The building permits shall be obtained, and construction commenced within 6 months of building plan-check approval.

(c) Nonconforming structures in nonresidential zones may be continued and maintained except as otherwise provided in this subsection, and provided there is no physical change in the structure except for such repairs and maintenance as may be necessary for the structural integrity and safety of the structure, or as may be required by law, the applicability of which shall be determined by the Community Development Director or their designee, and which do not enlarge the structure, and provided that:

(1) Any nonconforming structure in a nonresidential zone shall terminate if the entire structure is unoccupied for six consecutive months.

(2) In the event of involuntary destruction, the nonconforming structure shall terminate if the cost of reconstruction at the time of the involuntary destruction exceeds 50% of the cost of replacing the entire structure, pursuant to division (d)(6) of this section.

(3) Any nonconforming structure shall terminate if there is physical deterioration of the structure requiring more than ordinary repair as may be necessary for structural integrity or safety as determined by the Community Development Director or their designee.

(d) General provisions which shall apply to any nonconforming structure in any zone, unless specifically excluded by other provisions of this subsection, shall include:

(1) Any structure or part of a structure occupied by a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used or occupied by a nonconforming use.

(2) When a single project including, but not limited to, an apartment project, shopping center or mall, consists of two or more separate buildings or structures situated on one or more Parcels, the nonconformity of any single building pursuant to this subsection shall be considered the nonconformity of that entire single project and the entire project shall be governed by the applicable provisions of this subsection.

(3) Any reconstruction, maintenance, repair or alteration authorized or permitted by this subsection to any nonconforming structure must comply with all other applicable requirements of this code at the time such work is performed, and the extent of nonconformity may not be intensified, nor any other changes made in the size or configuration of the structure, except as specifically provided in this subsection.

(4) Any nonconforming structure shall terminate if there is physical change to the structure other than such repairs as may be necessary to maintain the structural integrity or safety of the structure, but do not enlarge, increase the total floor area or alter the structure, and such alterations as may be required by law, the applicability of which shall be determined by the Community Development Director or their designee.

(5) Any nonconforming structure involuntarily destroyed that is permitted to be reconstructed or repaired pursuant to this subsection, shall submit plans for reconstruction for plan-check within 6 months from the date of destruction. The property owner shall remain active in pursuing the building permits. The building permits shall be obtained, and construction commenced within 6 months of building plan-check approval. Otherwise, the legal nonconforming status of the structure shall be lost.

(6) Whenever a determination of the cost of replacing a structure or the cost of reconstruction is required to be made, that determination shall be made by the Community Development Director or their designee, based on a current appraisal of the structure, provided at the owner's expense, by a California licensed and certified appraiser.

(7) Repair or reconstruction of a damaged nonconforming structure shall not extend the specified termination date of the structure, nor of the existing use .

(8) A nonconforming structure may be remodeled provided:

(i) There is no increase in the total size, the height or the useable floor area of the structure;

(ii) There is no increase in the extent of nonconformity; and

(iii) There is no new nonconformity created.

(e) Exemptions to the requirements of this subsection shall apply to structures that are:

(1) Public utility structures so long as said structures are directly involved in providing public utility services; or

(2) A structure made nonconforming solely by reason of a dedication to or acquisition by the City or other government agency, directly or by eminent domain, for a public purpose.

DIVISION 5 NONCONFORMING USES

26-177 Continuation of Legal Nonconforming Uses

The following shall apply to all nonconforming uses existing at the effective date of this subchapter or at the effective date of any subsequently adopted ordinance or regulation, unless said ordinance or regulation expressly provides otherwise.

(a) Any nonconforming use within in a conforming structure may be continued and maintained except as otherwise provided in this subchapter, and further provided:

(1) There is no enlargement, alteration, addition or expansion of any portion of the structure in which the nonconforming use is situated, except for such repair as may be necessary for structural integrity or safety, or such alteration as may be required by law, the applicability of which shall be determined by the Community Development Director or their designee.

(2) There is no addition to, nor intensification of, the nonconforming use.

(3) There is no addition to, nor change to, any other nonconforming use.

(4) The nonconforming use is maintained in compliance with the health and safety codes and other titles of the City code and ordinances.

(5) The nonconforming use shall terminate if it is discontinued for a period of 120 consecutive days or more.

(6) A nonconforming use may be changed to another use if the proposed use is permitted in the zone in which the existing nonconforming use is situated and all requirements of this code in effect at the time of the proposed change in use are satisfied. Once changed, said nonconforming use may not be reestablished.

(7) If the structure in which the nonconforming use is situated is involuntarily destroyed, in whole or in part, causing the involuntary discontinuance of the nonconforming use, the nonconforming use shall terminate if it has not been reestablished within 120 days of completion of repair or reconstruction of the structure in which it was situated.

(b) Any nonconforming use situated within a nonconforming structure may be continued and maintained, so long as it complies with the provisions of subsection A of this section, and as otherwise provided in this subsection, and further provided:

(1) If the nonconforming structure in which the nonconforming use is situated in is involuntarily destroyed, in whole or in part, causing the involuntary discontinuance of the nonconforming use, the nonconforming use shall terminate if it has not been reestablished within 120 days of completion of repair or reconstruction of the structure in which it was situated.

(2) A nonconforming use located in a nonconforming structure may be changed to another use if:

(i) The proposed use is permitted in the zone in which the existing use is situated;

(ii) The proposed use will not require any enlargement nor alteration of the structure occupied by the proposed use; and

(iii) The parking requirements in effect at the time of the change for the proposed use are satisfied.

(3) The change of a nonconforming use situated in a nonconforming structure to a conforming use shall not extend the termination date of the nonconforming structure as provided in this subsection, nor in any subsequently adopted ordinance or regulation.

(4) The nonconforming use shall terminate if it is discontinued for a period of 120 consecutive days or more.

DIVISION 6 ABATEMENT AND EXTENSION OF NONCONFORMING USES, STRUCTURES AND PARCELS

26-178 Purpose and Intent

The abatement or extension of nonconforming uses, structures or parcel process is established to provide a means by which to establish the period within which a nonconforming use, structure or parcel must comply with current regulations of this title, and to allow for the extension of such abatement period.

26-179 Applicability and Permit Requirements

All uses, structures and parcels determined by the Community Development Director or their designee to be nonconforming shall require a hearing before the Planning Commission to establish the appropriate abatement period. Abatement periods may be extended by the Planning Commission. Early termination of a nonconformity may be initiated by order of the Planning Commission or City Council for public health, safety, and welfare purposes. Such actions shall be processed pursuant to standard procedures in this article and Development Code.

26-180 Required Findings

(a) Abatement and Extension

(1) In establishing the amortization period for a nonconforming use, structure or parcel, the Planning Commission shall consider competent financial data such as the depreciation schedule attached to the owner's latest federal income tax return. Findings shall be made as to whether or not the balancing of the public interest and the request by the owner for continuance, alteration, or expansion of the nonconformity requires a deviation from the City's development standards.

(2) To grant an extension to the abatement period for a nonconformity, the Planning Commission shall find that an unreasonable hardship would otherwise be imposed on the property owner if such an extension were not granted.

26-181 Conditions

The Planning Commission may impose conditions to ensure maintenance of an equitable balance of the public interest and the interests of the property owner.

ARTICLE VI. PERMIT PROCESSING PROCEDURES~~PROCEDURE, HEARINGS, NOTICES, FEES, AND CASES~~

DIVISION 1 GENERAL PROVISIONS~~GENERALLY~~

26-182 Application forms and materials~~Form of application and type of required information~~

The Community Development Director or their designee shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Ordinance. The Director shall require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples, contextual drawings, massing diagrams and/or models, site development history information, and other items necessary or relevant (e.g., easements, prior site zoning) to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act. ~~The planning commission shall prescribe the form in which applications are made for changes in zone boundaries or classifications, for variances, conditional use permits, administrative use permits, or approval of precise plans of design. It may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application need be accepted unless it complies with such requirements.~~

26-183 Applications a part of permanent record

Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing, and shall become a part of the permanent official records of the agency to which application is made, and there shall be attached thereto and permanently filed with copies of all notices and actions with certificates or affidavits of posting, mailing or publications pertaining thereto.

26-184 Filing Fees

The City Council shall approve by resolution a Municipal Fee Schedule that establishes fees for permits, appeals, amendments, informational materials, penalties, copying, and other such items. These fees may be amended by the City Council by legislation.

If, pursuant to the guidelines and procedures for evaluating environmental impacts of proposed projects, the Community Development Director or their designee declares that a proposed action is not categorically exempt from the provisions of the California Environmental Quality Act of 1970, the developer shall be required to pay the California Department of Fish and Wildlife and County recording fee established by a resolution of the City Council at the time the application to prepare or process required environmental impact documents is accepted.

26-185 Multiple Applications

(a) Multiple applications needed for the same project (e.g., a precise plan and zone change) must be filed and processed concurrently.

(b) When multiple applications for one (1) project are filed concurrently and subject to different approval authorities, the highest approval authority shall act on all the applications. If the different approval authorities are the Planning Commission and the City Council, the Planning Commission shall make a recommendation on the applications to the City Council.

26-186 Setting Hearings

(a) All proposals for amending zone boundaries or classifications of property uses within such zones, General Plan amendments, conditional use permits, precise plans, amendments and rezones as are defined by this chapter, or the granting of variances (except minor modifications), as provided in this chapter, shall be set by the

secretary of the Planning Commission for public hearing when such hearings are to be held before the Planning Commission, by the clerk of the City Council when such hearings are to be held by it.

(b) All proposals requiring a hearing as provided in this Article shall be considered by the Community Development Director or their designee in a public hearing when such hearings are to be held before. A hearing will only take place if a request for such hearing is made with the Planning Division within the ten (10) day public review period. If such a request is received, a notice shall be mailed in accordance with section 26-187. If no request for hearing is received within the stated time, the Community Development Director or their designee shall have the authority to approve, approve with conditions, or disapprove the proposal without benefit of a hearing. Conversely, the Community Development Director or their designee may elect to not rule on the proposal prior to noticing and transfer the matter directly to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant. All times as set out herein shall be calendar days unless otherwise indicated.

26-187 Notices

Notices of public hearing stating the type of application or nature of proposal, general description of property under consideration, and the time and place at which the public hearing is to be held shall be given in the following manner:

(a) For a reclassification of property from one zone to another, redesignation of a property from one (1) General Plan land use designation to another or for a variance (except minor modifications), conditional use permit, precise plan or special exception (Downtown Plan):

(1) At least thirty (30) days prior to the date of the hearing, a public notice shall be posted at the project site per subsection (e) below.

(2) A notice of public hearing shall be mailed to the applicant or his/her agent, the owner of the property and owners ~~and occupants~~ of all property within a radius of five hundred (500)~~three hundred (300)~~ feet from the property lines of the site under consideration, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing; and

(3) Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

(b) For amendments, supplements or changes to the Development Code that do not reclassify any property from one (1) zone to another but do impose, change, or remove any new regulation on the use or development of property and for amendments to the General Plan text:

(1) At least ten (10) days prior to the date of the hearing, a public notice shall be published in a newspaper having general circulation in the City.

(c) Public Utility Facilities, including Wireless Telecommunications facilities, that require approval by the Planning Commission shall require:

(1) At least thirty (30) days prior to the date of the hearing, a public notice shall be posted at the project site per subsection (f) below.

(2) A notice of public hearing for public utility facilities shall be mailed to the applicant or his/her agent, the owner of the property and owners of all property within a radius of one thousand (1,000) feet from the subject site's property lines, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(d) Public Utility Facilities, including Wireless Telecommunications facilities, that require approval by the City Council shall require:

(1) At least thirty (30) days prior to the date of the hearing, a public notice shall be posted at the project site per subsection (f) below.

(2) A notice of public hearing for public utility facilities shall be mailed to the applicant or his/her agent, the owner of the property and owners of all property within a radius of one thousand (1,000) feet from the subject site's property lines, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(e) For administrative permits (if public notification and public hearing is required per use or by request):

(1) A notice that describes the proposed project and indicates the length of the public review period (including the last date that a request for a public hearing may be given to the planning department) shall be mailed to owners ~~and occupants~~ of surrounding property as indicated below. The public review period shall extend for ten (10) days from the date that the initial notice was mailed. If a request for a hearing is received during the specified time, a notice shall be mailed a minimum of ten (10) days prior to the date of the hearing, indicating the date, time, and location of the scheduled public hearing.

(2) Five-hundred-foot~~Three-hundred-foot~~ noticing radius: Notices shall be mailed to the property owners ~~and occupants~~ of the subject site and owners all properties within a radius of five hundred (500)~~three hundred (300)~~ feet from the property lines of the site under consideration unless otherwise provided for in the sections below.

(3) For secondary driveways notices shall be mailed to the property owners and occupants of the subject site and to the two (2) properties on both sides of the subject site.

(4) For sign exception review, outdoor uses within the outdoor uses overlay zone, and canopy structures notices shall be mailed to the property owners and occupants of the subject site and all properties within a radius of one hundred (100) feet from the property lines of the site under consideration.

(5) For animal keeping approvals as described in Section 26-111 shall require notices to be mailed to all property owners ~~and occupants~~ of the subject site and all property owners or occupants of properties within the overlay zone and any property owners or occupants of properties that are adjacent to the subject site and share a property line for improvements in the lower pad area (the portion of land at the rear of the properties that is at approximately the same elevation as the rear property line and is relatively level).

(6) Public notification is not required for the following applications:

(i) Shopping Cart Containment Review

(ii) Trash Enclosure District Review

(iii) Accessory Massage Use

(iv) Incidental Beer and Wine Service for a Restaurant (Bona Fide Eating Place)

(v) Garage/Storage Shed height increase

(vi) Small Wireless Facilities in the Public Right-of-Way

(f) On-site public notice standards

(1) The following projects require an on-site posting that meet the requirements of Section 26-187 (f) (2) through (5):

(i) Commercial properties- new developments and where new square footage is added (Projects with additions of under 10,000 square feet will be at the discretion of the Community Development Director.

(ii) Residential properties for developments with five (5) or more units

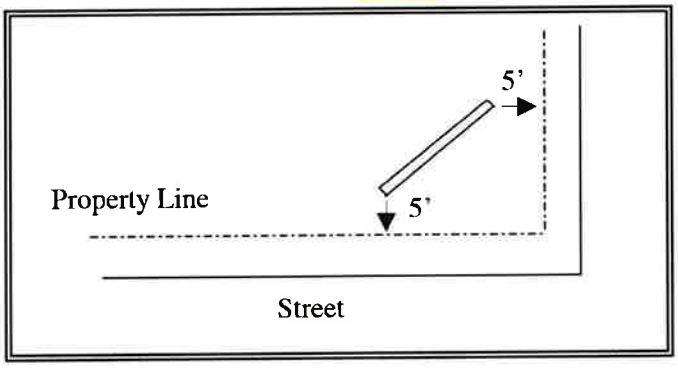
(iii) Freestanding Wireless facilities- any new freestanding wireless towers proposed.

(iv) Tentative Tract Maps

(2) At least thirty (30) days prior to the date of the hearing, a public notice shall be posted at the project site, at the direction of the Planning Department. No public hearing will be scheduled until the notice has been posted on the property. The sign must meet the following standards:

(3) The sign shall be installed within five (5) feet of the property line. If on a corner, the sign should be posted at an angle so long as the sign is five feet from the property line of both streets.

Figure 6-1 On-site Notification Sign on Corner Property *NEW*



(4) The sign shall be a minimum of 3 feet in width by 5 feet in height and may be double sided if installed perpendicular to the street. The sign shall be mounted on 4-inch by 4-inch posts. The bottom of the sign shall be at least 2 feet, but no more than 3 feet above the ground level. The required text and format are shown below. The "Public Hearing Notice" text shall be at least 3.5-inches and the remaining text shall be at least 1.25-inches in height.

(5) The banner area at the top of the Notice shall be in red (with letters in white) and all other text shall be printed in red.

Figure 6-2 On-site Notification Sign Example*NEW*

PUBLIC HEARING NOTICE

CASE NO:
APPLICANT:
PROJECT DESCRIPTION:

A request to

HEARING BODY:

HEARING DATE/TIME:

HEARING LOCATION: **West Covina City Hall, Council Chambers, 1444 West Garvey Avenue South**

FOR MORE INFORMATION CONTACT:
City of West Covina Planning Department
City Hall, Room 208
(626) 939-8422

(6) The sign must contain a general explanation of the proposed project, the applicant's identification and contact information as provided on the application submitted to the City, and contact information for the approval authority.

26-188 Establishment of public hearing rules for conduct

Each hearing body may establish its own rules governing the conduct of public hearings.

26-189 Hearings may be continued without recourse to public notice

If, for any reason, testimony on any case set for public hearing cannot be completed on the day set for such hearing, the person presiding at such public hearing may, before adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued, and no further notice shall be required.

26-190 Permanent files shall include summary of testimony

A summary of all pertinent testimony at the public hearing held in connection with an application filed pursuant to this chapter, and the names of persons testifying shall be recorded and made a part of the permanent files of the case, but a failure to observe requirements of this section shall not affect the validity of any action.

26-191 Planning Commission decision and findings

The Planning Commission, following the termination of the public hearing, shall:

(a) Announce its decision to approve or deny the application by resolution which shall clearly state the facts and reasons for the decision rendered and any conditions or limitations imposed.

(b) Within thirty (30) days after adoption of said resolution, whether the application is approved or denied, notify the applicant by mailing a copy of the resolution to the address on the application and to any other person who has filed a written request for such notification.

(c) Keep all reports as permanent record in the files of the Planning Division.

26-192 Effective date of Planning Commission decision

(a) All decisions of the Planning Commission except recommendations ~~for general plan amendments, recommendations regarding zoning amendments and recommendations regarding zone changes~~ to the City Council (e.g. for General Plan amendments) shall become final and effective after the expiration of the appeal period as set forth in section 26-193, below.

(b) Recommendations ~~regarding zoning amendments or zone changes~~to the City Council shall be transmitted to the City Council who shall conduct a duly advertised public hearing on the matter~~within forty-five (45) days following receipt of the resolution~~.

(c) ~~Recommendations approving or denying general plan amendments shall be transmitted to the city council who shall conduct a duly advertised public hearing on the matter.~~

26-193 Appeal procedure

(a) Appeals may be submitted by anyone, must be in writing, must include specific reasons for the appeal, and must be accompanied by the fee set by City Council resolution.

(b) Decisions of the Community Development Director or their designee or Planning Commission subcommittee for design may be appealed to the Planning Commission. The decision of the Planning Commission on the appeal is final, unless after written request is made to the City Council, the City Council approves the request for appeal to the City Council.

(c) Decisions of the Planning Commission may be appealed to the City Council, except as provided in subsection (b).

(d) A timely appeal suspends and sets aside the decision of the lower authority.

(1) Appeals of the Community Development Director or their designee decisions must be submitted to the Planning Division no more than ten (10) calendar days after approval of a written decision, unless otherwise provided in this code.

~~(2) Appeals of the planning director decisions regarding administrative use permits and sign administrative reviews must be submitted to the Planning Division no more than ten (10) calendar days after approval of a written decision, unless otherwise provided in this code.~~

(3) Appeals of Planning Commission decisions and written requests for an appeal hearing by the City Council must be submitted to the city clerk no more than ten (10) calendar days after adoption of a resolution of approval or denial.

(4) The appeal period commences on the day after approval of a written decision and ends at the close of the business day on the tenth calendar day, including the day of commencement. If the tenth day falls on a day that the City is closed to for business, the period is extended to until the close of the business day of the next day the City is open for business.

(e) Once an appeal has been properly and timely filed and notice of the hearing has been mailed or published, the appeal may not be withdrawn without the consent of the body to which the appeal has been made.

(f) The City Council or Planning Commission, as the case may be, shall conduct a public hearing on the appeal within ~~forty-five (45)~~ sixty (60) days from the filing of the appeal or approval of a request for an appeal hearing or as otherwise specified by the City Council or Planning Commission, or agreed upon by the appealing party. Notice of the public hearing shall be given as provided in section 26-187.

(g) When considering an appeal, the City Council or Planning Commission shall hear the appeal as a de novo hearing. The City Council or Planning Commission may approve, deny or modify the matter appealed.

26-194 Referral back to Planning Commission

(a) The City Council may, because of making substantial changes, or because of a desire for additional information, or due to the submission of significant new material or evidence, refer the matter back to the Planning Commission for further study and report. At the time of referral, the City Council shall specify a time period within which the Planning Commission is required to report back to the City Council. If so referred, the Planning Commission secretary shall state to the City Council the date upon which said matter will appear on the Planning Commission agenda, whereupon said date shall immediately be publicly announced by the City Council.

(b) The Planning Commission report to the City Council shall be considered in public hearing before the City Council after renotifying in exactly the same manner as the original appeal.

26-195 Planning Commission Failure to Report

Failure of the Planning Commission to report back to the City Council within the time period specified by the City Council shall be deemed an approval by the Planning Commission of City Council changes or actions.

26-196 City Council Call-Up Procedures

Notwithstanding any appeal procedures or any other procedures provided by law, the City Council by four-fifths vote may call for the review of the following decisions of the Planning Commission at the City Council meeting immediately following the Planning Commission's meeting where the decision was made:

(a) Any conditional use permit for commercial projects;

(b) Any tentative tract map approval;

(c) Any variance approval;

If called-up for review by the City Council, the item will be heard de novo at a future City Council meeting. If the City Council does not vote, the decision of the Planning Commission shall be final. All provisions for notice and hearing applicable to the Planning Commission for that type of decision shall apply to the City Council in conducting its review; provided, however, that if an appeal from a decision has been properly filed, the matter shall be conducted as an appeal subject to all applicable requirements for such appeals, rather than a review subject to this section.

26-197 City Council decision and findings

The City Council, following the termination of the public hearing shall:

(a) Announce its decision to approve, modify or deny the application or appeal by resolution or ordinance which shall clearly state the facts and reasons for the decision rendered and any conditions or limitations imposed.

(b) Within ~~ten(10)~~thirty (30) days after the City Council adopts the resolution or ordinance stating whether the application is approved or denied a copy of the resolution or ordinance shall be mailed to the applicant at the address shown on the application and to any other person who has filed a written request for such notification.

26-198 Decision of the City Council

(a) Action by the City Council on an application or appeal shall be by majority vote of a quorum of the City Council and shall be final and conclusive. Any ordinance or resolution of the City Council shall require three (3) affirmative votes of the City Council.

(b) If a City Council vote on an application result in a tie, or if the City Council does not take action on the application, such tie vote or lack of action shall constitute a denial of the application.

(c) If a City Council vote on an appeal results in a tie, or if the City Council does not take action on the appeal, the decision of the Planning Commission shall stand.

26-199 Refiling projects

A denied project may not be resubmitted to the City for review and approval in substantially the same form for at least one (1) year from the date of denial.

Table 6-1 Authority for Land Use and Zoning Decisions *NEW*

Type of Permit	Procedure Section	Community Development Director	Planning Commission	City Council
Reasonable Accommodation	Article VI Division 2	Decision	Appeal	
Precise Plan	Article VI Division 3	Recommendation	Decision	Appeal
Conditional Use Permit (private property)	Article VI Division 4	Recommendation	Decision	Appeal
Conditional Use Permit (public property)	Article VI Division 4	Recommendation	–	Decision
Variances	Article VI Division 5	Recommendation	Decision	Appeal
Administrative Permit	Article VI Division 6	Decision*	Appeal	
Minor Modification	Article VI Division 7	Decision *	Appeal	
Film Permit	Article VI Division 8	Decision	Appeal	Appeal
Second Unit Review (ADU)	Article VI Division 9	Decision	–	–
Preservation, Protection, & Removal of Trees	Article VI Division 10	Decision*	Appeal	Appeal
* If associated with a development application, the decision body of the development applications shall determine the decision. If the subject project is located in the Public Right-of-Way, then City Council is the decision body for the appeal.				

DIVISION 2 REASONABLE ACCOMMODATION [EX. DIVISION 13 OF ARTICLE VI]

26-200 Purpose

(a) The purpose of this Division is to establish a formal procedure for individuals with disabilities and their representatives to request reasonable accommodation, as provided by the federal Fair Housing Act, the Americans with Disabilities Act, and California's Fair Employment and Housing Act (the "Acts").

(b) *Reasonable accommodation* means providing a modification to the application of City rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

26-201 Applicability

A request for reasonable accommodation allows an individual, his or her representative, or a developer or provider of housing, to seek relief from any City rule, policy, practice, or service, including but not limited to land use regulations and procedures found in Chapter 26 (Zoning) of the Municipal Code, that may be necessary to ensure equal access to housing for an individual with a disability.

26-202 Procedures

(a) Requests for reasonable accommodation shall be in writing on an application provided by the planning department, or in another manner deemed acceptable to the Community Development Director or their designee.

(b) If the project for which a request for reasonable accommodation is being made also requires some other approval, permit or entitlement under this chapter, the applicant shall file the request together with the application for such approval, permit or entitlement.

(c) In addition to any other information that is required under this chapter, an applicant for reasonable accommodation shall provide the following information:

(1) Applicant's name, address and telephone number;

(2) Address of the property for which the request is being made;

(3) The current actual use of the property;

(4) The ordinance, resolution, Municipal Code section, policy, rule, or other City provision for which modification is requested;

(5) A description of why the modification is reasonably necessary to make the specific housing available to the person(s), including information establishing that the applicant is disabled under applicable laws; and

(6) Such other relevant and permissible information as may be requested by the director of planning and development or his or her designee.

26-203 Review Authority

(a) Community Development Director review. The Community Development Director or their designee shall, within twenty (20) days of the application deemed as complete, grant, grant with conditions, or deny an application/request for reasonable accommodation.

(b) Other reviewing authority. If the application for reasonable accommodation is submitted for concurrent review with another application for approval, permit or entitlement under this chapter, the decision to grant, grant with modifications, or deny the application shall be made by the authority taking action on such other application. The decision to grant, grant with modification, or deny the request for reasonable accommodation shall be made in accordance with section Article VI, Division 2.

26-204 Criteria for consideration

(a) The following factors shall be considered in making a determination regarding the reasonableness of any request for reasonable accommodation under this Division:

(1) The need for the requested modification, including alternatives that may provide an equivalent level of benefit;

(2) The physical attributes of and any proposed changes to the subject property and structures;

(3) Whether the requested modification would impose an undue financial or administrative burden on the City;

(4) Whether the requested modification would constitute a fundamental alteration of the City's General Plan, applicable specific plan, zoning or subdivision program;

(5) Whether the requested modification would result in a concentration of uses otherwise not allowed in a residential neighborhood to the substantial detriment of the residential character of that neighborhood;

(6) Whether the requested modification is being provided primarily to benefit one (1) or more persons with a disability;

(7) Whether the requested modification is necessary for therapeutic benefit to the person(s) with a disability;

(8) Whether the requested modification would result in a substantial increase in traffic or insufficient parking;

(9) Whether the requested modification would significantly deprive any neighboring property owners of the use and enjoyment of their own properties;

(10) Whether there are preferable and/or feasible alternatives to the requested accommodation that may provide an equivalent level of benefit;

(11) Whether proposed changes to property or structures are compatible with surrounding development or create potential impact(s) on surrounding uses;

(12) Whether the findings of section 26-205(b) exist; and

(13) Any other factor that may have a bearing on the request.

26-205 Decision and findings

(a) An application for reasonable accommodation may be granted, granted with modifications, granted with conditions, or denied. Any such decision shall be in writing supported with findings and conclusions addressing the criteria set forth in section 26-204.

(b) A written decision granting an application for reasonable accommodation shall, in addition to the findings described in subdivision (a) of this section, include the following findings:

(1) That the dwelling, which is the subject of the request for reasonable accommodation, will be used by an individual with a disability protected under the Acts;

(2) That the requested modification is necessary to make the dwelling available to an individual with a disability protected under the Acts;

(3) That the requested modification would not impose an undue financial burden on the City;

(4) That the requested accommodation would not require a fundamental alteration in the nature of the City's overall land use and zoning; and

(5) That the accommodation will not result in a direct threat to the health and safety of other persons or physical damage to the property of others.

26-206 Conditions of Approval

(a) In granting a request for reasonable accommodation, the Community Development Director or their designee or other reviewing authority may impose conditions of approval deemed reasonable and necessary to ensure that the modifications will comply with the required findings found in section 26-205(b). Conditions of approval for reasonable accommodation request may, where appropriate, provide for any or all of the following:

(1) Inspection of the affected premises by the City to verify compliance with this Division and any conditions of approval;

(2) Removal of the permitted improvements by the applicant where removal would not constitute an unreasonable financial burden, if the need for which the accommodation was granted no longer exists;

(3) Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists; and

(4) Prior to the issuance of any permits pertaining to an approved reasonable accommodation, the Community Development Director or their designee may require the applicant to record a covenant in the county recorder's office acknowledging and agreeing to comply with terms and conditions established in the decision. The covenant shall be required only if the Community Development Director or their designee finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been approved.

26-207 Compliance with existing regulations

In order to be eligible for consideration for a reasonable accommodation, the property must be in compliance with the then existing laws and regulations applicable to the property except that which is the subject of the reasonable accommodation request. If the non-compliance is through no fault of the applicant, the director may waive this requirement. However, such a waiver shall not preclude the City from requiring that the existing violations be corrected in accordance with the City Code and all applicable rules and regulations.

26-208 Service of written decision and appeals

(a) The written decision described in section 26-205 shall be served on the applicant and shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below.

(b) Any decision on a request for reasonable accommodation may be appealed in the manner described in section 26-193.

26-209 Duration of Reasonable Accommodation

A grant of reasonable accommodation approved pursuant to this Division may continue to be used and maintained by an individual with a disability for the duration of his or her occupancy. Within sixty (60) days of the termination of such occupancy, the subject modification shall be removed unless the Community Development Director or their designee has determined that the conditions for reasonable accommodation may remain as provided in section 26-203.

DIVISION 3 PRECISE PLAN [EX. DIVISION 2 OF ARTICLE VI]

26-210 When required.

(a) A precise plan shall be approved or conditionally approved by the Community Development Director or Planning Commission, as set forth herein or in the sections applicable to the application at issue, before the issuance of any building permit for the new construction or expansion of an existing use in any zone as indicated in Article II of this Chapter. No person shall commence any use for which a conditional use permit is required or any use in any zone not permitted by right in either the R-A or R-1 zone, and no building permit shall be issued for any structure to be used for or in conjunction with any such use, until a precise plan covering the parcel or parcels

to be used shall be approved and adopted as herein provided. ~~No person shall commence any use for which a conditional use permit is required or any use in any zone not permitted by right in either the R-A or R-1 zone, and no building permit shall be issued for any structure to be used for or in conjunction with any such use, until a precise plan of design covering the parcel or parcels to be used shall be approved and adopted as herein provided.~~

(b) Notwithstanding any provision of the Uniform Building Code, no grading permit shall be issued for the grading or excavation of any land, until a precise plan, or other related actions covering the property proposed to be graded or excavated has been approved and adopted as herein provided. This subsection (b) shall not apply to the grading or excavation required in connection with:

(1) ~~The construction of a swimming pool on property in the R-A or R-1 zone, or~~

(2) The movement of less than fifty (50) cubic yards of earth, or

(3) The grading of any parcel of property outside of the hillside overlay zone so as to improve the land for emergency drainage purposes.

26-211 Contents

The precise plan required by this Division shall specify and include:

(a) The location, size, height, and type of all structures including signs, architectural lighting, walls and fences.

(b) The location, size and dimensions of all yards and setbacks and all spaces between structures.

(c) The plan of the proposed parking area for the development to which the parking is accessory. The plan shall be drawn to an engineering scale of sufficient size to clearly indicate the proposed development including location, size, shape, design, curb cuts, lighting, drainage, paving, parking stalls, landscaping, and other features and appurtenances of the proposed parking lot.

(d) The location, dimensions, and method of improvement of all property to be dedicated to the public or to public utilities.

(e) Examples of proposed architectural treatment in the form of perspectives and elevations, lighting, and such other data as may be required by the Planning Commission or Community Development Director or their designee in evaluating the proposed development shall be required and become an integral part of such a submittal.

(f) The general location, area and type of landscaping in multi- family zones, OPMU, NMU, SMU, or for any use specifically permitted in said zones, or for any use for which a conditional use permit is required.

(g) General nature of the proposed use.

26-212 Approval or rejection

(a) Any precise plan required by this Division may be rejected, approved, modified, and approved, or approved subject to conditions. Any such precise plan of design after approval, may be amended, in the same manner as a precise plan of design is first approved hereunder.

(b) For eligible SB35 projects, the Community Development Director shall approve or deny the ministerial Precise Plan based on the West Covina Multi-Family Objective Design Standards (2022) adopted by the City. Within 30 days of such action, the Community Development Director shall prepare a report to the Planning Commission, providing a description of the project and the nature of the approval. Any such Precise Plan approved under SB35 shall be valid for a period of three (3) years, with one (1) additional extension of time in a one-year increment. The Community Development Director or their designee may approve a one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready, such as, but not limited to, the filing of a building permit application.

26-213 Required Findings for a precise plan

(a) The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.

(b) The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provisions of the Municipal Code.

(c) Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

(d) The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation.

(e) ~~The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.~~ The architecture, site layout, location, shape, bulk and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.

26-214 Approval subject to condition

A precise plan of design may be approved subject to the granting of a change of zone, a conditional use permit, a variance or the approval of a final subdivision map, and the Planning Commission or City Council may require such a precise plan to be submitted prior to the granting or recommending of a zone change, variance or conditional use permit.

26-215 Compliance required

No person shall violate or fail to comply with any approved precise plan of design or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved precise plan of design for the parcel or parcels on which such structure is to be located. In the event any such permit is issued; it shall be null and void and have no further effect.

26-216 Continuation of existing plans

Any precise plan previously approved and in effect, shall remain in effect regardless of any changes to zoning regulations subsequently adopted unless the precise plans are made null and void or amended at the time of adoption.

26-217 Distinction from other precise plans

The precise plans of design referred to herein are not to be confused with or considered to be precise plans as referred to in the Government Code of the state.

26-218 Street frontage requirements.

No building or other structure to be used for any business or commercial purpose shall hereafter be erected unless the frontage of the lot, or parcel of land upon which such building or structure is erected, abuts on one (1) side of a public street between two (2) intersecting streets and unless the front of such building or structure shall abut on and face such public street; provided, however, that, when practical difficulties or unnecessary hardships result through the strict and literal interpretation and enforcement of the provisions hereof, the Planning Commission or City Council may, upon the adoption of a precise plan of design for the development of a particular lot or parcel of land and upon such conditions as it may establish, expressly vary or waive the requirements of this section.

26-219 Failure to act on a precise plan.

(a) Failure to take any action on an approved precise plan within two (2) years of its effective date will cause such precise plan to expire without further action by the City ~~(unless extended by action of the planning commission) will cause such precise plan to expire without further action by the city.~~unless granted an extension of time by the Community Development Director if no changes to the zoning code were made, or by action of the Planning Commission. In the event construction work is involved, such work must actually commence within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that construction has ceased or no other action of substantial character has been taken after building permits are issued and/or related construction has commenced, the Community Development Director or their designee may give notice of intent to modify the precise plan, or to revoke the precise plan pursuant to the procedures set forth Division 12 of this Article.

(b) Extension of time in one-year increments, up to a maximum of two (2) additional years, may be granted from the original date of expiration of the precise plan by the Community Development Director (unless the Planning Commission or City Council specifically requested to review any extension of time in the original conditions of approval)~~Planning Commission~~ when extenuating circumstances can be clearly shown by the applicant. The request for same shall be submitted to the Planning Division~~Commission~~ in writing prior to the expiration date and shall clearly state the reasons why construction has not commenced or been continued. The Planning Commission may impose new conditions on the precise plan, based on changed circumstances, code amendments or oversights disclosed in review of the plan.

26-220 Amendment to a precise plan.

(a) For major revisions – the Planning Commission may grant an amendment to the approved precise plan only after all procedures as set forth for the original application are met except that the request for such amendment must be on the electronic application for a precise plan of design.

(b) For minor revisions – the Community Development Director or their designee may approve minor revisions to an approved precise plan which do not adversely affect the public interest or the interest of owners of neighboring properties, substantially alter the plan, or affect any other condition of approval. The minor revisions may only be approved by a Minor Modification as set forth in Division 7 of this Article.

DIVISION 4 CONDITIONAL USE PERMIT [EX. DIVISION 3 OF ARTICLE VI]

26-221 Purpose

The City recognizes that certain types of land use, due to the nature of the use, require special individual review. Such review is required to determine whether the proposed use, or the location of the use, is compatible with surrounding uses or can be made compatible through the imposition of development conditions. The conditional use permit is established to facilitate such review.

26-222 Conditional Use Permits Reviewed by Planning Commission

(a) Planning Commission may grant conditional use permits for projects located within all land-use zones.

(b) A conditional use permit may be granted for~~Because there are~~ uses that possess unique characteristics and which are impractical to include in a specific zone as a matter of right~~, a conditional use permit may be granted for such uses.~~

(c) Notwithstanding any other provisions of this chapter, the Planning Commission, after application therefore and hearing, after notice in the manner provided in Division 1 of this article, may authorize the conditional uses included herein if it finds the proposed location of any such uses will not be detrimental to adjacent property or to the public welfare; and that the uses are essential or desirable to the public convenience and welfare.

26-223 Conditional Use Permits Reviewed by the City Council

(a) The City Council may grant conditional use permits for projects located within the public right-of-way, or City owned properties.

(b) A conditional use permit may be granted for public right-of-way uses that possess unique characteristics and which are impractical to allow as a matter of right.

(c) Notwithstanding any other provisions of this chapter, the Community Development Director of their designee, after application therefor and hearing, after notice in the manner provided in Division 1 of this article, may render a recommendation for City Council consideration.

(d) The City Council, after notice in the manner provided in Division 1 of this article, may consider the Community Development Director or their designee's recommendation and may authorize the public right-of-way conditional uses upon determining that the findings required by Section 19-300 have been met.

26-224 Required findings for conditional use permit

(a) Prior to the granting of a conditional use permit for projects located within all land-use zones it shall be found:

(1) That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.

(2) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

(3) That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.

(4) That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.

(5) That the granting of such conditional use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.

(b) Prior to the granting of a conditional use permit for projects located within the public right-of-way it shall be found that the findings required by Section 19-300 have been met.

26-225 Approval or rejection of conditional use permit

Any application for a conditional use permit may be rejected, approved, modified and approved, or approved subject to conditions.

26-226 Existing regulations

As part of a conditional use permit approval, the Planning Commission may require development standards stricter than the regulations of this Code (e.g., less sign area, less building coverage, lower density, increased parking, increased fence or wall height, etc.) when such restrictions will alleviate potential impacts to surrounding properties or achieve greater aesthetic or functional integration and compatibility with neighboring developments.

26-227 Amendment to a conditional use permit

(a) The Planning Commission may grant an amendment to a conditional use permit only after all procedures as set forth for an original application are met except that the request for such amendment may be in letter form in lieu of being placed on the official form of application for a conditional use permit.

(b) The Community Development Director or their designee may approve a minor modification to a conditional use permit which does not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan for such use, and so long as said slight modification would not affect any other condition of approval. The minor modification may only be approved as set forth in Division 7 of this Article.

26-228 Failure to take action on a conditional use permit

(a) Failure to take any action on a conditional use permit within two (2) years of its effective date (unless extended by action ~~of the Planning Commission~~) will cause such conditional use permit to expire without further action by the City. In the event construction work is involved, such work must actually commence within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that there has been no construction or other action of substantial character taken or if the applicant is not diligently proceeding, the Community Development Director or their designee may give notice of intent to modify the conditional use permit, or to revoke the conditional use permit pursuant to the procedures set forth in Division 12 of this Article.

(b) Extension of time in one-year increments, up to a maximum of two (2) additional years, may be granted from the original date of expiration of the conditional use permit by the ~~planning commission~~ community development director (unless the Planning Commission or City Council specifically requested to review any extension of time in the original conditions of approval) when extenuating circumstances can be clearly shown by the applicant. The request for same shall be submitted to the Planning ~~Commission~~Division in writing prior to the expiration date and shall clearly state the reasons why construction has not commenced or been continued. Extensions of time may only be granted if no amendments to the zoning code, zoning map, or General Plan are made that are applicable to the project. If the project was originally approved with a subdivision, the extension of time provisions within Article 8 (Subdivision regulations) shall apply.

(c) In the event that the use for which a conditional use permit has been granted is discontinued for a period of six (6) months, the conditional use permit shall be reviewed by the Planning Commission at the property owner's written request via the submittal of the prescribed form, application materials, and corresponding fee. The Planning Commission may opt to move forward with the revocation procedures or impose additional conditions of approval.

26-229 Revocation

Revocation of conditional use permits shall be conducted in accordance with the procedures contained in Division 12 of this Article.

26-230 Compliance required

No person shall violate or fail to comply with any approved conditional use permit or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved conditional use permit for the parcel or parcels on which such structure is to be located. In the event any such permit is issued, it shall be null and void and have no further effect.

DIVISION 5 VARIANCE [EX. DIVISION 4 OF ARTICLE VI]

26-231 Purpose

The City recognizes that certain properties, due to their unique shape, size, location or other physical condition cannot be developed in strict conformance with the regulations of this title. The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone in which such property is situated. The variance

procedure is established to provide guidelines and regulations for the granting of relief from certain provisions of this title. However, in no case may a variance be granted to permit a use otherwise not permitted in a zone district.

26-232 Planning Commission may grant variance

When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this chapter result through the strict and literal interpretation and enforcement of the provisions hereof, the Planning Commission shall have authority, as an administrative act, subject to the provisions of this article, to grant, upon such conditions as it may determine, such variances from the provisions of this chapter as may be in harmony with its general purpose and intent, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

26-233 Required findings for variances

Before any variance may be granted, it shall be found:

(a) There are special circumstances (which may include, but are not limited to, size, shape, topography, location, or surroundings) applicable to the property which are not applicable to other property in the property's vicinity under identical zoning classification.

(b) As a result of the special circumstances, the strict application of the Development Code deprives the property of meaningful privileges enjoyed by other property in the vicinity and under identical zoning classification.

(c) Such variance is necessary to allow the property in question to have the same substantial property right possessed by other property in the same vicinity and zone.

(d) The granting of such variance will not be materially detrimental to the public welfare or materially injurious to residents or owners of nearby properties.

(e) That the granting of such variance shall be consistent with the adopted General Plan and any applicable specific plans.

(f) The variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

26-234 Initiation of variances

Variances may be initiated by:

(a) The verified application of one (1) or more owners of the subject property or by a purchaser or lessee thereof with consent of any such owner which application sets forth fully the grounds for and the facts deemed to justify the granting of the variance.

(b) Action of the City Council.

(c) Action of the Planning Commission.

26-235 Approval or Rejection of Variances

Any variance application under this Division may be rejected, approved, modified, and approved, or approved subject to conditions by the Planning Commission.

26-236 Failure to Act on Variance

(a) Variances approved in conjunction with cases which are dependent on the variance (precise plans, parcel or tract maps, conditional use permits, etc.) shall expire on the same expiration date as the case. Approval of a time extension for such cases shall constitute the approval of a time extension of the variance on which the case is dependent.

(b) A variance not in conjunction with other cases shall expire without further action by the City if no action is taken on it within two (2) years from date of the resolution granting the variance. If construction work is involved, such work must be actually commenced within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that construction has ceased or no other action of substantial character has been taken after building permits are issued and/or related construction has commenced, the Community Development Director or their designee may give notice of intent to modify the variance, or to revoke the variance pursuant to the procedures set forth Division 12 of this Article.

(c) Extension of time up to a maximum of two (2) additional years may be granted from the original date of expiration of the variance by the Planning Commission or City Council when extenuating circumstances can be clearly shown by the applicant. The request for the extension shall be submitted to the Planning Commission in writing prior to the expiration date and shall clearly state the reasons why such variance has not been utilized.

(d) In the event the use for which the variance has been granted is discontinued for a period of six (6) consecutive months, the variance approval shall become null and void.

DIVISION 6 ADMINISTRATIVE PERMIT [EX. DIVISION 5 OF ARTICLE VI]

26-237 Purpose

An administrative permit is intended to allow for specified activities and uses, as identified in the various zoning districts, whose effect on the surrounding area cannot be determined before being proposed for a particular location. Applications for administrative permits shall be reviewed for compatibility, configuration, design, location, and potential impacts of the proposed use, and suitability of the use to the site and surrounding area.

26-238 Community Development Director or their designee may grant administrative permit

(a) ~~An administrative use permit may be required for certain uses or structures that possess unique characteristics and which should only be approved with benefit of public notice.~~For administrative permits that do not require public notification the administrative permit may be granted by the Community Development Director or designee at the receipt of a complete application as indicated by Table 1 Authority for Land Use and Zoning Decisions. For administrative permits that require public hearings the following process is required:

(1) After an application is received and ~~public notice~~notification is provided in the manner stated in Division 1 of this article, the Community Development Director or their designee shall be authorized to approve, approve with conditions, or disapprove an application for an administrative permit. If a request for a public hearing is received during the public review period, an administrative hearing before the Community Development Director or their designee shall be required. If no request for hearing is received within the specified time, the Community Development Director or their designee shall have the authority to take action on the application without benefit of a public hearing. The approval of ~~an~~all administrative permit~~s~~ shall be based on the findings as required by the code section pertaining to the requested use or the following:

(i) That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general wellbeing of the neighborhood or community;

(ii) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;

(iii) That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith;

(iv) That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets;

(v) That the granting of such administrative permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.

(b) The Community Development Director or their designee may elect to not rule on a request for an administrative permit and transfer the matter directly to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant. In such event, notice of the public hearing shall be provided in accordance with the procedure for administrative permits as stated in section 26-187 of this article.

26-239 Amendment to an administrative permit

(a) The Community Development Director or their designee may grant an amendment to an administrative permit after all procedures as set forth for an original application are met, except that the request for such amendment may be in letter form in-lieu of the required application form.

(b) The Community Development Director or their designee may approve minor revisions to an administrative permit which do not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan for such use. The minor revisions may only be approved by a minor site plan review or minor modification as set forth in Division 7 of this Article.

26-240 Failure to act on an administrative permit

(a) An administrative permit approved in conjunction with a development entitlement that is dependent thereon (such as a precise plan, parcel or tract map, conditional use permit, etc.) shall expire on the same expiration date as the development entitlement. Approval of a time extension for such development entitlement shall constitute the approval of a time extension for the administrative permit on which the development entitlement is dependent.

(b) Failure to take any action on an administrative permit within ~~two (2)~~one (1) year of its effective date (unless extended by action of the Community Development Director) will cause such administrative permit to expire without further action by the City. In the event construction work is involved, such work must actually commence within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that construction has ceased or no other action of substantial character has been taken after building permits are issued and/or related construction has commenced, the Community Development Director or their designee may give notice of intent to modify the administrative permit, or to revoke the administrative permit pursuant to the procedures set forth Division 12 of this Article.

(c) ~~Extension of time in one-year increments, up to two (2) additional years~~One (1) one-year extension of time may be granted from the original date of expiration of the administrative permit by the Community Development Director when extenuating circumstances can be clearly shown by the applicant. The request shall be submitted to the Planning Division in writing prior to the expiration date and shall clearly state the reasons why construction has not commenced or been continued. The Community Development Director may impose new conditions on the administrative permit, based on changed circumstances, code amendments or oversights disclosed in review of the plan.

(d) In the event that the use for which an administrative permit has been granted is discontinued for a period of six (6) months, the administrative permit shall become null and void.

26-241 Revocation

Revocation of administrative permits shall be conducted in accordance with the procedures contained in Division 12 of this Article.

26-242 Compliance required

No person shall violate or fail to comply with any approved administrative permit or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved administrative permit for the parcel or parcels on which such structure is to be located. In the event any such permit is issued, it shall be null and void and have no further effect.

26-243 Community Development Director or their designee may grant administrative review approval

(a) An administrative review is required for certain uses that possess unique characteristics and which should only be approved with the benefit of Community Development Director or their designee review.

(b) After an application is received, the Community Development Director or their designee shall be authorized to approve, approve with conditions, or disapprove an application for an administrative review permit.

(c) The Community Development Director or their designee may elect to not rule on a request for administrative review approval and transfer the matter directly to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant. In such event, notice of the public hearing shall be provided in accordance with the procedure for administrative permits as stated in Section 26-187 of this Article.

(d) The decision of the Community Development, their designee or Planning Commission, as the case may be, shall be final unless appealed within ten (10) days as set out in Section 26-193 of this chapter. If the tenth day falls on a day when City Hall is not open the appeal may be made on the next business day. The notice requirements for an appeal shall be as in Section 26-187 of this Chapter.

26-244 Amendment to administrative review by Community Development Director or their designee

(a) The Community Development Director or their designee may grant an amendment to an administrative review approval after all procedures as set forth for an original application are met, except that the request for such amendment may be in letter form in lieu of the required application form.

(b) The Community Development Director or their designee may approve in writing minor modifications to an administrative review approval when he or she determines that such modifications do not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan for such use.

26-245 Failure to Utilize Administrative Review Approval by Community Development Director or their Designee

(a) An administrative review approval approved in conjunction with a development entitlement that is dependent thereon (such as a precise plan, parcel or tract map, conditional use permit, etc.) shall expire on the same expiration date as the development entitlement. Approval of a time extension for such development entitlement shall constitute the approval of a time extension for the administrative review approval on which the development entitlement is dependent.

(b) Failure to utilize an administrative review approval within one (1) year of its effective date (unless approved in conjunction with other development entitlements or extended by action of the Community Development Director or their designee) will automatically invalidate such administrative review approval.

(c) Extensions of time up to a maximum of one (1) year may be granted from the date of expiration of the administrative review approval by the Community Development Director or their designee when extenuating circumstances can be clearly shown by the applicant. The request for the extension shall be submitted to the

Community Development Director or their designee in writing prior to the expiration date and shall clearly state the reasons why the administrative review approval has not been utilized. In considering a request for an extension of time, the Community Development Directory or their designee may approve, modify, add conditions, or deny the request. The Community Development Director or their designee may act on an application to extend an administrative review approval without providing public notice thereof. The decision of the Community Development Director or their designee may be appealed to the Planning Commission in accordance with the procedures set forth in section 26-193 of this Chapter.

(d) In the event that the use for which an administrative review approval has been granted is discontinued for a period of six (6) months, the administrative approval shall become null and void.

26-246 Revocation

Revocation of administrative review approval shall be conducted in accordance with the procedures contained in Division 12 of this Article.

26-247 Compliance required

No person shall violate or fail to comply with any approved administrative review approval or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved administrative review approval for the parcel or parcels on which such structure is to be located. In the event any such permit is issued, it shall be null and void and have no further effect.

DIVISION 7 MINOR MODIFICATION [EX. DIVISION 14 AND PORTIONS OF DIVISION 4 OF ARTICLE VI – COMBINED MINOR SITE PLAN REVIEW, MINOR MODIFICATION, AND SLIGHT MODIFICATION]

26-248 Purpose

A minor modification is required for minor revisions to approved projects or for minor deviations from height and setback regulations.

26-249 Community Development Director or their designee may grant minor modification

(a) The Community Development Director or their designee shall be authorized to approve, approve with conditions, or disapprove an application for a minor modification, for the following minor revisions:

(1) Deviation of up to twenty (20) percent of any regulation pertaining to heights and setbacks contained in this chapter. Deviations requested from height and setbacks shall be required to meet the findings in section 26-233.

(2) Revisions that are insignificant site plan changes that do not significantly alter the number of parking spaces or amount of landscaping.

(3) Structural revisions that do not alter the footprint of the building or change the size or shape of the building.

(4) Color or material modifications that are similar or within a similar color palette to that approved.

(5) The addition of fencing, mechanical equipment, or similar site plan modifications not reviewed as part of the case file.

(6) Revisions due to maintenance issues such as replacement of exterior materials.

(7) The collocation of antenna apparatus on existing wireless antenna structures.

(8) Similar types of improvements as those listed above.

(b) An application for revisions or modifications not listed in subsection (b) above shall require an amendment to the original discretionary application.

26-250 Existing regulations

As part of a minor modification approval, the Community Development Director or their designee may require development standards stricter than the minimum standards of this Code (e.g., less sign area, less building coverage, lower density, increased parking, increased fence or wall height, etc.) when such restrictions will mitigate potential impacts to surrounding properties or achieve greater aesthetic or functional integration and compatibility with neighboring developments.

26-251 Failure to act on a minor modification

(a) Minor modifications approved in conjunction with cases which are dependent on the minor modification (precise plans, parcel or tract maps, conditional use permits, etc.) shall expire on the same expiration date as the case. Approval of a time extension for such cases shall constitute the approval of a time extension of the variance on which the case is dependent. ~~An approved minor modification shall be valid until the expiration of the underlying precise plan, variance, conditional use permit, or administrative permit.~~

(b) A minor modification not in conjunction with other cases shall expire without further action by the City if no action is taken on it within two (2) years from date of the resolution or approval granting the minor modification. If construction work is involved, such work must be actually commenced within the stated period and be diligently pursued, unless other entitlements must be sought prior to commencement of construction and the applicant is proceeding diligently to obtain such entitlements. If the Community Development Director or their designee should find that construction has ceased or no other action of substantial character has been taken after building permits are issued and/or related construction has commenced, the Community Development Director or their designee may give notice of intent to modify the minor modification, or to revoke the minor modification pursuant to the procedures set forth Division 12 of this Article. ~~Failure to act on an approved minor site plan review within one (1) year of its effective date will automatically invalidate such minor site plan review unless the planning director grants an extension as set forth in subsection (b) below.~~

(c) Extensions of time up to a maximum of one (1) additional year may be granted from the date of expiration of an approved minor modification by the Community Development Director or their designee when extenuating circumstances can be clearly shown by the applicant. The request for the extension shall be submitted to the Community Development Director or their designee in writing prior to the expiration date and shall clearly state the reasons why the minor modification has not been acted upon. In considering a request for an extension of time, the Community Development Director or their designee may approve, modify, add conditions, or deny the request. The Community Development Director or their designee may not approve an extension if such approval would be in conflict with the General Plan or zoning code.

26-252 Compliance required

No person shall violate or fail to comply with any approved minor modification or any conditions or provisions thereof nor shall a building permit be issued for any structure which would violate or fail to comply with any approved minor modification for the parcel or parcels on which such structure is to be located. In the event any such permit is issued, it shall be null and void and have no further effect.

DIVISION 8 FILM PERMIT [EX. DIVISION 6 "MOTION PICTURE FILMING"]

26-253 Purpose ~~and applicability~~

This Division establishes special regulations for filming within the City. Property in any zone, unless otherwise specified in filming guidelines pursuant to Section 26-254(d), or provisions listed in section 26-61(c)(1)(iii), may be used as a location for filming, including without limitation filming of motion pictures, videotaping, or use of similar technology subject to approval of a film permit or major production permit pursuant to this article.

26-254 General provisions

(a) Permit exemptions. The provisions of this section shall not apply to:

(1) The filming or video taping of motion pictures solely for private use.

(2) The filming or taping of motion pictures or still photography for use in a criminal investigation or civil, judicial, or administrative proceedings.

(3) Filming, televising, or taping by reporters or cameramen in the employ of newspaper, news service, or similar entity engaged in journalism.

(4) A motion picture, television or commercial photography studio operating at an established or fixed place of business in the City with an approved conditional use permit.

(b) No permit fee shall be required for projects which qualify under section 501(c)(3) of the Internal Revenue Code, generally including student films. However, permits shall be required as in this Division, and any necessary police, fire, or other city personnel shall be at the applicant's own expense.

(c) Filming guidelines. The Planning Commission may adopt, by resolution, guidelines to be applied in granting permits and setting conditions under this section.

(d) General filming conditions.

(1) No gunfire, explosions, aircraft, sirens, public address systems, bull horns, or other noise-creating devices shall be used.

(2) No film permits shall be issued for property upon which there are any outstanding uncorrected violations of Chapters 7 (Buildings and Building Regulations), 10 (Fire Prevention and Protection) or 26 (Zoning) of the West Covina Municipal Code, or of the California building or fire codes as adopted by the City.

(e) Application requirements.

(1) Payment of appropriate fees and deposits, as set by resolution of the City Council.

(2) Completed application forms as prescribed by the Community Development Director or their designee.

(3) Documentation of minimum liability insurance, and certificate of insurance identifying the City as additional insured for the purposes of filming, in the amount set by resolution of the City Council.

(4) Prior written permission of the property owner on the appropriate City form, or equivalent written permission as acceptable to the Community Development Director or their designee.

(5) A site plan showing crew and equipment areas, all parking locations, set locations and orientations (including lighting and camera locations), all drawn in sufficient detail for the City to evaluate the intensity of use and potential impacts.

(6) A complete written description of all scenes to be shot under the permit.

26-255 Ministerial film permit

(a) Applicability. A ministerial film permit may be approved by the Community Development Director or their designee without a hearing upon receipt of an application with proof of notification of all adjacent neighbors and all occupants of properties within the same street block as the filming location for the following filming activity:

(1) In single- and multi-family residential zones, filming for up to five (5) days, not including any setup and dismantling, with a minimum of sixty (60) days in between each time period, on any one (1) property.

(2) In all other zoning districts, filming of up to five (5) days, not including any setup and dismantling, with a minimum of sixty (60) days in between each time period, on any one (1) property or shopping center.

(3) All filming, including any setup and dismantling, shall be done between the hours of 7:00 a.m. and 9:00 p.m. in residential zones, and between the hours of 6:00 a.m. and 11:00 p.m. in all other zoning districts.

Film permit activities may extend outside these hours if the Community Development Director or their designee finds that there will be no adverse impacts to nearby residents or business owners.

(4) Filming which involves no exceptions to the general filming conditions in section 26-254 (e) above.

(b) Conditions. The Community Development Director or their designee may impose conditions on short-term film permits for protection of the public, including without limitation the following:

(1) Written notification of affected and/or nearby property owners and tenants.

(2) Attendance during setup, filming, and/or clean-up by uniformed police officers or firefighters, at the applicant's sole cost and expense.

(3) Measures to mitigate the impact of proposed activities on affected residents and/or business owners.

(c) Revocation. A film permit may be revoked in writing by the Community Development Director or their designee effective immediately for violation of the terms of the permit. Only the applicant may appeal the Community Development Director or their designee's decision, which appeal shall otherwise be per the provisions of section 26-226.

26-256 Discretionary film permit ~~Major production permit~~

(a) Applicability. A discretionary film permit shall be required for all non-exempt filming that is not eligible for a ministerial film permit, including without limitation filming which would in any way exceed the "general conditions" listed in section 26-254 above, or when night or early-morning activities or any other aspect of the filming may, in the opinion of the Community Development Director or their designee, negatively affect nearby residents or business owners.

(b) Procedures. Upon receipt of a complete application, the Community Development Director or their designee shall set a date and time for a public hearing. The applicant shall provide mailing labels for all properties designated by the Community Development Director or their designee. The hearing notice shall indicate that any interested person may request, in writing, that a hearing be held on the date set in advance by the Community Development Director or their designee; and that if no hearing is requested, the decision may, at the discretion of the Community Development Director or their designee, be made without a hearing. Public notices shall be placed in the United States mail at least ten (10) days prior to the public hearing. The Community Development Director or their designee may also elect at any time to defer the matter to the Planning Commission.

(c) Findings. The following findings must be made for approval of a major production permit:

(1) The proposed filming will be located and conducted in a manner consistent with the General Plan, municipal code, and the provisions of this article; and

(2) Approval of the application will not be materially detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.

(3) Actions have been and will be taken by the applicant to minimize the impact of the proposed activities on any others in the vicinity.

(d) Effective date and duration. A major production permit shall be effective for the dates specified by the permit, not to exceed ninety (90) days. However, if filming ceases for a period of more than seven (7) days or is delayed in beginning for more than seven (7) days, a permit may be extended by the Community Development Director or their designee up to three (3) times without notice and hearings, for a time equal to any such cessation in filming, subject to making the findings required for approval of the permit. Otherwise, the permit shall lapse if not used within the approved time.

(e) Change in conditions. The Community Development Director or their designee may require changes in the terms or conditions of a major production permit at any time while it is in effect, if needed to ensure that the filming may continue to operate consistent with the required findings.

(f) Revocation and appeal. A major production permit may be revoked by the Community Development Director or their designee effective immediately for violation of any conditions of the permit. Appeals shall be as per section 26-256.

DIVISION 9 SECOND UNIT REVIEW (ACCESSORY DWELLING UNIT AND URBAN DWELLING UNIT) [EX. DIVISION 15 OF ARTICLE VI]

26-257 Process

(a) A second unit review is the procedure used by the City to verify that a proposed accessory dwelling unit, junior accessory dwelling unit, and urban dwelling unit pursuant to Article IV Division 2 of this Chapter and complies with the applicable development standards.

(b) The Community Development Director or their designee shall issue a second unit review approval letter after determining that the request complies with all zoning code provisions applicable to the project. The approval letter shall be considered the same as a zoning clearance.

(c) The Community Development Director or their designee shall provide the applicant an incomplete/correction letter if the application is incomplete or if corrections are needed in order for the application and plans to comply with zoning code standards.

(d) Building permits shall not be issued without a second unit review approval letter.

(e) The Planning Division must approve or deem the application to create an accessory dwelling unit, junior accessory dwelling unit, or urban dwelling unit incomplete within 60 days from the date that the Planning Division received a completed application. If the Planning Division has not approved or denied the completed application within 60 days, the application is deemed approved unless either:

(1) The applicant requests a delay, in which the 60-day time period is tolled for the period of the requested delay, or

(2) When an application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, the City may delay acting on the application for the accessory dwelling unit or junior accessory dwelling unit until the City acts on the permit application to create a new single-family or multi-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit will be considered ministerially without discretionary review or a hearing.

(f) *Denial of application.* If the application to create an accessory dwelling unit, junior accessory dwelling unit, or urban dwelling unit is denied or deemed incomplete, the City must provide the applicant with comments that include, among other things, a list of all defective or deficient items and a description of how the application may be remedied by the applicant. A notice of the denial or incomplete application and corresponding comments must be provided to the applicant within the 60-day time period established by this subsection 26-257.

DIVISION 10 PRESERVATION, PROTECTION AND REMOVAL OF TREES [EX. DIVISION 9 OF ARTICLE VI]

26-258 Purpose

The purpose of this Division is to provide protection for the trees of this City that are of historic, aesthetic or environmental importance. This section seeks to preserve the cultural and historic heritage that the City's trees represent; to maintain the scenic beauty of the City; and, by the conservation of energy, the abatement of soil and slope erosion, and the enhancement of air quality, to improve the environment of the City. These purposes will be accomplished by:

(a) Identifying significant trees and heritage trees and establishing procedures to encourage their preservation;

(b) Including consideration of existing trees and their protection in the review and implementation of development proposals;

(c) Requiring permits for the removal of significant trees, heritage trees, and trees on public property except in emergencies; and

(d) Requiring replacement planting when significant trees, heritage trees, and trees on public property are removed.

26-259 Definitions

As used in this Division:

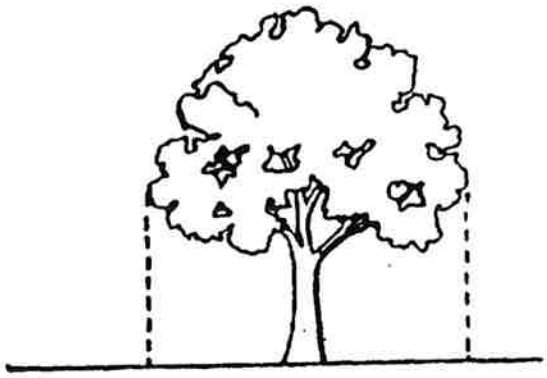
(a) *Arborist* shall mean a person who is a California Certified Arborist; a person accredited by the International Society of Arboriculture in California.

(b) *Caliper* shall mean the maximum diameter of the trunk of a tree measured at four-and-a-half (4.5) feet above the natural grade. In the case of multi-trunked trees, "caliper" shall mean the sum of the calipers of each individual trunk measured at four-and-a-half (4.5) above grade.

(c) *Development activity* means the work done pursuant to a development proposal approved by the City.

(d) *Development application* is any application for a construction permit, precise plan of design, conditional use permit, variance, tentative subdivision map or a similar approval for the development of property.

(e) *Dripline* shall mean an imaginary line on the ground, at the furthest extension of the canopy around the circumference of the tree. Typically, the dripline is not a perfect circle.



(f) (*Heritage tree* shall mean any tree(s) identified as such by Planning Commission resolution upon the commission finding that the tree or group of trees:

(1) Is of historical value because of its association with a place, building, natural feature, or an event of local, regional, or national historic significance;

(2) Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site, or historic district;

(3) Is representative of a significant period of the City's development; or

(4) Is designated for protection or conservation in a specific plan, conditional use permit, precise plan of design, tract or parcel map or similar development approval.

(g) *Heritage tree* shall also mean any native Southern California black walnut tree species (Juglans californica).

(1) This definition shall not affect those Southern California black walnut trees located on R-1 and R-A lots created by any subdivision approved and recorded prior to the effective date of the ordinance enacting this subsection or any parking lot where the City approved the planting of Southern California black walnut trees as part of an approved landscape plan.

(2) Any Southern California black walnut tree located on those O-S (Open Space) lots created under the density transfer standards outlined in section 26-59, shall further be protected under the guidelines contained in this section.

(h) *Multi-trunked tree* shall mean a tree with a Division of its trunk at less than four-and-a-half (4.5) feet above natural grade.

(i) *Permit* means a tree removal and/or relocation permit and pruning of any tree in the Oak family.

(j) *Protection* shall mean the safeguarding of trees through proper maintenance, pruning, treatment, fertilizing, feeding, and any other necessary means (standards of California Certified Arborists).

(k) *Public tree* means any tree planted in or upon any street, park, parkway or public place in the City.

(l) *Removal* means the uprooting, cutting, or severing of the main trunk of the tree or any act which causes, or may be reasonably expected to cause a tree to die or to be seriously damaged. These acts include, but are not limited to, damaging the root system by machinery, storage of materials within the dripline, soil compaction within the dripline, substantially changing the grade around the root system or trunk, excessive pruning, paving with concrete, asphalt, or other inadequate irrigation; or by attachment of signs or artificial material piercing the bark of the tree by means of nails, spikes or other piercing objects.

(m) *Significant tree* is a tree located on private and/or public property that meets one (1) or more of the following requirements:

(1) is located in the front yard of a lot or parcel and has a caliper of one (1) foot or more;

(2) is located in the street-side yard of a corner lot and has a caliper of one (1) foot or more;

(3) is located anywhere on a lot, has a caliper of six (6) inches, or more, and is one of the following species:

Common Name	**Genus/Species**
Oak (any oak tree native to California, including, but not limited to:	
Valley Oak	Quercus lobata
California Live Oak	Quercus agrifolia
Canyon Oak	Quercus chrysolepis
Scrub Oak	Quercus dumoso
Mesa Oak	Quercus engelmanii
Interior Live Oak	Quercus wislezenii
California Sycamore	Platanus racemosa
American Sycamore	Platanus occidentalis

26-260 Permit Required

(a) No person, firm or corporation shall remove, relocate, or destroy any significant tree on private or public property within City limits (including an applicant for a building permit) without first obtaining a tree permit from the Community Development Director or their designee. Any significant tree located in or on public property requires a tree permit approval from the Public Services Department.

(b) No person, firm or corporation shall remove, relocate, or destroy any heritage tree on private or public property within City limits (including an applicant for a building permit) without first obtaining a tree permit from the Planning Commission and/or the Public Services Department. The required mailing labels for the five-hundred-foot (500) property owner notification shall be supplied by the applicant.

(c) No person shall prune or trim more than ~~ten (10) percent~~twenty (20) percent of live foliage or limbs from any oak tree as defined in this article, or cause the same to be done, unless tree permit is first obtained from the Planning Division (on private property, or from the Public Services Department (public property).

(d) Pursuant to Chapter 24 of the West Covina Municipal Code no unauthorized person shall remove, destroy, prune, or trim any portion of any tree located in or on public property. In addition, any tree with a caliper of one (1) foot or larger located on public property requires a tree permit approval from the Public Services Department.

(e) No tree permit shall be issued for the removal of any heritage tree or significant tree on any lot associated with a development application, unless all discretionary approvals have been obtained from the City.

(f) No tree permit shall be issued to remove any Oak (Quercus) which is greater than three (3) feet in caliper if the purpose of the removal is to change the landscape design or for a driveway approach.

26-261 Exceptions to Permit Requirements

No permit shall be required for:

(a) Emergency or routine trimming or pruning of trees located on private or public property to protect or maintain overhead public utility lines, existing subsurface water, sewer or utility lines.

(b) Emergency removal of damaged parts of a tree which has sustained an injured trunk, broken limbs, or uprooting as a result of storm damage or other natural disaster or catastrophe, which create a hazard to life or property.

(c) When a written determination has been made by the Public Services Department and/or city arborist, after visual inspection and scientific evaluation, that the tree is so diseased or damaged that it is no longer viable or is a threat to other protected plant species.

(d) Trees planted, grown, and/or held for sale by licensed nurseries and/or tree farms or the removal or transplanting of such trees pursuant to the operation of a license nursery and/or tree farms.

(e) Trees within existing or proposed public rights-of-way where their removal or relocation is necessary to obtain adequate line-of-sight distances as required by the city engineer or poses a threat to public health, safety, and welfare.

(f) Trees which, in the estimation of the city engineer, will cause damage to existing public improvements.

26-262 Application and Fees

An application for a tree permit shall be filed with the Planning Division (located on private property) and/or Public Services (located on public property). The application shall be on the forms prescribed by the City and shall be accompanied by the fee established by City Council.

26-263 Permit Procedure

(a) Private property. Where an application for a tree permit is filed on private property the following procedure is hereby established:

(1) Upon receipt of the application, the Community Development Director or their designee shall investigate the site and evaluate the request. The decision to issue or deny the permit and any conditions of the permit shall be based on the following criteria:

(i) The condition of the tree(s) with respect to disease, damage, danger of collapse of all or any portion of the tree(s), proximity to an existing or proposed primary structure, and interference with utility services, age or remaining life span and whether or not the tree acts as a host for a plant which is parasitic to other species of trees which are in danger of being infested.

(ii) Where, upon taking into consideration the size, shape, topography and existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner (i.e., prohibit the construction of a primary structure or deny a property right possessed by other property in the same vicinity and zone).

(iii) The number, species, size, and location of existing trees in the area and the effect of the requested action in terms of providing shade, protection from wind, air-pollution reduction, historic value and scenic beauty upon the health, safety, aesthetics, and general welfare of the area or neighborhood.

(iv) The topography of the lot or parcel and the effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow of surface water.

(v) Whether or not such tree(s) is required to be preserved by any precise plan or other approved plans on record.

(2) Subsequent to investigation:

(i) Significant trees: The Community Development Director or their designee may approve, conditionally approve, or deny the tree permit.

(ii) Heritage trees: The Planning Commission may approve, conditionally approve, or deny the removal application (in case of pruning, the Community Development Director or their designee may approve, conditionally approve, or deny the application).

(3) Any conditions deemed necessary to implement this regulation, include, but are not limited to:

(i) Replacement of the removed or cut down tree(s) with a tree(s) of comparable species, size, and condition as determined by the Community Development Director or their designee in the case of significant trees and the Planning Commission in the case of heritage trees.

(ii) The relocating of the tree(s) on-site or off-site provided that the owner or applicant submit a report from an arborist describing the relocation method and shall provide the City with a five (5) year survival guarantee. Should the tree(s) not survive the survival period, replacement shall occur in accordance with section 26-263.

(iii) Payment of the proper restitution value of the tree(s), or donation of a boxed tree(s) to the City or other public agency to be used elsewhere in the community should a suitable replacement location of the tree(s) not be possible on-site or off-site.

(4) Associated with a development application. Where an application for a tree permit is associated with a development application that requires a public hearing, the following procedure is hereby established:

(i) Upon receipt of the application, the Community Development Director or their designee or designee shall investigate the site and evaluate the application on the basis of the following criteria:

a) The condition of the tree(s) with respect to disease, damage, danger of collapse of all or any portion of the tree(s), proximity to an existing or proposed primary structure, and interference with utility services, age, or remaining life span and whether or not the tree acts as a host for a plant which is parasitic to other species of trees which are in danger of being infested.

b) The number, species, size, and location of existing trees in the area and the effect of the requested action in terms of providing shade, protection from wind, air-pollution reduction, historic value and scenic beauty upon the health, safety, aesthetics, and general welfare of the area or neighborhood.

c) Whether or not the removal of the tree(s) is necessary to construct required improvements within the public street right-of-way or within a flood-control or utility right-of-way.

d) Whether or not the tree(s) could be preserved by pruning and proper maintenance or relocation rather than removal.

e) The necessity to remove the tree(s) in order to construct improvements which would allow economic enjoyment of the property.

f) Whether or not such tree(s) constitutes a significant natural resource of the City, or is designated as a heritage tree.

(3) The Community Development Director or their designee, or designee, shall complete the site investigation and make a report to the Planning Commission. The Planning Commission shall review the tree permit and said report at the same time as the development application, and shall conduct a public hearing when required. Said permit shall be considered concurrently with the development application.

(5) Permit notification. The public hearing notification required by section 26-187 shall include a description of the tree permit request.

(6) The Planning Commission shall approve, conditionally approve, or deny the application to remove or relocate any significant tree(s) or any heritage tree(s). The Planning Commission may impose conditions deemed necessary, including, but not limited to:

(i) Replacement of the removed tree(s) with a tree(s) of comparable species, size and condition as determined by the Planning Commission.

(ii) The relocating of the tree(s) on-site or off-site provided that the owner or applicant shall retain an arborist who shall submit a report to the Community Development Director or their designee which describes the relocation method, whether location is favorable to the survival of the tree and shall provide the City with a five (5) year survival guarantee. Said arborist shall supervise all pruning and relocation procedures. Should the tree(s) not survive the survival period, replacement shall occur in accordance with section 26-263. A bond shall be posted with the City to ensure conformance with this regulation.

(b) Public property trees. The provisions outlined in Chapter 24, Article II, of the West Covina Municipal Code shall be observed except in the case when significant trees, heritage trees, or any tree with a caliper of one (1) foot or larger located on public property, is affected. In these cases, a tree permit application is necessary and the following additional procedures are hereby established:

(1) Significant trees: A tree permit for any significant tree is subject to the Public Services Department. The decision to issue or deny the permit is subject to the criterium and condition outlined in section 26-263(a)(1).

(2) City trees: A tree permit for any public tree which has a caliper of one (1) foot or more, is subject to approval from Public Services Department. The decision to issue or deny the permit is subject to the criterium outlined in section 26-263(a)(1) and conditions deemed necessary as per section 26-263(a)(2).

(3) Heritage trees: A tree permit, and mailing labels for the ~~one hundred foot~~ five hundred foot (500) radius property-owner notification requirement, for any heritage tree is subject to the approval by the City Council. The decision to issue or deny the permit is subject to the criterium outlined in section 26-263(a)(1) and any conditions deemed necessary as per section 26-263(a)(2).

(c) Appeal procedure. Appeals may be filed per the requirements of section 26-193 of this chapter.

(d) Approval period. Tree-removal permits shall be effective following the appeal period and shall be valid for a period of ninety (90) days, subject to extension. Where the tree permit is associated with a development application, the tree permit shall expire on the same expiration date as the said development application.

26-264 Protection of Trees During Development Activity

The following protective measures shall be exercised by all individuals, developers, and contractors working near preserved trees. All construction shall preserve and protect the health of trees to remain, relocated trees, and new trees planted to replace those removed in accordance with the following:

(a) No grading, construction, or construction-related activities shall occur within the dripline of a significant tree or a heritage tree. Construction-related activities include, but are not limited to, the storage of materials, grade changes, or attachment of wires to or around tree trunks, stems or limbs.

(b) Significant trees and heritage trees shall be shielded from damage during construction with an appropriate construction barrier, such as chain link and steel stake fence enclosing the entire dripline area. All exposed roots

shall be inside the fence or barrier. The fence or barrier shall have a minimum height of six (6) feet measured from the grade. In all cases where a fence or barrier is to be used around a protected tree, the fence or barrier shall be installed prior to commencement of any development activity on the site and shall remain in place throughout all phases of construction. Fences may not be removed without obtaining written authorization from the Community Development Director or their designee.

(c) No structure or impervious paving shall be located within the dripline or within a six (6) foot radius of the trunk perimeter, whichever is greater, of any significant tree or heritage tree, unless approved as part of a tree permit. A tree with a caliper of thirty (30) inches or more shall require additional space as determined by the Community Development Director or their designee, Public Services Department, or city arborist.

(d) Branches that could be injured by vehicles or that interfere with the development activity may be pruned to the satisfaction of the Community Development Director or their designee, Public Services Department, or city arborist.

(e) No compaction of the soil within the dripline of any tree shall be undertaken, unless approved as part of a tree permit.

(f) No construction, including structures and walls, that disrupts the root system shall be permitted, unless approved as part of a tree permit. As a guideline, no cutting of roots should occur within a distance equal to three and one-half (3½) times the trunk diameter, as measured at ground level. Actual setback may vary to meet the needs of individual tree species as determined by the Community Development Director or their designee, Public Services Department, or city arborist. Where some root removal is necessary, the tree crown may require thinning to prevent wind damage.

(g) The required landscape and irrigation plan shall be tailored per the needs of retained trees, as specified by a tree arborist. Trees of the oak family must be on a separate irrigation timer, or as specified by a tree arborist.

(h) The Community Development Director or their designee may impose additional measures determined necessary to preserve and protect the health of trees to remain, relocated trees, and new trees planted to replace those removed.

26-265 Penalties

(a) Violation of any section of this Division shall constitute a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not to exceed six (6) months, or both such fine and imprisonment. Each tree removed in violation of this Division shall constitute a separate offense.

(b) Violators may also be required to replace the tree(s) with a tree(s) of comparable size, type and condition as determined by the Community Development Director or their designee and in appropriate cases, the Public Works Director.

(c) In addition to the penalties imposed by subsections, (a) and (b) above, any person who destroys, removes or damages a significant tree or a heritage tree without a permit in circumstances in which a permit application has been denied, or would have been denied, shall be liable to the city for a civil penalty in an amount equal to the tree's full restitution value.

(d) A building permit shall be deemed invalid or held by an official notice to stop work until either subsection (a) and/or (b) is effected.

DIVISION 11 ENVIRONMENTAL ASSESSMENT GUIDELINES AND PROCEDURES [EX. DIVISION 7 OF ARTICLE VI]

26-266 To be in accordance with City standards

Environmental assessment guidelines and procedures for the evaluation of the environmental impact of proposed public or private projects shall be established by a resolution of the City Council.

DIVISION 12 REVOCATION PROCEDURES

26-267 Applicability

The provisions of Division 12 shall apply to the revocation of Conditional Use Permits, Administrative Permits, Variances, or Minor Modifications. Revocation shall include amendment or modification of a permit which may result from a revocation proceeding.

26-268 Revocation hearing body

(a) The Planning Commission shall hear revocation proceedings for all permits and approvals issued by the Community Development Director or their designee.

(b) The Planning Commission shall hear revocation proceedings for all permits and approvals issued by the Planning Commission, either in its initial hearing capacity, or on appeal to the Planning Commission.

(c) The City Council shall hear revocation proceedings for all permits and approvals issued by the City Council, either in its initial hearing capacity, or on appeal to the City Council.

26-269 Grounds for revocation

The hearing body may revoke, amend or suspend a Conditional Use Permit, Administrative Permits, Variances, or Minor Modifications ("permit") upon finding that:

(a) The use is detrimental to the public health, safety or welfare or is a nuisance; or

(b) The permit was obtained by fraud; or

(c) The use has not been exercised prior to the expiration date of the permit; or

(d) The use has ceased or been suspended for a period of six (6) months or more; or

(e) The conditions of approval have not been complied with; or

(f) The required findings for the permit have been violated; or

(g) The use is not being operated in the manner or for the purpose contemplated by the approval of the permit.

(h) The development entitlement dependent thereon has been revoked or suspended.

(i) The use is being operated in violation of any federal, state or local law which results in detriment to the public health, safety or welfare.

26-270 Initiation of Revocation Processing

Revocation proceedings may be initiated by a majority vote of a quorum of the City Council or the Planning Commission or by the Community Development Director or their designee.

26-271 Notice of Hearing

Notice of a revocation hearing for a conditional use permit or variance shall be given as follows:

(a) At least ten (10) days prior to the date of the hearing, a public notice shall be posted on-site of subject property; and

(1) Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

(2) A notice of public hearing shall be mailed to the permittee or his/her agent, the owner of the property and owners ~~and occupants~~ of all property within a radius of ~~one hundred (100)~~five hundred (500) feet of the exterior boundaries of the property under consideration, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(3) The cost of noticing shall be paid by the City.

(b) Notice of a revocation hearing for an administrative review shall be given as follows:

(1) A notice of public hearing shall be mailed to the permittee or his/her agent, the owner of the property and owners ~~and occupants~~ of all property within a radius of ~~one hundred (100)~~five hundred (500) feet of the exterior boundaries of the property under consideration, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(2) The cost of noticing shall be paid by the City.

(c) Notice of a revocation hearing for an administrative permit shall be given as follows:

(1) Notices shall be mailed to the permittee, property owners ~~and occupants~~ of the subject site, and all owners of properties within a radius of ~~one hundred (100)~~five hundred (500) feet of the exterior boundaries of the subject site. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

(2) The cost of noticing shall be paid by the City.

26-272 Contents of hearing notice

The notice of revocation hearing shall be in writing and shall contain at least the following information:

(a) The street address and general description of the property or premises for which the permit has been issued. A map may be included.

(b) The name of the permit holder.

(c) A description of the type of permit and a general description of the activities approved by the permit.

(d) A statement that the hearing will consider revocation of the permit, or in the alternative alteration or modification of the permit and/or the conditions of the permit.

(e) The date, time, and location of the hearing.

(f) The grounds for the revocation of the permit.

(g) A statement that the permittee may represent himself/herself/themselves, or be represented by legal counsel or any other person of his/her choice.

(h) A statement that the permittee may present evidence, testimony, and witnesses in defense of the revocation of the permit.

26-273 Conduct of the hearing

(a) Revocation hearings shall be noticed public hearings open to public participation.

(b) The hearing body shall act as an independent arbiter in the conduct of the hearing, procedures, presentation of evidence, review of evidence and issuing a decision. The chairperson/mayor shall make determinations on procedure, witnesses, and evidence. The chairperson/mayor may be assisted by a member of the city attorney's office or other counsel who has not participated in the preparation or presentation of the cause for revocation of the permit.

(c) The city staff, city attorney or other city representative shall first present the evidence for the cause for revocation. After the city presentation is complete, the permittee may present evidence in opposition to revocation. After the city representative and the permittee have completed their presentations, members of the public may speak for or against the revocation. The order and timing of presentations may be altered by the hearing body in the interests of an orderly, timely and fair hearing or for the reasonable convenience of the witnesses or parties. The hearing board may continue the hearing from time-to-time without further public notice.

(d) Formal rules of evidence need not be followed. All witnesses shall be sworn or unsworn at the discretion of the hearing body.

(e) Cross-examination of witnesses is not required unless, in the discretion of the hearing body, cross-examination is necessary to provide a fair hearing and due process of law. Cross-examination of members of the public who speak shall not be allowed unless the hearing body determines that cross-examination is necessary to avoid a prejudicial denial of due process.

(f) Documents should be identified and labeled in an orderly fashion when submitted to the hearing board.

(g) The hearing board shall tape record the oral proceedings before the hearing board. The tape recordings shall be maintained for thirty (30) days after the time for any appeal has expired. If a timely appeal is not filed, the tape recordings may be destroyed.

(h) All documents, testimony, and other evidence presented to and accepted by the hearing board shall constitute the administrative record upon which the hearing board shall make its decision. The administrative record shall include evidence submitted to the hearing board but not accepted by the hearing board.

(i) The representatives of the cause for revocation shall be allowed to present final argument to the hearing board followed by final argument by the representative for the permittee. Rebuttal argument or re-rebuttal argument shall only be allowed at the discretion of the hearing board.

26-274 Decision of the hearing board.

(a) At the conclusion of the hearing, or at any time thereafter, the hearing board shall deliberate the merits of the cause for revocation. Deliberations of the hearing board shall be conducted at a meeting open to the public, but need not be conducted at a noticed public hearing. Deliberations shall be solely among the hearing board members unless the hearing board invites other persons to participate.

(b) The hearing board may revoke the permit, amend, alter, or modify the permit or impose new or additional conditions, all as reasonably related to mitigation or elimination of the grounds asserted for the revocation.

(c) The decision of the hearing board shall be in writing, supported by findings, and approved by the hearing board within thirty (30) days of the close of the hearing, or at the next regular meeting of the hearing board immediately following such thirty (30) day period.

(d) Upon approval of the decision by the hearing board, the decision shall be sent to the permittee by mail, fax or email.

26-275 Appeal of hearing board decision

(a) Appeals from decisions of the Planning Commission sitting as the revocation hearing board may be submitted to the city clerk by any interested party within ten (10) days of approval of the written decision of the hearing board. If the tenth day falls on a day when City Hall is not open the appeal may be made on the next business day. Decisions of the City Council sitting as the revocation hearing board are not appealable.

(b) The appeal must be in writing, must include specific reasons for the appeal, and must be accompanied by the fee set by City Council resolution for such appeal. Such an appeal suspends and sets aside the decision of the lower authority.

(c) Within five (5) working days of the receipt of the appeal the city clerk shall estimate the cost of preparation of the administrative record and send written notice to the appealing party that they must deposit one-half of the estimated cost of preparation of the administrative record with the city clerk within ten (10) calendar days of the mailing date of the notice. Failure of the appealing party to timely deposit such one-half of the estimated cost shall be a waiver and termination of the appeal.

(d) The cost of preparation of the administrative record shall include costs of preparation and duplication of all documentary and tangible evidence and the transcription of the oral portion of the hearing. The transcription of the oral portion of the hearing shall be performed by an independent professional transcription service chosen by the city clerk.

(e) Upon the completion of the preparation of the administrative record, including the transcription of the oral proceedings, the city clerk shall determine the actual costs of preparing the administrative record. Upon such determination of costs the city clerk shall send written notification of the actual costs of the preparation of the administrative record to the appealing party. The notice shall advise the appealing party that it must pay one-half of the actual costs of preparation of the administrative record within ten calendar days of sending of the notification, and that if such payment is not timely received by the city clerk, the appeal will be deemed waived and terminated. If the deposit of the estimated cost of preparation of the administrative record meets or exceeds the actual cost, payment will be deemed to have been timely made, and any overage will be refunded to the appealing party.

(f) Upon receipt of the required payment from the appealing party the city clerk shall send written notice of the time and place of the review of the appeal by the City Council to the appealing party and the City's representative. The appeal shall be heard by the City Council within forty (40) calendar days of the payment of the required fees, or such additional minimal time as needed to meet the schedule of available City Council meetings. The notice shall contain:

  (1) The time and location of the City Council meeting at which the appeal will be reviewed.

  (2) The name of the appealing party and the name of the permittee.

  (3) The address of the property, if any is involved in the appeal.

  (4) A statement that the appealing party may present written or oral argument to the City Council based on the administrative record. Written arguments must be filed with the city clerk and received by the other parties to the appeal at least fifteen (15) calendar days prior to the date of the City Council meeting. Written rebuttal arguments by any party to the appeal must be filed with the city clerk and delivered to all other parties to the appeal at least seven (7) calendar days prior to the date of the City Council meeting. Oral argument and rebuttal argument may be presented at the City Council meeting.

(g) The City Council shall determine the appeal based on their review of the administrative record. The review shall occur at a regularly noticed City Council meeting and shall not require a noticed public hearing. The appealing party shall be given the opportunity to present written or oral arguments to the City Council. The City's representative shall be given the opportunity to present written or oral rebuttal argument to the City Council.

(h) If the appealing party is not the permittee or there is more than one (1) appealing party, the following rules shall apply:

(1) The appealing party, the permittee and the City shall be referred to as "parties to the appeal."

(2) Each party to the appeal shall pay their proportionate share of the cost of preparation of the administrative record. If the appealing party does not timely pay their proportionate share of such costs, the appeal shall be waived and terminated. If any other party to the appeal does not timely pay their share of such costs, the non-paying party shall not be entitled to participate in the appeal process, but shall remain liable to the City for their share of the costs of preparation of the administrative record.

(3) (All notices shall be sent to all parties to the appeal.

(4) Arguments may be presented by the appealing party, and rebuttal arguments may be presented by any other parties to the appeal. All written arguments and rebuttal arguments shall be delivered to all other parties to the appeal.

26-276 Decision of the City Council on appeal.

(a) At the conclusion of the meeting, or at any time thereafter, the City Council shall deliberate the merits of the cause for the appeal. Deliberations of the City Council shall be conducted at a meeting open to the public, but need not be conducted at a noticed public hearing. Deliberations shall be solely among the City Council members, unless the City Council invites other persons to participate.

(b) The City Council may revoke the permit, amend, alter, or modify the permit or impose new or additional conditions, all as reasonably related to mitigation or elimination of the grounds asserted for the revocation.

(c) The decision of the City Council shall be in writing, supported by findings, and approved by the City Council within thirty (30) days of the close of the meeting, or at the next regular meeting of the City Council immediately following such thirty (30) day period.

(d) Upon approval of the decision by the City Council, the decision shall be sent to the permittee by mail, fax or email.

26-277 Termination of proceedings.

(a) The Community Development Director or their designee may recommend to the hearing body termination of the revocation proceedings anytime during the hearing process or the appeal process if the Community Development Director or their designee determines that:

(1) The grounds for the revocation have been satisfactorily corrected by the permittee.

(2) The permittee has voluntarily ceased the use for which the permit was issued.

(3) The permittee has ceased the activity which was the grounds for the revocation and provided a written relinquishment of the permit to the Community Development Director or their designee.

(4) The permittee has reached a written settlement agreement with the city which will protect public health, safety, and welfare.

(5) There exists other good cause for termination of the revocation proceedings.

(b) After due consideration of the recommendation of the Community Development Director or their designee, the hearing body may approve the termination of the revocation proceedings by a majority vote of a quorum of the hearing body.

(c) The hearing body may, on its own initiative, and for good cause, terminate any revocation proceedings by a majority vote of a quorum of the hearing body.

DIVISION 13 PLANNING COMMISSION SUBCOMMITTEE FOR DESIGN REVIEW [EX. SECTION 26-418]

26-278 Purpose.

(a) The purpose of design review of single-family residences is to ensure quality development, promote orderly development of the City, conserve property values, preserve the architectural character of an area, and to promote harmonious design that is complimentary to adjacent properties.

26-279 Subcommittee created.

(a) A subcommittee of the planning commission shall be established consisting of two (2) members of the planning commission to be appointed by the chair of the planning commission. An alternate subcommittee member shall be appointed by the chair to serve in the event that one (1) of the two (2) members is absent.

26-280 Meetings.

(a) The subcommittee shall meet regularly in open meeting at a time to be determined by the subcommittee.

26-281 Review Required.

(a) No building permit shall be issued for the following types of improvements to single-family residences prior to subcommittee review:

(1) New construction of single-family residences.
(2) Structural additions or modifications on the front elevation of a residence.
(3) New second-story additions to one-story residences.
(4) New second-story additions to two-story houses.
(5) New balconies.
(6) Any modifications that is readily visible from a public right-of-way.

26-282 Review Authority.

(a) The subcommittee may approve, conditionally approve, forward the project to the planning commission, or disapprove applications.

26-283 Basis for Approval.

(a) The subcommittee shall consider the following criteria:

(1) New development, or alterations of existing development should utilize building materials, color schemes, roof style, and architecture that is visually harmonious with the subject property and surrounding neighborhood.
(2) Vertical and horizontal articulation of building facades should be used to avoid long, uninterrupted exterior walls on residences. All structures should have relief to create an interesting blend and enhance the architecture.
(3) Roof lines should be reasonably compatible with the design and scale of surrounding structures. Vertical and horizontal roof articulation is encouraged to avoid long monotonous, flat sections of roof.
(4) The scale and mass of the building should relate to surrounding structures. The height and bulk of the building should be in scale with buildings on surrounding sites and should not visually dominate their sites or call undue attention to themselves.

(5) The buildings should include a variety of materials and colors. Materials shall be consistently applied and should be chosen to be harmonious with surrounding structures. Piecemeal embellishments and inconsistent materials and architecture should be avoided.

26-284 Notice of Action.

(a) The planning director shall notify the applicant of the decision of the subcommittee within ten (10) days of the decision. The notification shall be in writing and state the reasons for approval, conditional approval, denial or transfer to the planning commission.

26-285 Appeal.

(a) Any decision by the subcommittee may be appealed by the applicant to the planning commission. A written appeal shall be filed with the planning director within ten (10) days after a written decision is mailed to the applicant.

26-286 Expiration.

(a) Building permits to construct improvements approved by the subcommittee shall be issued within one (1) year of the date of approval or the approval will automatically expire.

ARTICLE VII. DEVELOPMENT CODE ADMINISTRATION

DIVISION 1 AMENDMENTS ~~AND RECLASSIFICATION~~ [EX. DIVISION 2 OF ARTICLE IV]

26-287 Purpose

(a) The purpose of this Article is to set forth the general provisions established by the City of West Covina for the administration of the Development Code and the implementation of the General Plan.

(b) Whenever the public necessity, convenience, general welfare, or good zoning practice require, the council may amend, supplement, or change the regulations, zone boundaries, or classifications of property, now or hereafter established by this chapter.

(c) Amendments, supplements or changes to this chapter and/or the official zoning map which:

(1) Change any property from one zone to another; or

(2) Add, modify, or remove any regulations pertaining to the use or development of property shall be initiated and adopted in accordance with the procedures stated in this article.

26-288 Initiation

(a) Amendments of this chapter and/or the official zoning map that change any property from one zone to another may be initiated by:

(1) The verified application of one (1) or more owners of property proposed to be changed or reclassified, or by a purchaser or lessee with consent of the owner.

(2) Resolution of the City Council.

(3) Resolution of the Planning Commission.

(b) Amendments, supplements, or changes to this chapter other than the change of property from one zone to another may be initiated by:

(1) Applicant.

(2) Resolution of the City Council.

(3) Resolution of the Planning Commission.

26-289 Application

(a) A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Community Development Director or their designee accompanied by the required fee. The Community Development Director or their designee may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

(b) The Community Development Director or their designee may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Ordinance to be processed simultaneously with the proposed zoning amendment.

(c) A General Plan Amendment application shall be submitted for concurrent processing for Zoning Amendments that are not in conformance with the General Plan.

26-290 Noticing and Public Hearing Procedures

Notice and hearings regarding an application for an amendment shall be provided in compliance with Article 6 Division 1.

26-291 Planning Commission Action

(a) The Planning Commission shall conduct a public hearing in conformance with Article VI Division 1.

(b) Following the public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. Such recommendation shall include the reasons for the recommendation, and the findings related to the criteria for zoning amendments in section 26-293 (Findings) and shall be transmitted to the City Council.

26-292 City Council Action

(a) After receiving the report from the Planning Commission or a written request from an interested party pursuant to Article VI Division 1, the City Council shall hold a duly-noticed public hearing. At least 10 days before the date of the public hearing, the Planning Division shall provide notice consistent with Article VI Division 1. The notice shall include a summary of the Planning Commission recommendation.

(b) After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment.

26-293 Findings

An amendment to the Zoning Map, or this Chapter may be approved only if all of the following findings can be made in a positive manner, as applicable to the type of amendment. It is the responsibility of the applicant to establish evidence in support of the required findings.

(a) Mandatory Findings required for all Development Code Amendments:

(1) The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan, and, in the case of a Zoning Code amendment, will not create any inconsistencies with this Chapter.

(2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

(3) The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

(b) Additional Findings for Zoning Map Amendments:

(1) The site(s) is/are physically suitable (including access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development.

DIVISION 2 ADMINISTRATION AND ENFORCEMENT *NEW*

26-294 Community Development Director

The Community Development Director or their designee shall be the official responsible for the enforcement of this Chapter. The Community Development Director or their designee may serve notice requiring the removal of any structure or use in violation of this title to the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. The Community Development Director or their designee may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this title, and the City Attorney is hereby authorized to institute appropriate actions to that end. The Community Development Director or their designee may call upon the chief of police and his authorized agents to assist in the enforcement of this title.

26-295 Fees [EX. Section 26-202]

(a) Filing fees shall be paid as established by a resolution of City Council.

(1) If, pursuant to the guidelines and procedures for evaluating environmental impacts of proposed projects, the Community Development Director or their designee declares that a proposed action is not categorically exempt from the provisions of the California Environmental Quality Act of 1970, the applicant shall hire and directly pay for the City's CEQA consultant who shall pay the required environmental impact report filing fee as established by a resolution of the City Council at the time the application to prepare or process required environmental impact documents is accepted.

ARTICLE VIII. SUBDIVISION REGULATIONS [RELOCATED FROM EX. CHAPTER 20 OF THE WEST COVINA MUNICIPAL CODE]

DIVISION 1 AUTHORITY

26-296 Subdivision Map Act

Pursuant to the provisions of Title 7, Division 2 (commencing with section 66410) of the Government Code, State of California, hereinafter referred to as the "Subdivision Map Act," and in addition to any other regulations provided by law, the regulations hereinafter contained in this chapter shall apply to all subdivisions, parts of subdivisions, and divisions of land hereafter, made wholly or partially, within the West Covina City limits, and to the preparation of subdivision maps thereof and other maps provided for by the Subdivision Map Act. Provisions for grading and erosion control are contained in Chapter 9 of the West Covina Municipal Code.

DIVISION 2 GENERAL PROVISIONS

26-297 Definitions

Definitions related to this Article can be found in Article I Division 4.

26-298 Application

The regulations set forth in this Article shall apply to all subdivisions or parts thereof within the City of West Covina and to the preparation of subdivision maps thereof and to other maps or certificates provided for by the Subdivision Map Act. Each such subdivision and each part thereof lying within the City of West Covina shall be made and each such map or certificate shall be prepared and presented for approval as hereafter provided for and required.

26-299 Deviations

Whenever any parcel of land is of such size, design, or shape, or subject to such title limitations of records, or is subject to such topographical conditions or such dominating drainage problems that it is impossible, or impractical in the particular case to conform fully to the provisions of this chapter, the city engineer may recommend such deviation as may be necessary or expedient to the proper development of the subject property as allowed by state law. In each case of deviation, the city engineer shall transmit to the Planning Commission with the tentative map a written report setting forth each deviation recommended and the reasons therefor.

26-300 Conformance to City Standards

A subdivision or division of land shall conform to the following City standards and requirements:

(b) All adopted General Plan elements and specific area plans.

(c) The master plan of streets.

(d) Standard Specifications for Public Works Construction.

(e) City engineer's standard drawings.

(f) Any applicable City ordinances and resolutions.

(g) Lot standards as contained in the West Covina Municipal Code.

(1) Frontage on street. All lots in the subdivision shall have a minimum twenty (20) feet of frontage on a street except that on other than R-1 and/or R-A zoned land an alternate minimum twenty (20) feet wide permanent access easement may be utilized subject to approval of the planning commission and/or City Council. Documents necessary to implement an approved permanent access easement shall be subject to

review and approval of the City Attorney and shall be recorded concurrently with the final map or parcel map.

(2) Lot dimensions. Lot dimensions shall conform to the standards of development as contained in chapter 26 of the West Covina Municipal Code or other official plans adopted pursuant to law. Irregularly shaped lots shall be subject to individual approval by the City.

(3) Jurisdictional boundary lines. No lot shall be divided by a county, City or school district boundary line.

(4) Lot side lines. Lot side lines shall be approximately at right angles or radial to the street center line.

(5) Use of flag lots. The standards in this subsection shall only apply to residential flag lots. Residential flag lots may be permitted through a parcel map or tentative subdivision map when they comply with the standards in this section, in addition to any other applicable City standards:

(i) Limitation on number of residential flag lots. Flag lots shall not be approved where alternative designs are feasible. To avoid an over- concentration of residential flag lots in any one neighborhood, residential flag lots shall not be allowed where approval of a proposed subdivision would result in flag lots comprising greater than one (1) or ten (10) percent of the number of lots in the immediate neighborhood (whichever is greater). Lots in the immediate neighborhood shall be defined as all lots which would be created by a proposed subdivision plus all residentially-zoned lots lying wholly or partially within 300 feet of the proposed subdivision.

(ii) Where a subdivision proposes more than one flag lot a flag lot shall not be located adjacent to another flag lot

(iii) Flag lots must have a minimum of twenty (20) feet of frontage on a street. The lot(s) located between the primary portion of the flag lot and the street shall have the minimum feasible depth required to comply with the requirements of chapter 26 of the West Covina Municipal Code. The accessway serving an infill residential flag lot shall not be included when calculating the required area of that lot.

(6) Cul-de-sacs. Minimum street frontage of thirty-three (33) feet.

(h) Any subdivision that results in a lot without direct access to and from a public street shall dedicate a separate parcel as a private street maintained by the Homeowners Association. Private streets shall comply with all applicable standards listed in Chapter 19 Article VIII of the West Covina Municipal Code.

26-301 Information Package for Prospective Purchases of Subdivided Land

In addition to the subdivision report prepared by the state real estate commissioner, the owner, their agent or the subdivider of a residential subdivision containing five (5) or more single-family residences or condominium units shall prepare or cause to be prepared a package of information for distribution to prospective purchasers of homes or units in the subdivision containing the following information:

(a) The zoning applicable to the property being subdivided and to contiguous property.

(b) The text of the land use element of the City's General Plan which is applicable to the subdivision and to contiguous property.

(c) The location of existing and proposed schools which the children of purchasers of property within the subdivision may be expected to attend.

(d) A copy of any conditions, covenants and restrictions which are applicable to property within the subdivision.

(e) Any additional information deemed necessary or appropriate to fully inform prospective purchasers of property within the tract of the conditions which exist within the tract and within contiguous areas.

(f) The owner, his agent or the subdivider shall submit the proposed package of information to the director of planning of the City of West Covina for approval as to form and content. The Community Development Director or their designee may require amendments or the addition of information to the package. A copy of the package as finally approved shall be filed with the director of planning prior to its distribution.

(g) Sales agents of the owner or the subdivider shall deliver a copy of the package of information to each prospective buyer of property within the subdivision, and prior to accepting a deposit on any such property the sales agent shall require the prospective buyer to sign a receipt acknowledging that a copy of the package of information has been delivered to him. The recipient shall contain the sales agent's name, the owner or developer's name, the lot and tract number, the date of the delivery of the information package, and the purchaser's printed name and signature.

(h) Within ten (10) days after the close of escrow on the initial sale of any residence or condominium in the tract, the owner, the developer, or his agent shall file a copy of the receipt for the package of information with the Community Development Director or their designee of the City of West Covina.

(i) The provisions of this section shall be applicable to the initial sale of residences or condominium units in existing tracts or developments, as well as to all tracts or developments hereafter approved within the City of West Covina.

(j) The provisions of this section shall not require the furnishing of any information to a prospective purchaser of property which is contained in the subdivision report prepared by the state real estate commissioner.

(k) The failure of any owner, subdivider or sales agent to obtain the approval of the Community Development Director or their designee of the information package before selling property within the tract or the failure to deliver the package of information and to obtain a receipt therefor from prospective buyers of property shall constitute a misdemeanor punishable in the manner and to the extent provided by law.

26-302 Surveys

The procedure and practice of all survey work done on any division of land, whether for preparation of a final map or parcel map, shall conform to the standards and details set forth in Chapter 15, Division 3, of the Business and Professions Code, the Land Surveyor's Act. The allowable error of closure on any portion of a final map or parcel map shall be a minimum of 1/10,000.

In the event that the county engineer, county road commissioner, the state highway engineer, or any city engineer shall have established the center line of any street or alley in or adjoining a division of land, the final map or parcel map shall show such center line, together with reference to a field book or map showing such center line and the monuments which determine its position. If determined by ties, that fact shall be stated upon the final map or parcel map. Monuments shall be found, set or reset for final maps and parcel maps at least at the following locations, except no additional monuments need to be set for parcel maps prepared from record data:

(a) At all angle points and beginnings and ends of curves on the exterior boundaries of the subdivision or division of land.

(b) At all angle points and beginnings and ends of curves on the exterior boundaries of any and all land dedicated or offered for dedication in fee simple for park or open space purposes.

(c) At the intersections of center lines of streets and at all angle points and beginnings and ends of curves on street center lines.

(d) For each center line intersection monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the city engineer a set of notes showing clearly the ties between such monument and at least four (4) durable distinctive reference points or monuments. Such reference points or monuments may be leads and tacks in sidewalks, or two-inch iron pipe set back of the curb line and below the surface of the ground, or such substitute therefor approved by the city engineer as appears likely not to be disturbed. The set of center line tie notes shall be filed with the city engineer within three (3) months of the date required for setting monuments as shown by certification on the final map.

(e) Such set of notes shall be of such quality, form and completeness and shall be on paper of such quality and size as may be necessary to conform to the standardized office records of the city engineer. All such notes shall be indexed and maintained by the city engineer as a part of the permanent records of the city engineer's office.

(f) Whenever the city engineer has established the center line of a street or alley, such data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated.

(g) City boundaries crossing or adjoining the subdivision or division of land shall be clearly designated and tied in on the final map.

(h) All boundary monuments shall be set prior to recordation of the final map unless extensive grading operations or improvement work makes it impractical to set monuments. If the setting of boundary monuments is deferred, field notes showing the boundary survey and a bond shall be submitted with the final map for checking and guaranteeing that the boundary monuments will be installed. Interior street center line monuments may be set subsequent to recordation of the final map. The final map shall show which monuments are in place and which are to be set. Prior to approval of the final map by the City Council, the subdivider shall submit a written agreement in which he agrees that the monuments so deferred will be set within a specified time, and that the required notes will be furnished within a specified time.

(i) At least one (1) exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the final map is recorded.

26-303 Standards for Completing and Accepting Public Improvements

Required public improvements shall be constructed in accordance with the following:

(a) The West Covina Municipal Code.

(b) The Standard Specifications for Public Works Construction.

(c) The standards of the city engineer as approved by resolution of the City Council.

(d) Where applicable the California Building, California Plumbing, California Mechanical Codes as amended and adopted by the City.

Upon completion of the improvements, inspection by the City, and recommendation of the city engineer, the improvements shall be presented for acceptance by the City Council. Upon acceptance by the City Council the subdivider will be relieved of maintenance responsibility, and the City and/or other appropriate public agencies will assume maintenance of the improvements.

In the case of public open spaces requiring landscaping, irrigation and/or lighting, the subdivider is responsible for a minimum one-year maintenance period after satisfactory completion of the improvements and before acceptance by the City Council. The maintenance period shall be extended for additional periods of time corresponding to any periods of deficient maintenance as determined by the City. Upon completion of the maintenance period and any extensions thereof, inspection by the City, and recommendation of the city engineer, the improvements shall be presented for acceptance by the City Council. Upon acceptance by the City Council the subdivider will be relieved of maintenance responsibility, and the City and/or other appropriate public agencies will assume maintenance of the improvements.

26-304 Waiver of Disapproval of Maps

No map shall be disapproved when the failure of the map is solely a result of a technical and inadvertent error which, in the determination of the Planning Commission for tentative maps and the City Council for final maps, does not materially affect the validity of the map. Upon such a finding, disapproval of the map shall be waived.

26-305 Assignment of Responsibilities to Advisory Agency

The Planning Commission shall have the following responsibilities in addition to those otherwise assigned responsibilities:

(a) Make findings that tentative maps, together with the provisions for their design and improvement, are consistent with the General Plan and/or any specific plans of the City.

(b) Make findings justifying approval or denial of tentative maps as such findings are specified in the Subdivision Map Act.

(c) Make findings for tentative maps relating to the waste discharge from proposed subdivisions and the requirements prescribed by a California regional water quality control board as such findings are specified in the Subdivision Map Act.

26-306 Appeal of Findings of Advisory Agency

Any interested person can appeal the findings specified in section 26-305 (Assignment of Responsibilities to Advisory Agency) to the City Council in the manner prescribed in the Subdivision Map Act. Appeals shall be accompanied by the fee as set from time to time by resolution of the City Council.

26-307 Dedication or Irrevocable Offers of Dedication

The Planning Commission shall determine the requirements, if any, for dedications or irrevocable offers of dedication concurrent with its approval or conditional approval of tentative maps. Irrevocable offers of dedication shall not be limited in any manner except as specified in the Subdivision Map Act as to the time or time periods in which the City may accept, reject, terminate, or abandon the offer of dedication. Required dedications or irrevocable offers of dedication shall be by certificate on the final or parcel maps unless the city engineer finds such procedure to be impractical, in which case, separate instruments may be processed by the city engineer through the City Council for recordation.

The Planning Commission may require dedications or irrevocable offers of dedications for the following purposes as prescribed in the Subdivision Map Act:

(a) Streets, alleys, waivers of direct access rights and abutter's rights, drainage, water, sewerage, bicycle paths, equestrian trails, access easements, public utility easements, and such other public easements as may be deemed necessary by the Planning Commission.

(b) Local transit facilities as prescribed in and restricted by the Subdivision Map Act.

(c) Parks and recreation as prescribed in this chapter and as prescribed in and restricted by the Subdivision Map Act.

26-308 Reservation of Real Property for Public Use

The Planning Commission shall determine the requirements, if any, for reservations of real property in a subdivision for parks, recreational facilities, fire stations, libraries and/or other public uses concurrent with its approval or conditional approval of tentative maps. Such reservations, if any, shall be imposed in accordance with the provisions of the Subdivision Map Act.

26-309 Parks and Recreation

(a) Dedications for parks and recreation shall be 3.2 acres per one thousand (1,000) residents of the subdivision. The number of residents of the subdivision for purposes of this section shall be the product of the average household size in the City as disclosed by the most recent available federal census and the number of housing units in the subdivision.

(b) The land dedicated for parks and recreation shall:

(1) Be in a location and configuration approved by the Planning Commission.

(2) Be rough graded, including drainage devices, in accordance with a grading plan approved by the recreation and parks director, Community Development Director or their designee and city engineer.

(3) Be fully usable for parks and recreation purposes with the majority of the on-site area being graded at two (2) percent and with areas of grades exceeding twenty (20) percent not being included in the computation of the area required to be dedicated.

(4) Have all public utilities stubbed out to the site and have all connection charges paid including annexation to the county sanitation district.

(5) Have all public works improvements installed adjacent to the site.

(c) In such instances where dedication is not required, in total or in part for subdivision, an in-lieu fee shall be paid. The fee shall be equivalent to the value of the land which would have been dedicated if dedication were required. The value shall be the fair market value of the land if it were to be sold immediately after completion of the full improvements in the subdivision. Fair market value shall be determined in accordance with the following:

(1) The fair market value as determined by the city engineer and the Community Development Director or their designee based upon the average anticipated sale prices of the fully improved lots, excluding buildings, in the subdivision; or

(2) If the subdivider objects to such evaluation, he may at his expense obtain an appraisal of the property by a qualified real estate appraiser approved by each party, which appraisal may be accepted by both if found reasonable; or

(3) The City Council may determine the fair market value.

26-310 Park Fees

(a) Every person who constructs a multiple-family residential development or multiple single-family residential lots shall pay a fee as set forth in section 26-309 (Parks and Recreation) for the purpose of providing park and recreational facilities to serve future residents of such development.

(b) This section shall apply to all undeveloped multiple-family residential property and to all approved precise plans and/or conditional use permits which have not commenced construction prior to the effective date of this section.

26-311 Required Improvements

The Planning Commission, concurrent with its approval or conditional approval of the tentative map, shall require the following improvements constructed to the satisfaction of the city engineer unless specific findings are made that construction of said improvements are unnecessary and impractical:

(a) Construction of subdivision streets in accordance with the master plan of streets, standard specifications for public works construction, and the city engineer's standard drawings, including but not limited to asphalt concrete or portland cement concrete pavement, aggregate base, portland cement concrete curbs and gutters, portland cement concrete sidewalks, surface drainage facilities, and portland cement concrete driveway approaches.

(b) Construction of half of the adjoining portions of exterior streets in accordance with the master plan of streets, Standard Specifications for Public Works Construction, and the city engineer's standard drawings, except that the minimum width constructed shall be twenty (20) feet, in the same manner as subdivision streets.

(c) Construction of landscaped and irrigated street median islands.

(d) Installation of street lighting in accordance with plans and specifications approved by the city engineer or his duly authorized representative.

(e) Installation of street trees and of tree wells.

(f) Irrigation, landscaping and lighting in open space areas and irrigation and landscaping on slopes in accordance with plans and specifications approved by the Community Development Director or their designee.

(g) Installation of traffic signals at subdivision street intersections where needed as determined by a traffic and engineering study in accordance with plans and specifications approved by the city engineer.

(h) Payment of a fair share cost of traffic signals at adjoining exterior street intersections or adjoining exterior street and subdivision street intersections as determined by the city engineer. The fair share cost is to be computed by the city engineer based upon the estimated construction cost of the traffic signal, preliminary and construction engineering, materials testing, and contingencies not exceeding twenty (20) percent of estimated construction cost.

(i) Construction of adequate sewerage, water and drainage systems in accordance with the standards of the City of West Covina, Los Angeles County Flood Control District, Los Angeles County sanitation districts, and local domestic water purveyor to the satisfaction of the city engineer.

(j) Installation of public utilities, including mail boxes and cable television trenching, conduit, pull boxes, pedestals and easements.

(k) Construction of private streets in accordance with City of West Covina standards to the satisfaction of the city engineer.

(l) Installation of traffic signing and street name signing in accordance with standards of the City of West Covina to the satisfaction of the city engineer.

(m) Installation and/or construction of such other improvements which the Planning Commission finds necessary and practical for the general use of the lot owners and/or to ensure conformity to or implementation of the General Plan and applicable specific plans

26-312 Additional Improvements

The Planning Commission concurrent with its approval or conditional approval of the tentative tract map and the Community Development Director concurrent with the approval or conditional approval of a tentative parcel map shall require the payment of fees or the submittal of an agreement with approved security for planned drainage facilities as shown on the City's side drainage report, master plan of drainage, or other drainage study as it finds necessary and practical. Such fees or agreements shall be applied and administered in accordance with the provisions of the Subdivision Map Act.

The Planning Commission also shall require that any required improvements shall contain supplemental size, capacity or number for the benefit of property not within the subdivision as the Planning Commission finds necessary and practical. Such improvements shall be required to be dedicated to the public as the Planning Commission shall determine.

26-313 Preliminary Soils Report

A preliminary soils report, prepared by a civil engineer or soils engineer registered in the State of California, and based upon adequate test borings, shall be required for all subdivisions unless waived by the Planning Commission upon finding that no preliminary soil analysis is necessary due to the knowledge that the City has as to the soils qualities of the soils of the subdivision.

If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the subdivider shall have performed a soils investigation of each lot in any problem area in the subdivision as may be recommended by the preparer of the preliminary soils report and/or as required by the city engineer or City Building Official.

26-314 Agreements and Security

A subdivider may enter into an agreement with the city, provided the performance of the agreement is guaranteed by security as indicated in the Subdivision Map Act, in lieu of constructing required improvements prior to approval of final or parcel maps. Deferral of improvements on parcel maps shall include a covenant and a note on the final

parcel map that includes an estimated construction cost. The agreement shall be on the form provided by the city engineer or such other form as is approved by the city attorney. The period in which the construction is to be completed is one (1) year from the date of execution of said agreement or prior to occupancy of any structure in the subdivision, whichever is sooner, or for such other period of time found to be practical and approved by the city engineer. The completion time hereinbefore mentioned may be extended by the city engineer as necessary to ensure orderly and satisfactory completion of required improvements. In no event may said completion be extended for more than four (4) years beyond the initial completion date. The city engineer is authorized to execute such agreements on behalf of the City.

26-315 Release of Security

The initial and subsequent security furnished by the subdivider may be released in the following manners upon authorization by the City Council:

(a) Completion of all required improvements to the satisfaction of the city engineer.

(b) Completion of a portion of the required improvements to the satisfaction of the city engineer and the furnishing of new security by the subdivider for the remaining portion of the required improvements. This procedure will only be initiated at the discretion of the city engineer, and the new security shall include an estimated amount for any repairs of the previously completed improvements concurrent with the completion of the remainder of the improvements.

(c) The furnishing of new security by the subdivider to replace the initial security.

(d) The furnishing of new security by other person or persons, including assessment districts, which replaces in whole or part the initial security. If replacement is partial, the subdivider shall furnish new security for the portion not replaced.

(e) Such other arrangement or condition at the discretion of and with the approval of the city engineer may be considered by and authorized by the City Council.

26-316 On-site improvements security

Before approval of a development requiring onsite improvements, the applicant shall enter into a written agreement with the City to construct or install within twelve (12) months of approval all such required improvements as set forth in section 26-314 et seq (Agreements and Security). of this Code, which requires security for the agreement. On-site improvements shall include, but not be limited to landscaping, lighting, paving, curbs and drainage devices. Failure to perform under the agreement may lead to revocation of the permit, forfeiture of the security, or any other remedies available to the City.

26-317 Street Names

The names of streets to appear on final and parcel maps shall be designated by the city engineer and Community Development Director or their designees. Subdividers may submit suggested names for the city engineer's and Community Development Director or their designee's consideration. The city engineer and Community Development Director or their designee shall consider continuity or establishment of naming patterns, phonetic similarity to previously named streets, objectionable or improper connotation, subdivider's desires, and other factors the city engineer and Community Development Director or their designee find relevant or practical.

26-318 Improvements and Dedications with Remainder Parcels

When a subdivision is of a portion of any previously existing lot or lots, the remaining portion or portions of the previously existing lot or lots are remainder parcels and shall be subject to required improvements and dedications as determined by the Planning Commission in the same manner as if the remainder parcels were included in the subdivision, including the provisions in this chapter for agreements and security.

26-319 Application of Chapter to Current Maps

Parcel maps and final maps which have been approved by the City Council shall not be affected by the adoption of this chapter or amendments thereto. Tentative maps which have been approved or conditionally approved by the advisory agency or appeal board shall not be affected by the adoption of this chapter or amendments thereto except as follows:

(a) The parcel maps and final maps for approved or conditionally approved tentative maps shall conform to the current requirements for parcel maps and final maps at the time of City Council approval.

(b) At the time of consideration by the advisory agency of a request to extend the expiration time for a tentative map, such tentative map shall conform to the current requirements for tentative maps; and the advisory agency or City Council may revise or add conditions of approval in accordance with the current requirements for tentative maps.

DIVISION 3 TENTATIVE TRACT MAPS

26-320 Processing Fee

The fee for processing a tentative tract map shall be as established from time to time by resolution of the City Council.

26-321 Filing

The tentative tract map shall be filed with the secretary of the Planning Commission.

26-322 Notice of Hearings

(a) In addition to the requirements of the Subdivision Map Act, mailed notices shall be sent to owners of property located within five hundred (500)~~three hundred (300)~~ feet of the boundaries of the tentative tract map. The person filing the tentative map shall concurrently submit a sketch in sufficient detail and to scale of the property configurations within five hundred (500) ~~three hundred (300)~~ feet of the boundaries of the tentative map and a list of property owners and their addresses. Said list shall be keyed numerically or alphabetically to said sketch. The property owners shall be as shown on the last Los Angeles County Assessor's tax roll preceding the filing of the tentative map

(b) An on-site notice shall also be posted on the site of the subdivision. The on-site notice shall follow the standards and requirements listed in Article VI Division 1.

26-323 Submittals of Tentative Tract Maps

To provide the City with sufficient information in a readily usable format for consideration of the tentative tract maps' compliance with the Subdivision Map Act and this chapter, the following requirements for submittals of tentative maps are established:

(a) Tentative tract map information. Each tentative map shall contain the following information:

(1) Tract number of parcel map number obtained from the county engineer.

(2) Name, address and signature of the owner whose property is proposed to be subdivided and the name, address and signature of the subdivider.

(3) Name, address, signature and number of the registered civil engineer, or licensed surveyor, who prepared the tentative map.

(4) North arrow, scale, boundary lines, date.

(5) The location, width and proposed names of all streets within the boundaries of the proposed subdivision or division of land and their approximate grades.

(6) Location and width of alleys.

(7) Name, location and width of all adjoining highways, streets or ways.

(8) Lot lines and approximate dimensions, areas and numbers of each lot.

(9) Lot lines and approximate dimensions, and areas of remainder parcels.

(10) Approximate location, width and directions of flow of all watercourses; the approximate locations of all areas subject to inundation from floods; and location of structures, irrigation ditches and other permanent physical features.

(11) Approximate contours at sufficient intervals to determine existing topography and all proposed grading.

(12) Approximate location and outline to scale of existing buildings and permanent structures.

(13) Approximate location of each area covered by trees with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of the proposed public rights-of-way and private streets.

(14) Description of the exterior boundaries of the subdivision or division of land (or legal description of the property comprising the subdivision or division of land).

(15) Width and location of all existing or proposed public or private easements.

(16) Classification of lots as to intended use.

(17) Approximate radii of all curves.

(18) Proposed public areas, if any.

(19) For a division of land consisting of a condominium project, as defined in section 1350 of the Civil Code, a community apartment project, as defined in section 11004 of the Business and Professions Code, the tentative map shall show the general location of all buildings to be erected or maintained and the means of access to such buildings.

(20) A vicinity map showing the location of the division in relation to the nearest existing cross streets. If it is impossible or impracticable to place upon the tentative map any matter required by this section, such information shall be submitted with the map.

(b) Scale of tentative tract map. Each tentative tract map shall be drawn to scale as to clearly show the details of the plan thereon. Such scale shall be no smaller than a scale of one (1) inch to fifty (50) feet. A smaller scale may be used if previously approved by the city engineer.

(c) Reports and statements. The tentative tract map shall show or be accompanied by reports and written statements from the subdivider giving essential information regarding the following matters:

(1) Source of water supply.

(2) Type of street improvements and utilities which the subdivider proposed to install.

(3) Proposed method of sewage disposal.

(4) Proposed storm drains or other means of drainage (grade and size).

(5) Water Quality Requirements or a preliminary Standard Urban Stormwater Mitigation Plan (SUSMP) and drainage study.

(6) Protective covenants to be recorded.

(7) Proposed tree planting.

(8) The existing zoning and, if a zone change is proposed, the requested zoning for all real property within the division of land.

(9) A written statement by the registered civil engineer or land surveyor as to whether or not he will set boundary monuments prior to filing the final parcel map with the county recorder.

(10) Proposed intent, if any, to file multiple final maps.

26-324 Required Findings for Tentative Tract Maps

The following findings are required for approval of a tentative tract map:

(a) The proposed map is consistent with the General Plan and any applicable adopted specific plans.

(b) The design or improvement of the proposed subdivision is consistent with the General Plan and applicable adopted specific plans.

(c) The site is physically suitable for the type of development.

(d) The site is physically suitable for the proposed density of development.

(e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife or their habitat.

(f) Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems.

(g) The design of the subdivision or the type of improvements will either (i) not conflict with recorded or adjudged easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; or (ii) alternate easements, for access or for use, will be provided, and these will be substantially equivalent to ones previously acquired by the public.

26-325 Amendment to a Tentative Tract Map

The Community Development Director or their designee may approve an application for minor modification to an approved tentative map without notice or public hearing. A modification is considered minor when, in the determination of the Community Development Director or their designee, it is consistent with the intent of the original map approval, does not violate any provision of this Code, and does not constitute a substantial change to the map or the conditions of approval. A minor modification may only be implemented with the approval of a minor modification as set forth in Article VI, Division 7 of Chapter 26.

DIVISION 4 VESTING TENTATIVE MAPS

26-326 Added Requirements

Any person requesting approval of a Vesting Tentative Map pursuant to the provisions of the Subdivision Map Act shall comply with and be subject to the applicable provisions of the Subdivision Map Act and this chapter as it specifically applies to tentative maps and shall also comply with and be subject to the additional provisions of this article.

26-327 Submittals of Vesting Tentative Maps

A vesting tentative map shall be processed and filed in the same form and with the same content as provided tentative maps except that the words "Vesting Tentative Map" shall be conspicuously printed on the face thereon. In addition to the information and material required for tentative maps, the following submittals are also required prior to approval of a vesting tentative map:

(a) Plans for all public works improvements to be constructed as a condition of the subdivision prepared by a registered civil engineer in accordance with City standards and approved by the city engineer.

(b) Plans for all site development including but not limited to grading, drainage facilities and miscellaneous structures prepared by a registered civil engineer in accordance with City standards and approved by the city engineer. Such plans shall be supported by geological and/or soils engineer's reports as required by chapter 9 of this Code.

(c) Plans for all structures approved by the Building Official.

(d) Plans for all irrigation and landscaping approved by the Community Development Director or their designee.

(e) Plot plan showing details of the entire development and all improvements to be constructed in the subdivision.

26-328 Amendments to Vesting Tentative Maps

After approval or conditional approval of a vesting tentative map, amendments can be made only by following procedures for the original approval or conditional approval. Approvals or permits which depart from the vesting tentative map may only be granted based upon an amendment to the vesting tentative map. No amendments shall be granted so as to modify or delete any public improvements and site development requirements and condition, including, but not limited to, grading, drainage facilities and miscellaneous structures, approved in the first instance by the Planning Commission.

26-329 Application of Fees

The applicable fees associated with the vesting tentative map and the development thereof shall be paid at the then current rate as the various applications, filings, plan checks, permits, etc., are accomplished.

26-330 Added Fee for Vesting Tentative Map

In addition to any other fees associated with the vesting tentative map and the development therefor there shall paid to the City a fee as established from time-to-time by resolution of the City Council to reimburse the City on a pro rata basis for the costs associated with establishing and adopting the procedure for vesting tentative maps.

26-331 Initial Time period of Rights

The rights conferred by a vesting tentative map shall last for an initial time period of one (1) year after the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

DIVISION 5 FINAL MAPS

26-332 Processing Fee

The fee for processing a final map shall be as established from time to time by resolution of the City Council. In addition, the fee for checking the final map shall be as established by the agency performing the checking; and such fee shall be paid directly to that agency.

26-333 Additional Survey Requirements

The required survey for a final map shall be a field survey made in conformity with the Land Surveyors' Act done within one (1) year preceding the approval of the final map. A closure shall be done on the survey, and a copy of the closure shall be provided the city engineer and the agency checking the final map.

26-334 Additional Map Requirements

Upon recordation of the final map, a reproducible copy of the map on mylar or other material approved by the city engineer and one (1) blueline or blackline print shall be filed with the city engineer. The copy and print shall have the recorder's stamp and recording information clearly shown thereon.

26-335 Additional Certification and Acknowledgements

The final map shall contain a certificate for execution by the city treasurer stating that any and all special assessments, if any, levied against land included in the map have been paid in full.

26-336 Additional Monuments

Monuments for final maps shall be set, found or reset at all angle points and beginnings and ends of curves on the exterior boundary of the subdivision; at all angle points and beginnings and ends of curves on the exterior boundaries of any and all land dedicated or offered for dedication for parks or open spaces; and on the center line of all interior and exterior streets at intersections, tract boundaries, the beginnings and ends of curves, angle points, and the radius center of cul-de-sac.

26-337 Center Line Ties

The engineer or surveyor under whose supervision center line monuments have been set, found or reset shall file with the city engineer a set of notes and corner records, conforming to the size and quality of the city engineer's standardized office records, showing clearly the ties between each monument and at least four (4) durable, distinctive reference points or monuments subject to the approval of the city engineer.

26-338 Multiple Final Maps

In the event of the filing of multiple final maps relating to an approved or conditionally approved tentative map, the following conditions shall apply:

(a) The map shall be submitted to the Planning Commission for review and conditioning as the commission may find warranted to provide adequate traffic circulation, proportional development of any open spaces, proportional dedication of any parks, adequate drainage facilities, adequate fire protection, adequate water facilities and adequate sewerage facilities.

(b) The final map may be required to include the construction of improvements and dedications outside the boundaries of the final map but inside the boundaries of the tentative map.

DIVISION 6 TENTATIVE PARCEL MAPS

26-339 Tentative Parcel Map Required

A tentative parcel map in accordance with this chapter and the Subdivision Map Act is required for each parcel map.

26-340 Improvements and Dedications Required

Improvements and dedications in accordance with this chapter and the Subdivision Map Act are required for parcel maps.

26-341 Agreements

Required improvements will be completed prior to recordation of the final tentative parcel map, or an agreement in the format provided by the city engineer secured by appropriate security shall be executed prior to recordation to guarantee the improvements. The time of completion of the improvements shall be prior to occupancy of any new structure constructed on any parcel included in the tentative parcel map. This section precludes the satisfaction of improvement requirements by certificate on the tentative parcel map.

26-342 Waivers

The requirement for a tentative parcel map in accordance with this chapter and the Subdivision Map Act may be waived by the Community Development Director or their designee after submittal of a plot map of the proposed division which shall contain a detailed survey of all affected parcels. The content of the plot map shall be determined by the city engineer. Additionally the applicant shall submit a request for waiver in the format provided by Community Development Director or their designee. The preparation and recordation of a final parcel map is still required.

The Community Development Director or their designee must make the following findings to approve a waiver of a tentative parcel map:

(a) The proposed division complies with the Subdivision Map Act and this chapter as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.

(b) All fees, dedications or combinations of such fees or dedications which would normally be required of the proposed division of land have been paid or made.

(c) The fire protection for the proposed division of land is adequate as determined by the city fire chief.

(d) A field survey has been completed and all monuments and center line ties which would normally be required of the proposed division of land have been set, found, or reset within the year preceding the approval of the waiver.

26-343 Processing Fee

The fee for processing a parcel map shall be as established from time to time by resolution of the City Council. The fee for processing a request for waiver of a parcel map shall be the same as the fee for processing the tentative map submitted with the request for waiver. In addition, the fee for checking the parcel map shall be as established by the agency performing the checking, and such fee shall be paid directly to that agency.

26-344 Processing Procedure

The procedure for processing, approval, conditional approval or disapproval and filing of tentative parcel maps and modifications thereof shall be as provided in this chapter and the Subdivision Map Act for processing, approval, conditional approval, or disapproval and filing of tentative maps and final maps and modifications thereof.

26-345 Additional Map Requirements

The tentative parcel map shall include any additional map requirements as this chapter may require of final maps.

26-346 Owners Consent

Where a subdivider does not have a record title ownership in the property to be divided, the persons with record title ownership shall sign a certificate on the parcel map consenting to the subdivision.

26-347 Expiration of Approval or Conditional Approval of Tentative Parcel Map

(a) An approved or conditionally approved tentative parcel map shall expire twenty-four (24) months after its approval or conditional approval or such other period as may be set by section 66452.6 of the Government Code or any successor law. Failure to file a final map prior to the expiration of a tentative parcel map will automatically void the tentative parcel map.

(b) A subdivider may apply for up to three (3) two-year extensions of time of the tentative parcel map expiration. Such application must be filed prior to the expiration of the tentative parcel map and must clearly state the reasons why the final map has not been recorded. An application for an extension may be granted by the Planning Commission only after first finding all of the following:

  (1) There have been no changes to the provisions of the General Plan, any applicable specific plan, or this chapter applicable to the project since the approval of the tentative parcel or tract map;

  (2) There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this chapter apply to the project; and

(3) There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

(c) The community development director may impose new conditions on the tentative parcel map, based on changed circumstances, code amendments, or oversights disclosed in review of the application for extension of the tentative parcel map.

DIVISION 7 REVERSIONS TO ACREAGE

26-348 Parcel Maps

A parcel map may be filed pursuant to the provisions of the Subdivision Map Act for the purpose of reverting to acreage land previously subdivided and consisting of four (4) or less contiguous parcels under the same ownership. The filing of the map shall constitute legal reversion to acreage of the land affected thereby and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels not divided by streets into one (1) parcel. A certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

26-349 Processing fee

The processing fee for processing a reversion to acreage shall be equivalent to the processing fee for a parcel map as established from time to time by resolution of the City Council.

26-350 Dedications

Dedications or offers of dedication of land for streets, highways, or easements necessary for public health and safety or a prerequisite to the orderly development of the surrounding area shall be required as a condition of reverting to acreage land previously subdivided.

DIVISION 8 LOT LINE ADJUSTMENTS

26-351 Lot Line Adjustment Procedure

Any person requesting approval of a lot line adjustment shall submit to the city engineer the following:

(a) A detailed sketch to scale of not less than one (1) inch equals fifty (50) feet of the existing and proposed lot lines for each of the parcels. Existing building structures shall be delineated on the sketch with dimensions shown to the lot line being adjusted. Lot areas before and after the proposed lot line adjustment shall be indicated on the sketch. Legal descriptions of the existing and proposed parcels shall be filed with the detailed sketch.

(b) A notarized written request for the proposed lot line adjustment from all property owners involved and parties of interest.

(c) The fee for processing as set from time to time by resolution of the City Council.

(d) For lot line adjustments between five (5) or more existing adjoining parcels , after review and determination by the city engineer and Community Development Director or their designee that the proposed lot line adjustment is in conformance with the General Plan, applicable specific plans, the Subdivision Map Act and this chapter, the city engineer will submit the proposed lot line adjustment to the City Council for approval by resolution, and recordation thereof with the county recorder.

(e) For lot line adjustments between four (4) or less existing adjoining parcels, after review and determination by the city engineer and Community Development Director or their designee that the proposed lot line adjustment

is in conformance with the General Plan, applicable specific plans, the Subdivision Map Act and this chapter, the city engineer will submit the proposed lot line adjustment for recordation thereof with the county recorder.

DIVISION 9 LOT MERGER *NEW*

26-352 Lot Merger applicability

Pursuant to the provisions of California Government Code Section 66499.20.3, a merger and certificate of merger of existing adjoining parcels of real property under common ownership may be authorized by the city engineer and filed for record by the County Recorder only where the city engineer makes all of the following findings:

(a) The merger will not affect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any approvals of divisions of real property or lot line adjustments;

(b) The boundaries of the parcels to be merged are well-defined in existing recorded documents or filed maps and were legally created or have certificates of compliance issued on them;

(c) The merger will not alter the exterior boundary of the parcels to be merged;

(d) The document used to effect the merger contains an accurate description of the exterior boundaries of the resulting parcel;

(e) All parties having any record title interest in the real property affected have consented to the merger upon a form and in a manner approved by the city engineer, excepting all those interests that are excepted from the requirement to consent to the preparation and recordation of Final Maps under the provisions of California Government Code Section 66436 and according to the terms, provisions, reservations and restrictions provided therein for such consent;

(f) All necessary fees and requirements, including a fee for recording the document have been provided;

26-353 Concurrent filing of record of survey

Where a record of survey is deemed to be necessary by the city engineer or the applicant in order to monument and define the boundaries of the merged parcel, such record of survey, otherwise in compliance with all requirements, may be filed at the same time as the merger and certificate of merger.

26-354 Merger of parcels

The filing of the merger and certificate of merger for record shall constitute a merger of the separate parcels into one parcel for the purpose of the Subdivision Map Act and local ordinances enacted pursuant thereto, and the parcels shall thereafter be treated in all respects as a single parcel.

26-355 Recording of merger without approval prohibited

No person shall record a document merging separate legal parcels into a single legal parcel for the purposes of the Subdivision Map Act and local Ordinances enacted pursuant thereto except in conformity with the provisions of this Chapter.

DIVISION 10 CERTIFICATE OF COMPLIANCE *NEW*

26-356 Certificate of compliance

(a) Any owner of real property or a vendee of such person pursuant to a contract of sale of such real property may request in writing that the city engineer make a determination whether such real property complies with applicable provisions of the Subdivision Map Act and City ordinances enacted pursuant thereto, or that such real property does not comply with the provisions, and the city engineer shall so notify the owner thereof setting

forth the particulars of such compliance or noncompliance. If the subject real property is found to be in compliance with the Subdivision Map Act and city ordinances enacted pursuant thereto, the city engineer shall cause a certification of compliance relative to such real property to be filed for record with the county recorder.

(b) If the subject real property is found not to be in compliance with the Subdivision Map Act and city ordinances enacted pursuant thereto, the city engineer may issue a notice of violation or a conditional certificate of compliance. When issuing a conditional certificate of compliance, the city engineer may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or city ordinances enacted pursuant thereto. Upon making such a determination and establishing such conditions, the city engineer shall cause a conditional certification of compliance setting forth such conditions to be filed for record with the county recorder, fulfillment and implementation of the conditions shall be required prior to the subsequent issuance of a permit or grant of approval for development of the property, but compliance with such conditions shall not be required until such time as a building permit or granting permit is issued by the city.

(c) A certificate of compliance shall be used for the following purposes:

(1) For the recordation of a waiver of a parcel map.

(2) To determine compliance with the Subdivision Map Act and of the City of West Covina Subdivision Regulations, upon the application of any person owning real property or a vendee of that person pursuant to a contract sale.

(3) To establish a violation of or correction of a violation of the Subdivision Map Act and of City of West Covina Subdivision Regulations.

DIVISION 11 PARCEL MAPS FOR URBAN LOT SPLITS

26-357 Purpose and Definitions

The purpose of this Article is to allow and appropriately regulate urban lot splits in accordance with Government Code Section 66411.7. For purposes of this article, the following definition shall apply:

Urban lot split means a lot split of a single-family residential lot into two (2) parcels that meets the requirements of this article.

26-358 Ministerial approval

The City shall ministerially approve a parcel map for a lot split that meets the following requirements or as required by State Law:

(a) The parcel is located within a single-family residential (R-1) zone.

(b) The parcel map divides an existing parcel to create no more than two (2) new parcels of approximately equal lot area, provided that one (1) parcel shall not be smaller than forty (40) percent of the lot area of the original parcel.

(c) Both newly created parcels are no smaller than one thousand two hundred (1,200) square feet.

(d) The parcel is not located in any of the following areas and does not fall within any of the following categories:

(1) A historic district or property included on the state historic resources inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a City landmark or historic property or district pursuant to a City ordinance.

(2) A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(3) A delineated earthquake fault zone as determined by the state geologist in any official maps published by the state geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the City's building division.

(e) The proposed lot split would not require demolition or alteration of any of the following types of housing:

(1) Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

(2) Housing that is subject to any form of rent or price control by the City;

(3) A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within fifteen (15) years before the date of the application; or

(4) Housing that has been occupied by a tenant in the last three (3) years.

(f) The lot split does not create more than two (2) units on a parcel, including any accessory dwelling units or junior accessory dwelling units.

26-359 Standards and requirements

The following requirements shall apply:

(a) The lot split conforms to all applicable objective requirements of the Subdivision Map Act and The City of West Covina Subdivision Standards, except as the same are modified by this section.

(b) Setbacks:

(1) Existing structures. No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

(2) Side and rear setback for new structures and additions. The minimum setback from the side and rear property line is four (4) feet. The proposed residential unit(s) occupying an urban lot subdivision may be constructed directly along the side property line adjoining and attached to the unit within the same urban lot split subdivision, if the construction of an 800-square-foot unit would not be physically possible without the setback reduction.

(3) Front setback for new structures and additions. The minimum setback from the front property line is twenty-five (25) feet.

(i) The front setback may be reduced if the construction of an 800-square-foot unit would not be physically possible without the front setback reduction after the implementation of (2)b. of this section is incorporated with the project design.

(c) The applicant shall provide easements for the provision of public services and facilities as required.

(d) All lots shall have a minimum street frontage of twelve (12) feet to provide for vehicular access.

(e) Walls facing any modified setback and walls for any new structure shall meet the fire-rating and opening requirements in the California Building Code.

(f) Only structures that comply with the requirements of urban dwellings, as set forth in Article IV, Division 4 shall be allowed on lots created by this process.

26-360 Limitations

The City shall not require or deny an application based on any of the following:

(a) The City shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.

(b) The City shall not impose any objective subdivision standards that would have the effect of physically precluding the construction of two (2) units on either of the resulting parcels or that would result in a unit size of less than eight hundred (800) square feet.

(c) The City shall not require the correction of nonconforming zoning provisions as a condition for the lot split.

(d) The City shall not deny an application solely because it proposes adjacent or connected structure provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.

26-361 Affidavit

An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

(a) That the applicant intends to occupy one (1) of the housing units as their principal residence for a minimum of three (3) years from the date of approval. This requirement does not apply when the applicant is a "community land trust" or a "qualified nonprofit corporation" as the same are defined in the Revenue and Taxation Code.

(b) That the uses shall be limited to residential uses.

(c) That any rental of any unit created by the lot split shall be for a minimum of thirty-one (31) days.

(d) That the site is not eligible for any street parking permits.

(e) That the maximum number of units to be allowed on the parcels is two (2), including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to Article IV, Division 4 (Urban Dwelling Units) of this Code.

26-362 Building official Denial

The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

26-363 Inapplicability of article

This article shall not apply to:

(a) Any parcel which has been established pursuant to a lot split in accordance with this article; or

(b) Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this article. For purposes of this section, "acting in concert" shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the owner, buyer or seller (if transferred within the previous three (3) years) of an adjacent lot.

DIVISION 12 CONDOMINIUM CONVERSION *NEW*

26-364 Conversion to Condominium

(a) Any building or structure proposed to be converted from residential rental housing to a condominium shall require a Conditional Use Permit and shall be found by the Planning Commission to be in substantial

conformance with Section 66427.1 (Subdivision Map Act) and the West Covina General Plan and applicable sections of the Municipal Code.

(b) The structural, electrical, fire, and life safety systems of the structure either are, or are proposed to be prior to the sale of the units, in a condition of good repair and maintenance, including such alterations or repairs as are required by the Building Official.

26-365 Notice to occupying tenants

All tenants occupying a unit shall be given written notice of the proposed conversion pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) and a nontransferable right of first refusal to purchase the occupied unit at the same or at better terms than those offered to the general public. Such right of first refusal shall be effective for a period of not less than 90 days from the date at which such units are offered for sale to the public, as described in Section 66427.1. The tenant may waive any such right by executing a written notice to that effect or by terminating his or her tenancy and vacating the unit without acting on the right.

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