

DRAFT RESOLUTION NO. PC 2024-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHITTIER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 18 – ZONING AND TITLE 17 – SUBDIVISIONS (ZCA22-0001), AND ADOPTION OF AN OFFICIAL ZONING MAP (ZCG24-001) FOR THE IMPLEMENTATION OF, AND CONSISTENCY WITH, THE PREVIOUSLY ADOPTED 2021-2040 ENVISION WHITTIER GENERAL PLAN

RECITALS

- A. California Government Code Sections 65850 and 65851 authorize a city to adopt and amend its Zoning Regulations and establish Zoning Districts, and Section 66411 authorizes a city to regulate and control design of subdivisions, in order to implement its General Plan.
1. On October 12, 2021, the City Council formally adopted the new 2021-2040 Envision Whittier General Plan. This Plan established a long-range vision for how the community will grow and provided a legal foundation for all land use decisions in the community. It is the City's community development "constitution" or blueprint because it establishes goals and policies to guide growth, land development, traffic, circulation, housing, conservation, historic resources, environmental justice, and other essential topics over the next 20 years. Implementation measures were included as part of the Plan to update the Zoning and Subdivision Ordinances of the Whittier Municipal Code (WMC) to ensure General Plan consistency in accordance with State law. Zoning Code Amendment No. ZCA22-0001, together with Zone Change No. ZCG24-0001, reflects the policy direction identified in the Envision Whittier General Plan, specifically the Land Use and Community Character Element and Housing Element.
 2. As part of the comprehensive General Plan update in October 2021, the city also adopted the 2021-2029 Sixth Cycle Housing Element to meet new State housing law requirements. The California Department of Housing and Community Development (HCD) determined that the City's updated Housing Element was in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code) on October 12, 2022. Housing law mandates that the City plan to meet the projected housing needs of all economic segments of the community (also known as Regional Housing Needs Allocation or RHNA) through zoning and subdivisions regulation, and policy actions. Whittier's RHNA is 3,439 dwelling units, and the City must adopt zoning and subdivision regulations that accommodate the RHNA.

3. Senate Bill (SB) 197, which was signed into law on June 30, 2022, effectively changed the “original” rezoning deadlines for jurisdictions with statutory housing element deadlines in 2021. The rezoning deadline was extended by three years and 120 days for jurisdictions with compliant housing elements, such as Whittier. HCD has informed the city that it has until February 12, 2025, to adopt Zoning Amendments to facilitate the Housing Element programs.
 4. Zoning Code Amendment No. ZCA22-0001 reflects the policy direction identified in the 2021-2040 Envision Whittier General Plan, specifically the Land Use and Community Character Element, and Housing Element.
 5. Zone Change No. ZCG24-0001 adopting a new official zoning map ensures that the zones are consistent with the General Plan Land Use Policy Map.
 6. The city has also undertaken a review of various sections of the Whittier Municipal Code to correct for errors, omissions, and/or ambiguous or redundant language to eliminate inconsistencies, obsolete or complicated wording, and to ensure consistency with State law.
 7. The community was engaged early in the update process beginning with a kick-off community workshop held June 21, 2022, to introduce the scope of the proposed code amendments. Subsequently, draft materials were reviewed and discussed at four public meetings held either individually or jointly with the Planning Commission and/or Design Review Board on August 15, 2022, June 29, 2023, July 26, 2023, and September 18, 2023.
 8. The final draft language and map, respectively for Zoning Code Amendment No. ZCA22-0001 and Zone Change No. ZC24-0001 were presented at a regularly scheduled Planning Commission meeting held on June 3, 2024; where the public was invited to provide testimony during a duly noticed public hearing. The hearing was continued to the regularly scheduled Planning Commission meeting of June 17, 2024.
- B. The California Environmental Quality Act (CEQA) requires public agencies and local governments to measure the environmental impacts of development projects or other major land use decisions, and to limit or avoid those impacts if possible.
1. The amendments to Municipal Code Title 18 (Zoning) and Title 17 (Subdivisions), and the adoption of an official zoning map constitute a project under CEQA.
 2. In accordance with CEQA, a program Environmental Impact Report (program EIR) was prepared for the Envision Whittier General Plan that included within its scope, amendments to the Whittier Zoning and Subdivision Regulations, and Zoning Map. The City of Whittier certified

Final Environmental Impact Report (FEIR) State Clearinghouse (SCH) No. 2021040762 for the 2021-2040 Envision Whittier General Plan on October 12, 2021.

3. Pursuant to CEQA Guidelines 15168(c), subsequent activities in the program must be examined in light of the program EIR to determine whether an additional environmental document must be prepared. The City of Whittier finds that pursuant to Section 15162, no new effects could occur and no new mitigation measures would be required; therefore, no new environmental document is required, and the activities proposed to be enacted by ZCA22-0001 and ZCG24-0001 are within the scope of the certified program EIR and said program EIR adequately described the activity for the purposes of CEQA, pursuant to CEQA Guidelines Section 15168(e).
 4. To the limited extent that there may be additional and related changes included herein to the Whittier Municipal Code that were not analyzed in the program EIR, the City finds that such changes are categorically exempt from CEQA, pursuant to CEQA Guidelines 15061(c)(3) because it can be seen with certainty that there is no possibility that such changes may have a significant effect on the environment.
- C. On June 17, 2024, the Planning Commission considered the amendments to Title 18 – Zoning and Title 17 – Subdivisions (ZCA22-0001), and adoption of an Official Zoning Map (ZCG24-001), the staff report, and all testimony at a duly noticed public hearing.

NOW THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantial part of this resolution.

SECTION 2. The Planning Commission hereby initiates consideration of ZCA22-0001 and ZCG24-0001 pursuant to Whittier Municipal Code Section 18.60.020, to the extent such consideration has not already been initiated.

SECTION 3. ZCA22-0001 and ZCG24-0001 are consistent with the 2021-2040 Envision Whittier General Plan. The Planning Commission recommends the City Council approve such documents because, among other things, the documents:

- (1) Effectuate the rezoning required pursuant to the City's Housing Element and satisfy the programs and commitments made by the City in adopting its Housing Element, completing the necessary rezones to address any shortfall of sites to accommodate the City's RHNA.
- (2) Make Municipal Code Title 18 (Zoning) and Title 17 (Subdivisions) consistent with the 2021-2040 Envision Whittier General Plan. The changes are consistent with the implementation programs, including the land use framework and

classifications set forth in the Land Use and Community Character Element. These changes facilitate certainty regarding the processing of development projects.

- (3) Promote the compatibility of adjacent and neighboring land uses for the public welfare.
- (4) Update the city's planning, land use, and subdivision standards and practices and bring them into compliance with state law and the city's charter.

SECTION 4. Based on its independent review of the analysis set forth in Exhibit A, attached hereto and incorporated herein by this reference as a finding of fact and the administrative record as a whole, pursuant to CEQA Guidelines Section 15168(c)(2), the Planning Commission, in the exercise of its independent judgement, hereby finds that pursuant to CEQA Guidelines Section 15162, no subsequent EIR would be required for the proposed activity, and it is within the scope of the 2021-2040 Envision Whittier General Plan program EIR, and the City Council can therefore ultimately approve the proposed activity as being within the scope of the project covered by said program EIR, and no new environmental document would be required.

Specifically, pursuant to CEQA Guidelines Section 15162, the Planning Commission finds on the basis of substantial evidence in light of the whole record, that: (1) no substantial changes are proposed in the project which will require major revisions of the program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the program EIR was certified as complete, that shows any of the following: (A) the project will have one or more significant effects not discussed in the program EIR; (B) significant effect previously examined will be substantially more severe than shown in the program EIR; (C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) mitigation measures or alternative which are considerably different from those analyzed in the program EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Accordingly, the Planning Commission hereby recommends that the City Council, based on its independent review of Exhibit A and the administrative record as a whole and in the exercise of its independent judgment, find that pursuant to CEQA Guidelines Section 15162, no subsequent EIR would be required for the proposed activity and that, pursuant to CEQA Guidelines Section 15168(c)(2), the proposed activity is within the scope of the program EIR, and accordingly determine, pursuant to CEQA Guidelines Section 15168(c)(2), that the City can approve the proposed activity as being within the

scope of the project covered by the program EIR and no new environmental document would be required, and direct staff to file a notice of determination as required by law.

SECTION 5. Based on the foregoing and pursuant to Whittier Municipal Code Sections 18.60.050 and 18.08.020, the Planning Commission hereby recommends that the City Council adopt an ordinance approving ZCA22-0001 and ZCG24-0001, enacting the following:

- (1) Amend Title 18 of the Municipal Code in the manner set forth in Exhibits B, C and D, attached hereto and incorporated herein by this reference.
- (2) Repeal and replace in its entirety the Whittier Official Zoning Map in accordance with Exhibit E, attached hereto and incorporated herein by this reference.
- (3) Repeal in its entirety the Whittier Boulevard Specific Plan.
- (4) Amend Title 17 and 18 of the Municipal Code in the manner set forth in Exhibit F, including an amendment to Section 17.16.120 to allow the city to accept land. Each exhibit is attached hereto and incorporated herein by this reference.

SECTION 6. The Planning Commission bases its recommendation on the entirety of the record which includes, but is not limited to: (1) the staff reports, technical studies, appendices, plans, specifications, City files and records, and other materials prepared for and/or submitted to the City relating to ZCA22-0001 and ZCG24-0001; (2) the evidence, facts, findings and other determinations set forth in this resolution; (3) the program EIR certified for the 2021-2040 Envision Whittier General Plan, including its implementation programs, which anticipated the activities to be undertaken through the approval and adoption of ZCA22-0001 and ZCG24-0001; (4) all documentary and oral evidence received at public workshops, meetings, and hearings, or submitted to the City relating to ZCA22-0001 and ZCG24-0001 and environmental documents; and, (5) all other matters of common knowledge to the Planning Commission including but not limited to City, State, and Federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Whittier. The record of the proceedings is on file for public examination during normal business hours at the City of Whittier City Hall, Community Development Department, 13230 Penn Street, Whittier, California 90602.

SECTION 7. Subject to compliance with applicable law, the Planning Commission hereby authorizes the Community Development Director, or his or her designee to:

- (1) Make edits to effectuate the modifications set forth in this Resolution; and
- (2) Make other minor, technical and/or non-substantive modifications to attached Exhibits of this Resolution and/or associated documents discovered prior to presenting them for City Council consideration; and any such modification shall be deemed included in the Planning Commission's recommendation of approval to the City Council pursuant to this Resolution.

SECTION 8. The Secretary shall certify to the adoption of this Resolution and shall forward a copy to the City Council and any person requesting the same.

APPROVED AND ADOPTED this 17th day of June, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Benjamin Pongetti, Secretary
WHITTIER CITY PLANNING COMMISSION

Exhibit A – CEQA Finding of Fact

Exhibit B – Amendments to Title 18 – Zoning, Division I. Zoning

Exhibit C – Additions to Title 18 – Zoning, Division I. Zoning

Exhibit D – Additions to Title 18 – Zoning, Division VI. Community Design

Exhibit E – Official Zoning Map

Exhibit F – Amendments to Title 17 – Subdivisions and Title 18 - Zoning

California Environmental Quality Act (CEQA) Finding of Consistency (Finding of Fact)

Project Title:

City of Whittier Amendments to Title 18 – Zoning and Title 17 – Subdivisions (ZCA22-0001) and the adoption of the Official Zoning Map (ZCG24-0001)

Project Location – Specific:

City of Whittier (citywide)

Name of Public Agency Approving the Project:

The Whittier City Council

Project Location – City and County:

City of Whittier, County of Los Angeles

Name of Persons or Agency Carrying Out the Project:

City of Whittier

Description of Nature, Purpose and Beneficiaries of the Project:

The City of Whittier is proposing a focused Zoning and Subdivision Ordinance Amendment (“Project”) to ensure consistency with State Law and to ensure consistency with the 2021-2040 Envision Whittier General Plan adopted on October 12, 2021. Specifically, the amendments implement Program 1: Municipal Code and Subdivision Ordinance Revision and Program 2: Rescind Whittier Boulevard Specific Plan of the Envision Whittier General Plan. The amendments are also intended to meet State housing law and key implementation measures identified in the 2021-2029 Sixth Cycle Housing Element. The amendments encompass the following key components:

- Development of standards for the three new Mixed-Use zones
- Establishment of standards by creating a new zone consistent with the Very High-Density Residential Land Use Designation
- Incorporation of Objective Development Standards for certain Multi-Family and Mixed Use projects
- Assessment and revision of multiple-family parking standards and policies to accurately reflect the parking needs of different types of housing and mixed-use development;
- Update of the Zoning Map to ensure consistency with the General Plan Land Use and Community Character Element

On October 21, 2021, the Whittier City Council certified the Final Program Environmental Impact Report (Program EIR) for the 2021-2040 Envision Whittier General Plan. The Program EIR analyzed impacts associated with the adoption and implementation of the 2021-2040 Envision Whittier General Plan and was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA). The Program EIR (State Clearinghouse (SCH) No. 2021050193) fully described the Project, existing conditions within the City of Whittier, analyzes the potential environmental impacts of implementing the Project, identifies mitigation measures to minimize significant impacts to a less than significant level. The proposed Project does not expand the proposed uses, increase intensity, or result in a change from the original Program EIR conclusions. The Project Description of the Program EIR included the Project in its listing of activities analyzed as part of the Program EIR:

“Zoning Map and Zoning Text Amendments - Title 17 (Subdivisions) and Title 18 (Zoning) of the Whittier Municipal Code is the primary tool for implementing the goals, objectives, and policies of the General Plan Update, pursuant to the mandated provisions of the State Planning and Zoning Law (Government Code

Section 65000 et seq.), State Subdivision Map Act (Government Code Section 66410 et seq.), California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and other applicable state and local requirements. The subdivision regulations, zoning map, zoning regulations, standards, permits and procedures that are contained in Title 17 and Title 18 and other parts of the Whittier Municipal Code, as applicable, will be revised following adoption of the General Plan Update to be consistent with its the goals, policies, exhibits and texts. The General Plan Update and accompanying zoning map and zoning text amendments include elimination of two Specific Plans: the Whittwood Town Center Specific Plan and the Whittier Boulevard Specific Plan. However, no changes to either the Uptown Whittier Specific Plan or the Lincoln (Nelles) Specific Plan are proposed. It should be noted that, even though the Whittwood Town Center Specific Plan is being rescinded, the zoning will still allow for a Specific Plan in the MU-3 zone and no overlay is proposed.”

The proposed Project has been evaluated under CEQA to determine whether the project scope, circumstances, or information would trigger the need for any supplemental environmental documentation based on new or substantially more severe significant environmental impacts.

After a thorough factual evaluation, the City of Whittier has determined that no further supplemental environmental review is required for the Project because:

- (1) The Project does not propose substantial changes to the original project as described in the 2021-2040 Envision Whittier General Plan Program EIR, which would require major revisions to the previously adopted Program EIR due to the involvement of new or substantially more severe significant impacts;
- (2) The Project will not involve substantial changes with respect to the circumstances under which the original project was undertaken, which would require major revisions to the previously- adopted Program EIR due to the involvement of new or substantially more severe significant impacts; and
- (3) No substantially important new information requiring new analysis of significant effects, mitigation, or alternatives is known that would require major revisions to the previously adopted Program EIR due to the Project scope.

The proposed Project implements the intent, policies, and goals of the 2021-2040 Envision Whittier General Plan, the impacts associated with the proposed changes are directly in line with the scope of those analyzed by the Program EIR and are found consistent and conforming to the 2021-2040 Envision Whittier General Plan, therefore the proposed amendments to the Zoning and Subdivision Ordinances and Zoning Map are within the scope of the Program EIR for the 201-2040 Envision Whittier General Plan. Future projects may warrant further analysis of their impacts on the environment which are not found consistent with the analysis prepared in the Program EIR.

The City of Whittier finds that no further environmental documentation is required because all potentially significant effects (a) have been analyzed adequately in the previously adopted Program EIR pursuant to applicable standards, and (b) have been avoided pursuant to the previously adopted Program EIR. Therefore, in accordance with CEQA and the CEQA Guidelines (Section 15168(c)), the Project elements are within the scope of the previously adopted Program EIR; that EIR continues to be pertinent with considerable information value; and Project elements do not give rise to any new or substantially more severe significant effects, nor do they require any new mitigation measures or alternatives. Accordingly, no new environmental document is required.

18.06.168 - Family.

"Family" means one or more persons living together in a single dwelling unit, with common use of all living and eating areas and all areas and facilities for the preparation and storage of food. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, or nunneries.

18.08.010 Zones designated.

The following zones are established within the city, in order to carry out the purpose of this title and to implement the 2021-2040 Envision Whittier General Plan:

ZONE SYMBOL	NAME OF ZONE	GENERAL PLAN LAND USE CATEGORY IMPLEMENTED BY ZONE
H-R	Hillside Residential	Hillside Residential
R-E	Single-Family Residential Estate	Low Density Residential
R-1	Single-Family Residential	Low Density Residential
R-2	Light Multiple Residential	Medium Density Residential
R-3	Medium Multiple Residential	Medium High Density Residential
R-4	Heavy Multiple Residential	High Density Residential
R-5	Very Heavy Multiple Residential	Very High Density Residential
MU-1	Mixed-Use 1	Mixed-Use 1
MU-2	Mixed-Use 2	Mixed-Use 2
MU-3	Mixed-Use 3	Mixed-Use 3 (including Tier 1 and 2)
C-1	Light Commercial	Neighborhood Commercial
C-2	General Commercial	General Commercial
C-2-HO	General Commercial with Housing Overlay	General Commercial with Housing Overlay
C-O	Commercial Office	Office
MED	Medical	Medical
INV	Innovation	Innovation
M	Manufacturing	General Industrial
PUT	Parks and Urban Trails	Parks and Urban Trails
OS	Open Space	Open Space
GC	Golf Course	Golf Course
PQP	Public and Quasi-Public	Public and Quasi Public
<i>Notes:</i> 1) <i>Overlay and transitional zones may be applied to any base zone.</i> 2) <i>Planned Development Districts may only be applied to residential zones unless otherwise stated in the Whittier Municipal Code.</i>		

18.48.010 Facilities required.

- A. Off-street parking facilities for automobiles and bicycles, and vehicular loading spaces shall be deemed to be accessory uses in each zone established pursuant to this chapter. Every use permitted in each zone shall be provided with permanently maintained off-street parking facilities and vehicular loading spaces, in accordance with the provisions of this chapter.
- B. Off-street parking facilities including, but not limited to, all landscaping, irrigation, paved surfaces, striping, signage, pavement markings, etc. contained therein shall be maintained in good condition and repair at all times.

18.48.020 Schedule of parking requirements.

- A. Required on-site parking for each parcel shall be based on each on-site land-use conducted on the parcel.
- B. The off-street parking spaces required for each use permitted by this title shall not be less than the requirements identified in subsection 18.48.020(E), except as provided in subsections 18.48.020(C) and 18.48.020(D).
- C. Adaptive Reuse of Historic Designated or Eligible Residential Buildings. For adaptive reuse of a historic designated or eligible residential building, if the building is not being expanded in area by square footage, the existing parking spaces may remain. The parking otherwise required for an expanded portion of a designated or eligible historic building may be reduced by a maximum of twenty-five percent of the required parking spaces for the expanded portion.
- D. Except as necessary to comply with requirements to provide spaces for electric vehicle supply equipment or parking spaces that are accessible to persons with disabilities, the following minimum automobile parking standards apply.
 - 1. For sites located within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code, at the time the application is deemed complete, no parking is required, except:
 - a. Event centers shall provide parking for employees and other workers.
 - b. Development projects where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging (except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code) shall provide parking in accordance with the minimum parking requirements of subsection B.
 - c. Development projects for which the City finds, based on a preponderance of the evidence in the record, that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on any of the following:
 - i. The City's ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low-income households.
 - ii. The City's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.
 - iii. Existing residential or commercial parking within one-half mile of the housing development project.
 - d. Subsection (C) above shall not apply for the following projects:
 - i. Housing development projects that dedicate a minimum of twenty percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.
 - ii. Housing development projects that contain fewer than twenty housing units.
 - iii. Housing development projects subject to parking reductions based on the provisions of any other applicable State law.
 - 2. For sites located more than one-half mile from a major transit stop as defined in Section 21155 of the Public Resources Code, the number of parking spaces shall be the minimum provided for each new use as identified in subsection 18.48.020(E) Off-Street Parking Schedule.

E. Off-Street Parking Schedule

Land Use Classification	Parking Requirements
1. Residential	(Spaces/unit, room, or bed dependent on use type)
A. Single-Family Dwelling - Detached	Four on-site, off-street vehicle parking spaces for each unit, with a minimum of two non-tandem parking spaces within an enclosed garage. Additional on-site parking spaces, including in tandem, may be developed on the property, including the replacement of parking for the primary dwelling when a garage is converted, or existing parking spaces are otherwise eliminated to create an accessory dwelling unit.
B. Multi-Family Dwelling/Single-Family Dwelling - Attached	<p>1. Vehicle Parking Spaces</p> <p>a. Parking Ratio. The following parking space ratios shall apply:</p> <p>Studio unit – one-and one-half parking space One bedroom unit – one-and-three-fourth parking spaces Two bedroom unit – two parking spaces Three or more bedrooms – two-and-one-quarter parking spaces</p> <p>Fractional numeric values above half shall be rounded up to the next whole number.</p> <p>b. Parking Location. For each ownership unit, the required parking space(s) up to two spaces shall be located within a separate enclosed garage or within a parking structure, with the additional required parking within a carport. For non-ownership units, the first two required parking spaces for each unit shall be covered and located in a garage, parking structure or carport, with additional required parking allowed uncovered.</p> <p>c. Tandem Spaces. A maximum of fifty percent of required parking spaces can be tandem and shall comply with the following standards:</p> <ul style="list-style-type: none"> i. Not more than two spaces shall be involved in the tandem arrangement; ii. Both spaces in the tandem arrangement shall be assigned to the same dwelling unit; iii. Accessible and guest parking shall not be in tandem; and iv. Tandem parking shall not be allowed in a parking structure (refer to Chapter 18.99) of ten or fewer parking spaces or when the full turning radius for the tandem parking is not within the structure. v. Tandem parking stalls shall have a minimum of 9' x 36' interior dimensions. <p>d. Guest Parking. One guest parking space shall be provided for every four units. Fractional numeric values above half shall be rounded up to the next whole number.</p> <p>All guest parking spaces shall be clearly marked and maintained for guests only and dispersed throughout the site. The location of guest parking spaces, which are not clearly visible from the public right-of-way, must be directed by signs and dispersed throughout the site. The location of guest parking spaces, which are not visible from the public right-of-way, must be directed by signs and dispersed throughout the site. In addition, no guest</p>

Land Use Classification	Parking Requirements
	<p>parking spaces shall be located within a private garage, but may be located within a parking structure that serves the on-site parking needs of the development. The location of guest parking within a gated community is subject to review and approval by the Director, and shall at a minimum, address delivery vehicles, temporary loading, and spaces for short-term visitors during business hours, where there is an on-site leasing office.</p> <p>e. Distance Between Garages. The minimum distance between garage door building planes facing one another or between a garage door building plane and a building or wall shall be twenty-eight feet.</p>
	<p>2. Bicycle Parking Spaces</p> <p>a. Parking Ratio. The following bicycle parking space ratios shall apply:</p> <p>Standard: One bicycle space per five (5) units; projects with less than five dwelling units do not require bicycle parking. Twenty-five (25) percent of bicycle spaces shall be for short term parking, and seventy-five (75) percent shall be for long term parking.</p> <p>For projects within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code, additional bicycle parking spaces shall be provided at a rate of twenty-five percent of the total bicycle parking required for each of the short-term and long-term categories in the project.</p> <p>Fractional numeric values shall be rounded up to the next whole number.</p> <p>b. Short-Term Parking Facility Standards. Short-term bicycle parking facilities are for visitors to the project, and shall include provisions for storage and locking of bicycles, either in lockers or secured racks or equivalent installations where the bicycle frame and wheels may be locked by the user. Facilities shall address the following:</p> <ul style="list-style-type: none"> i. Bicycle racks shall be designed so that the user is able to secure both wheels and the frame in a stable, upright position with a user-provided U-lock and cable lock. ii. Racks or lockers shall be anchored so that they cannot be easily removed. iii. Lockers shall be designed such that bicycles cannot be removed except by authorized persons. iv. Parking facilities shall be in highly visible, well-lit areas to minimize theft and vandalism. v. Parking facilities shall not impede pedestrian or vehicular circulation. vi. It is recommended that bicycle facilities be covered so that they are protected from weather elements. <p>c. Long-Term Parking Facility Standard. Long-term parking facilities are for residents of the project, and shall include either of the following:</p>

Land Use Classification	Parking Requirements
	<p>i. A fully enclosed lockable space accessible only to the owner/operator of the bicycle and protected from the weather elements; or</p> <p>ii. A locked room inside of a structure for the sole purpose of securing bicycles for residents, with individual lockable spaces for each bicycle.</p> <p>d. Parking Location. Bicycle parking facilities shall be located on the same site as the use that is subject to the parking requirements. The facilities shall be located such that they are close to the building or use entrance, and at least as convenient to users as that of the majority of vehicular parking areas. Bicycle parking facilities shall be as closely oriented to adjacent bikeways as feasible.</p>
C. Senior Housing	The number of required on-site vehicle and bicycle parking spaces shall be determined by the approval authority, based on a traffic study conducted by a California licensed traffic engineer, but in no case shall required spaces be less than 0.75 spaces per unit.
D. Clubs, fraternity, sorority, and Single Room Occupancy Developments	One parking or bicycle space/each sleeping room or one parking or bicycle space/bed, whichever is greater.
E. Congregate and assisted living facilities	The number of required on-site parking spaces shall be determined by the approval authority, based on a traffic study conducted by a California licensed traffic engineer and found acceptable by the Director of Community Development.
F. Accessory Dwelling Units	No parking spaces are required for an accessory dwelling unit without separate bedrooms. A minimum of one vehicle parking space is required for a unit with one or more bedrooms, except under the provisions of Section 18.10.020 (I)(4)(E). No additional curb cuts are permitted for an accessory dwelling unit unless approved by the Director of Public Works.
G. Emergency Shelter, including Low Barrier Navigation Center	One parking space per ten beds, plus one space per onsite staff person (during the shift with maximum staffing levels).
H. Transitional and Supportive Housing	Section 18.48.020(D) shall apply to supportive housing.
2. Mixed-Use	(Spaces/unit or net floor area or seats)
Mixed-Use Development and Live/Work Unit	In the case of mixed uses in a building or on a lot, the total requirement for off-street vehicle parking facilities shall be the sum of the requirements for the various uses computed separately.
	<p>a. Off-site Parking. To allow flexibility in the location of required parking and to encourage efficient utilization of land, required automobile parking may be located up to five-hundred feet from the development (as measured along the most direct walking path). Such parking shall be designated, and signage shall be installed indicating that it has been assigned to the remote parking location. Confirmation of the parking assignment shall be required prior to occupancy of the development.</p> <p>b. Shared Parking. Required automobile parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses) or that one of the sites has an excess supply of parking. The application shall include a parking study demonstrating that this standard has been met. The right of joint use must be evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use must be recorded prior to issuing a certificate of occupancy. The outer boundaries of the properties upon which the uses are proposed, to</p>

Land Use Classification	Parking Requirements
	<p>which the application relates, shall be located within five hundred feet of each other. The outer boundaries of the properties upon which the uses are proposed, to which the application relates, shall be located within five hundred feet of each other.</p> <p>c. Bicycle Parking for Non-Residential Uses. For the non-residential land use component of a mix of uses in a building or on a lot, short-term bicycle parking spaces for visitors shall be provided as follows:</p> <p>Building square footage of less than fifteen-thousand (15,000) – five (5) spaces Building square footage of fifteen thousand or more (15,000) – five (5) percent of the total vehicle parking spaces required for the use, but not less than four (4) spaces</p> <p>Standards for short and long-term bicycle facilities shall be provided as indicated above, (Multi-Family Dwelling/Single-Family Dwelling - Attached) in this schedule. Bicycle parking facilities shall be on the same site as the use that is subject to the parking requirements. The facilities shall be close to the building entrance. Bicycle parking facilities shall be as closely oriented to adjacent bikeways as feasible.</p>
3. Non-Residential	(Spaces/net floor area or seats)
A. General Retail	1/250 sf
B. Restaurant	1/3.5 seats plus 1/40 sf for restaurant assembly space consisting of: banquet rooms, customer waiting rooms and ordering areas.
C. Fast Food, including Drive-thru	Same as "Restaurant."
D. General Office	1/300 sf
E. Medical or Dental Office	1/200 sf
F. Banks, savings and loans	1/300 sf
G. Assembly uses—includes theaters, churches, etc.	1/3 seats and 1/100 sf of area devoted to assembly purposes without fixed seats such as banquet, waiting, and reception rooms.
	Parking shall be based upon all activities occurring and portions of building in use at any one time on the site; or as determined by a parking demand study prepared by a California licensed traffic engineer and approved by the applicable approval authority.
H. Clubs and Lodges	Same as "Assembly" uses.
I. Commercial Recreation	1/100 sf or per a parking demand study prepared by a California licensed traffic engineer and approved by the applicable approval authority.
J. Trade, Business, Vocational, and Traffic Schools	1/50 sf; or 1/3.3 seats, whichever is greater.
K. Health and Exercise Clubs	1/100 sf or per a parking demand study prepared by a California licensed traffic engineer and approved by the applicable approval authority.
L. Self-Storage Facilities	1/100 storage units, plus 1/250 sf of retail sales, plus 1/300 sf of office.
M. Warehouse Facilities	1/1,500 sf

Land Use Classification	Parking Requirements
N. Industrial Zones	1/500 sf or ½ the number of employees, whichever is greater.
O. Catering and Delivery Vehicles	One on-site space for each catering or delivery vehicle parked on-site, in addition to the required on-site parking for the business it is associated with. Also see WMC Section 18.52.030(H).
P. Lodging Facilities*	1 space per guest room for 20 rooms or less, plus 2 staff spaces; or 1.2 spaces per guest room for more than 20 rooms, plus 2 check-in guest spaces per 50 rooms or fraction thereof. Additional spaces as required by ancillary uses. A request to deviate from these standards can be considered if a parking study is submitted with the Conditional Use Permit application.
Q. Uses for which a conditional use permit is required and no reference to required on-site parking is made within this chapter.	The number of required on-site parking spaces shall be determined by the approval authority, based on a traffic study conducted by a California licensed traffic engineer.
4. Unique circumstances or required on-site parking for any land use not specifically included in this parking ordinance shall be determined by a parking study conducted by a California licensed traffic engineer. The approval authority shall have the ability to accept, reject or modify the parking study recommendations, upon consultation with the city traffic engineer.	
5. Non-residential uses that cannot provide their required number of on-site parking spaces within a shared parking lot may submit a parking study, prepared by a California licensed traffic engineer, to justify that the reduced on-site parking for the use will not adversely impact the overall demand for on-site parking within the shared parking lot. The approval authority shall have the ability to accept, reject or modify the recommended number of on-site parking spaces, upon consultation with the city traffic engineer.	
6. Parking standards for developments located within the Uptown Whittier Specific Plan area shall be as set forth in the specific plan, unless specified otherwise therein.	
7. The number of accessible on-site parking stalls for all developments within the city of Whittier shall be determined based on Title 24 of the California Code of Regulations, as related to access by the disabled.	

* Including existing hotels and motels with certificates of occupancy dated prior to March 1, 2019.

Chapter 18.07 Land Use Definitions

Applicability. The definitions of this Chapter are applicable to the land use types of the R-5, C-2-HO, INV, MU-1, MU-2, MU-3, MED, PQP, PUT, and GC zones, and may apply to other zones within the City where a land use has not been separately defined in Chapter 18.06. Should any conflict or similarities between a land use type definition exist between this Chapter and other provisions of Title 18, the definition as provided in Chapter 18.07 shall prevail and/or the Director shall have the authority to make such interpretation, if required.

18.07.010 “A” Land Uses.

"Adaptive Reuse of Historic Structures" means the process of reusing an existing historic building for a purpose other than which it was originally built or designed for. The type of reuse is subject to the same permit approval type that may be required for a property within a particular zone; e.g. a use that requires a conditional use permit to establish the use would still apply to an Adaptive Reuse of Historic Structures; or, if a use is not listed or prohibited, then the use would not be permitted for an Adaptive Reuse of Historic Structures.

"Alcoholic Beverage Sales (Off-Site)" means the retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption. Does not include grocery stores, supermarkets, or drugstores selling alcohol as an accessory line of food products or beverages and where less than ten percent of the gross floor area is devoted to the display of alcohol.

"Alcoholic Beverage Sales (On-Site)" means the retail sale of beer, wine, and/or other alcoholic beverages for on-premises consumption and is limited to being accessory to a principal use.

"Alcoholism or Drug Recovery or Treatment Facility" means a facility as defined and licensed under the California Code of Regulations, Title 9, Division 4, Chapter 5.

"Ambulance Fleet Services" means a base facility where ambulances and similar vehicles are parked and from which they are dispatched, and/or where ambulance vehicles and crews are not based at a hospital or fire department standby for emergency calls.

"Animal Boarding/Kennels" means the commercial provision of shelter and care, daily or overnight, for domestic animals, including activities associated with such shelter and care

"Animal Grooming" means the commercial provision of bathing and trimming services for domestic and exotic animals. Overnight boarding is not allowed.

"Animal Sales and Grooming" means retail sales of domestic and exotic animals, bathing, and trimming services, and boarding of said animals for a maximum period of seventy-two hours, conducted entirely within an enclosed building with no outdoor use.

"Art, Antique, Collectable" means retail sales uses, including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. A store selling handcrafted items that are produced on the site is defined separately as an "artisan shop."

"Artisan Shops" means a retail store selling art, glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

"Artisanal and Specialty Manufacture, Display, and Sales" means an establishment that specializes in artisan food production, art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes a retail component.

"Assembly/Meeting Facilities, Public or Private" means a stand-alone facility for public or private assembly and meetings (i.e., banquet halls, community centers, conference/convention facilities, meeting halls for clubs and other membership organizations).

"Athletic Courts" means an outdoor uncovered surface used for active recreation, games, or sports. Examples of athletic courts include tennis court, pickle ball court, paddle court, badminton court, bocce court, and basketball court.

"Athletic Fields" means facilities used for sporting activities such as softball, baseball, football, soccer, running track, tennis, and other non-motorized sports. Athletic fields may include bleachers, concession stands, lights, restrooms, and other supporting facilities."

"Auto Dismantling Yard" means an outdoor establishment primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials from automobiles, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles.

"Automobile and other Vehicle Customizing Shop" means the repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use.

"Auto Body Repair" This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

18.07.020 "B" Land Uses.

"Banks and Financial Services" means financial institutions such as banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATM). Does not include check cashing or finance lending businesses that do not qualify as a "financial institution" under State Law.

"Bars and Nightclubs" means any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

"Bike Parks" means a facility specifically designed for bicycling, skateboarding, rollerskating or rollerblading, containing structures such as ramps and basins.

"Biomedical Research, Manufacturing" means indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes but is not limited to chemical and biotechnology research and development. Does not include computer software companies (see "Offices, Business and Professional"), soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services, General"). Does not include medical or recreational marijuana (cannabis) research facilities.

"Brew Pub" means an establishment that produces ales, beers, meads, hard ciders, and/or similar beverages to serve on site. Sale of beverages for off-site consumption is also permitted in keeping with the regulations of the Alcoholic Beverage Control (ABC). Service of brewed beverages must be in conjunction with the service of food. Manufacturing activities shall occur entirely within an enclosed building or outdoor work area screened from public view and be

separated from the restaurant portion of the facility by applicable building codes. All beverage tasting shall occur within the restaurant portion of the facility. Brew pubs may not produce more than five-thousand barrels of beverage (all types of beverages combined) annually per ABC licensing standards. May also include the wholesale distribution of beverages for off-site consumption.

"Brewery, Winery, Distillery" means a facility where specific alcoholic beverages are manufactured. Incidental to the manufacturing process, a tasting area not to exceed twenty percent of the floor area is allowed. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control. All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure.

"Broadcast Studio/Recording Studio" means an establishment containing one or more studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. Does not include "Wireless Telecommunication Facility", which is defined separately.

"Business Support Services" means establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include but are not limited to office equipment repair services; commercial art and design; computer rental or repair; copying, quick printing, and blueprinting services; film processing labs; mailbox services and other similar services.

18.07.030 "C" Land Uses.

"Car Wash" means permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services.

"Caretaker Residence" means a permanent dwelling unit that is secondary or accessory to a nonresidential use of the property and used for housing a caretaker employed on the site where needed for security purposes or to provide 24-hour care or monitoring of people, animals, equipment, or other conditions on the site.

"Catering Business" means a business preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include traditional catering kitchens, community kitchens, ghost kitchens, commissary kitchens, bakeries with onsite retail sales, and small-scale specialty food production.

"Child Day Care Facility" means a state-licensed facility which provides nonmedical care, protection, and supervision to more than fourteen children under eighteen years of age, on a less than twenty-four-hour basis. Commercial or nonprofit child day care facilities include infant centers, preschools, sick-child centers, and school-age day care facilities.

"Childcare Center" means any childcare facility of thirteen or more children (other than a family child care home), and includes infant centers, preschool, and extended child care facilities. Such a facility shall provide non-medical services to children under eighteen 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.

"Clubs/Social Organization Facility or Lodge" means the use of a site for provision of meeting, recreational, or social facilities by a private or nonprofit association, primarily for use by members and guests. This use includes private social clubs and fraternal organizations.

"Community Garden" means an otherwise undeveloped lot divided into multiple plots for the growing and harvesting of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs, primarily for the personal use of the growers, and that is established, operated, and maintained by a group of persons, or in conjunction with the City.

"Congregate Care" means a building, other than a hotel, boardinghouse, or rooming house, providing living quarters without kitchens for individuals not less than fifty-five years of age or couples, one spouse of which is not less than fifty-five years of age, where meals for residents and their guests are provided from a common kitchen and served in a common dining area, where a lobby, parlor, or other public room is provided, and with quarters or apartments for staff members, and recreation facilities, convalescent care facilities, and public rooms for the general use of residents and their guests, together with such yards or open spaces and other facilities as may be required by this chapter

"Convenience Store" means an establishment with a sales area of five-thousand square feet or less which sells primarily food, household, and personal convenience items.

"Corporation Yard" means a type of industrial property that is used for the storage and maintenance of vehicles, equipment, and materials. Corporation yards are typically owned and operated by corporations, but they may also be owned and operated by other types of businesses, such as government agencies, nonprofit organizations, and educational institutions.

"Cultural Centers" means a facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This definition includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; art galleries; and zoos and botanical gardens. Facilities may include space for classes or lectures.

18.07.040 "D" Land Uses.

"Day Care, Adult" means an establishment or facility that provides nonmedical care and supervision to a person who is eighteen (18) years of age or older, where the care is provided for periods of less than twenty-four (24) hours per day. Does not include residential care facilities, convalescent hospitals, or nursing homes.

"Day Care, Family" means a day care facility licensed by the State of California, located in a residential unit where resident of the dwelling provides care and supervision for children under the age of eighteen for periods of less than twenty-four hours a day.

"Distribution Facility" means a building that serves as a hub to store finished goods, streamline the picking and packing process, and ship goods out to another location or final destination.

"Dog Parks" means a stand-alone park or an area in a park that is specifically designated for dogs to be off leash.

"Drive-In or Drive-Up Businesses" means an establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include, but are not limited to, fast-food restaurants, banks, dry cleaners, and pharmacies. Drive-through facilities do not include "click and collect" facilities in which an online order is picked up in a stationary retail business without use of a drive-in service.

"Drive-Through facilities" means a facility where services and purchases of minor items may be obtained by motorists without leaving their vehicles. Examples of such facilities include drive-up bank teller windows, pharmacies, dry cleaners, coffee kiosks and other similar uses. Excludes "Drive-Through Restaurants", which are defined separately.

"Dwelling Unit, Accessory" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. An accessory dwelling unit is an accessory use and not a principal use of land. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be

located on the same lot as the single-family dwelling to which it is subordinate (the primary dwelling), and shall have a separate exterior entrance.

"Dwelling Unit, Multi-Family" means a building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

"Dwelling Unit, Single-Family" means a dwelling that is detached or attached to another dwelling, excluding accessory dwellings, located on a single parcel for occupancy by one family. Each dwelling is owned in fee, located on an individual parcel, and may be joined to another dwelling along a single lot line or through a recorded condominium plan. If located along a single lot line, each dwelling is totally separated from the other by an un-pierced vertical wall extending from ground to roof. Row houses and townhouses are examples of this dwelling unit type. Construction of any single-family dwellings includes the use of foundational mobile and manufactured homes.

"Dwelling Unit, Two-Family" means an attached building (e.g., duplex) designed for occupancy by two families living independently of each other, where both dwellings are located on a single lot. More than one two-family dwelling may be located on a single lot consistent with the density provisions of the General Plan. Does not include accessory dwelling units.

18.07.050 "E" Land Uses.

"Electrical and Electronic Equipment Manufacturing/Assembly" means facilities to assemble various electronic components and computer parts.

"Emergency Shelter" means any facility in which the primary purpose is to provide temporary (six months or less) or transitional shelter for general or specific homeless populations, as defined in Section 50801 of the California Health and Safety Code.

"Employee Housing" means privately owned housing that is provided by an employer in connection with any work, whether or not rent is involved, as regulated by the State Health and Safety Code, Division 13, Part 1.

"Extended-Stay Hotels" means a building or group of buildings containing lodging accommodations of one or more rooms typically let for periods of a week or more and that contain standard kitchens and appliances and other facilities to support such extended occupancy. To constitute an extended stay hotel, each hotel room must contain kitchen facilities to include a range cooktop, microwave or conventional oven, refrigerator, and sink, and must allow stays longer than 30 days.

18.07.060 "F" Land Uses.

"Farmers' Markets" means an outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3, Chapter 3, Article 6.5. Farmers' Markets can also include limited sales of crafts and goods.

"Flood Control Facilities" means a structure designed and constructed to control floodwater.

"Food Storage and Distribution" means the process of storing and transporting food from the point of production to the point of consumption. This includes activities such as:

1. Receiving and inspecting food
2. Storing food in a safe and sanitary environment
3. Preparing food for distribution
4. Transporting food to retailers and consumers

"Furniture Manufacturing" means a manufacturing facility producing wood and metal furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers, and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are uses included under "Lumber and Wood Products Manufacturing."

"Furniture, Furnishings, and Appliance Stores" means a store that primarily sells the following products and related services, that may also provide incidental repair services:

18.07.070 "G" Land Uses.

"Garden Center/Plant Nursery" means establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

"Golf Course" means an area of land laid out for golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards with accessory improvements that may include clubhouses, athletic courts, and swimming pools.

"Government Facilities" means an area or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public (e.g., corporate yard, city hall, community recreation center, post office, library, etc.).

"Grocery Stores/Supermarkets" means retail establishments that generally occupy a gross floor area ranging from ten thousand to fifty-five thousand square feet and carry a broad range of food products (e.g., fresh fruits; fresh vegetables; baked goods, meat, poultry, and/or fish products; frozen foods; and processed and prepackaged foods).

"Gymnasiums" means a facility designed for indoor basketball, gymnastics, volleyball, and other indoor sports use, with or without provisions for spectators seating.

18.07.080 "H" Land Uses.

"Handicraft Industries and Small-scale Manufacturing" means an establishment where products are crafted or manufactured by hand or with minimal equipment.

"Health Facilities" means a facility as defined under the California Health and Safety Code Section 1250 and licensed by the California Department of Healthcare Services. The facility, place, or building is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more person, to which the persons are admitted for a 24-hour stay or longer, and includes the following: General acute care hospital, Acute psychiatric hospital, Skilled nursing facility, Intermediate care facility, Intermediate care facility/developmentally disabled habilitative, Special hospital, Intermediate care facility/developmentally disabled, Intermediate care facility/developmentally disabled –nursing, Congregate living health facility, Correctional treatment center, or Nursing facility.

"Heliport" means an area used for the landing, parking, or takeoff of helicopters including operations facilities (e.g., fueling, loading, and unloading, maintenance, storage, terminal facilities, etc.)

"Helistop" means a single pad used for the landing, parking, or takeoff of one helicopter and other facilities as may be required by Federal and State regulations, but not including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.)

"Home Based Business" means an occupation, calling or profession carried on by a resident of a dwelling unit as an accessory use. The home-based business shall not change the integrity and residential character of a neighborhood.

"Home Improvement Sales/Services" means indoor commercial and wholesale uses including building, electrical, and plumbing sales and service, tool and equipment rental, sales and service.

18.07.090 "I" Land Uses.

"Indoor Amusement/Entertainment Facility" means establishments providing indoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms, as primary uses. This use does not include Adult Entertainment Establishments as defined in Chapter 18.44.

"Indoor Commercial Recreation" means an establishment that provides amusement, entertainment, or physical fitness services that typically occur indoors for a fee or admission charge. Indoor recreational facilities include: Arcades, Art/dance/exercise studio, Bowling alleys, Drama/voice/instrument instructional studio, Ice skating and roller skating, Indoor archery and shooting range, Indoor play center (rock climbing or inflatable party place), Indoor soccer or hockey facility, Laser tag, Martial arts studio, Swimming pool or other indoor sports activity, Tennis, handball, badminton, racquetball.

"Indoor Fitness and Sports Facility" means a business where predominantly fitness and health activities with facilities for weight-lifting, cardio, sport courts, and similar fitness apparatus that are conducted entirely within an enclosed building.

18.07.100 "J" Land Uses.

18.07.110 "K" Land Uses.

18.07.120 "L" Land Uses.

"Laboratories" means a facility equipped for scientific experiments, research, teaching, or for the manufacture of drugs/chemicals.

"Libraries and Museums" means public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature.

"Light Manufacturing" means a light industrial business where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building and does not involve the use or production of flammable, explosive, or other hazardous materials. Associated distribution/ storage space may not exceed 49% of the total operation.

"Live-Work Units" means an integrated residence and working space, occupied and utilized by a single household, in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

"Lodging Facilities" means facilities with guest rooms or suites, provided without kitchen facilities, rented to the public for transient lodging (less than thirty days). Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

"Low Barrier Navigation Center" means 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. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy. See Government Code Section 65660.

18.07.130 "M" Land Uses.

"Maintenance and Repair, Small Equipment" means establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, small medical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building.

"Maintenance Yards" means a facility providing maintenance and repair services for vehicles, equipment, and materials storage areas.

"Manufacturing" means establishments engaged in the manufacturing of finished parts or products, either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, sales, and distribution of the parts or products, and laundry and dry-cleaning plants.

"Mixed-Use Development" means an approach to land use development that involves integrating two or more different types of uses on the same property as part of a unified development. Generally, Mixed-Use Development consists of residential and non-residential uses integrated either vertically in the same structure or group of structures, or horizontally on the same development site where parking, open spaces, and other development features are shared.

18.07.140 "N" Land Uses.

"Neighborhood Market" means a pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are more than five-thousand square feet and less than fifteen-thousand square feet in size and operate less than eighteen hours per day.

18.07.150 "O" Land Uses.

"Offices, Business and Professional" means offices of administrative businesses providing direct services to consumers, professional offices, and offices engaged in the production of intellectual property.

"Offices, Medical and Dental" means a facility, other than a hospital, where medical, dental, mental health, eye care, surgical, acupuncture, massage therapy, and/or other personal health care services are provided on an outpatient basis by chiropractors, medical doctors, psychiatrists, opticians, etc., licensed by the State.

"Offices, Research and Development" means a facility occupied by a business that engages in research, or research and development, of innovative ideas in technology-intensive fields, or in various fields of science. Includes the building of prototypes and testing, but no manufacturing, loud noise, odors, hazardous materials, etc.

"Outdoor Commercial Recreation" means facilities for various outdoor participant sports and types of recreation where a fee is charged for use (e.g., amphitheaters, amusement and theme parks, golf driving ranges, health and athletic clubs with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).

"Outdoor Education" means an education program which typically involves hands-on learning experiences that take place in natural settings, such as forests, parks, and beaches. These programs can be designed for children, youth, or

adults, and they can focus on a variety of topics, such as environmental science, outdoor recreation, and leadership development.

18.07.160 “P” Land Uses.

"Park and Ride Facility" means a parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling \

"Parking Facilities" means a public or private space dedicated to accommodating vehicle parking stalls, backup area, driveways, and aisles and in which vehicle parking is the primary use of the site. Includes surface parking lots and parking structures/garages. Parking facilities may be operated as fee-based or free-of-charge.

"Parks and Public Plazas" means public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use.

"Personal Services" means establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, massage, permanent makeup application, clothing rental, dry cleaning pick-up stores with limited equipment, laundromats (self-service laundries), shoe repair shops, tailors, wellness centers offering skin care, personal training, nutritional consulting, or alternative mind/body healing services.

"Pharmacy (Pharmacies)" means an establishment that dispenses prescription drugs and sells medical equipment and supplies for home health care

"Printing and Publishing" means an establishment providing printing, blueprinting, photocopying, engraving, binding, and related services.

"Private Clubs" means meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests.

"Public Safety Facility" means a facility operated by a public agency including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters.

18.07.170 “Q” Land Uses.

18.07.180 “R” Land Uses.

"Religious Institutions" means a facility operated by a religious organization for worship or the promotion of religious activities (e.g., churches, mosques, synagogues, temples) and accessory uses on the same site (e.g., living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use).

"Research and Development, and Research and Development, Medical" means establishments engaged in industrial, scientific or medical research, including product testing. Includes electronic research firms or pharmaceutical research laboratories.

"Residential Care Facility" means facilities that are licensed by the State to provide permanent living accommodations and twenty-four-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions.

"Restaurant with Drive-Through" means a restaurant that offers food and beverage service to customers who remain in their vehicles.

"Restaurant, Eating and Drinking Establishments" means a retail business selling food and beverages prepared and/or served on the site, where patrons are served food at tables for on-premises consumption, but may also include the sale of menu items for pick-up/take-out service. Such establishments may be licensed by the State Department of Alcoholic Beverage Control (ABC) to sell and serve alcoholic beverages for on-site consumption during the same operational hours of food/menu service.

"Retail, Accessory" means a retail or service use that is customarily a part of, and clearly incidental and secondary to, a nonresidential use and does not change the character of the nonresidential use. Typically, the retail sales of various products in a store or similar facility or the provision of services in a defined area that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers. The area is not visible from public streets, has no outside signs, and has no designated parking spaces.

"Retail, Bulk Merchandise" means retail establishments engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of the goods. Bulk retail is differentiated from general retail by either high volume of sales of related and/or unrelated products in a warehouse setting; or the sale of goods or merchandise that require a large amount of floor space and that are warehoused and retailed at the same location.

"Retail, General" means establishments selling goods or merchandise, not specifically listed under another land use. This classification includes department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing goods such as: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machines, computer, electronics, and similar small-item repairs. Retail sales include spaces to make your own art (e.g., pottery, paintings, etc. that serve walk-in customers and appointment slots for groups).

"Retail, Limited" means retail sales limited to deli, coffee shop, salon, drug stores and pharmacies, hardware stores, or similar small-scale establishments.

"Retail, Regional Anchor" means a retail establishment that sells shopping goods, general merchandise, apparel, furniture, and home furnishings in full depth and variety. A regional retail anchor has a minimum gross leasable area of one-hundred-thousand square feet and is located within a "Regional Shopping Center." Includes department stores and "big box" and "superstore" uses not specializing in the sale of large-scale goods or bulk merchandise.

"Retail, Special/Quality" means an establishment selling goods or merchandise, not specifically listed under another land use, to the general public for personal or household consumption including: specialty food and specialty goods.

18.07.190 "S" Land Uses.

"School, Private" means a school that is established, conducted, and primarily financially supported by a non-governmental agency or group of individuals.

"School, Public" means a school that is financially supported by a local, city, county, state, or other government authority.

"Schools, Technical and Trade" means a school or institution providing longer-term (at least one year) programs leading to proficiency, certification, and associate degrees in vocational programs, including computers, mechanical, food and hospitality service, automotive and aircraft services, surveying, welding, photography, carpentry, agriculture, horticulture, electrical, plumbing, and construction trades.

"Seasonal Sales" means the temporary retail sale of seasonal merchandise, subject to a Temporary Use Permit. Examples include farm produce stands, Christmas tree sales lots, and pumpkin patches.

"Secondhand Store/Thrift Store" means a retail establishment selling secondhand goods donated by members of the public.

"Senior Residential Project" means dwellings designed for persons at least sixty-two years of age, or a person at least fifty-five years of age who meets the qualifications found in Section 51.3 of the California Civil Code. Includes senior apartments, retirement communities, retirement homes, homes for the aged. Does not include extended care facilities such as convalescent homes or skilled nursing facilities, assisted living facilities or senior care facilities. Does not include housing, senior citizen. See "housing, senior citizen"

"Service Stations – General" means A commercial facility that sells gasoline, diesel, and/or alternative fuel for the on-site fueling of individual vehicles. May include incidental "minor" maintenance and repair of automobiles and light duty trucks, vans, or similar size vehicles. May also include a convenience store operated by the service station owner.

"Service Stations - Limited" means an establishment that sells gasoline, diesel, and/or alternative fuel for the on-site fueling of individual vehicles and may include a convenience store operated by the service station owner. Does not include incidental "minor" maintenance and repair services.

"Single-Room Occupancy" means a building or buildings constructed or converted for residential living consisting of one-room dwelling units, where each unit is occupied by a single individual or two persons living together as a domestic unit, and where the living and sleeping spaces are combined. A unit that contains both a bathroom and kitchen shall be considered a studio unit and not a Single-Room Occupancy Unit.

"Solid Waste Facilities" means a solid waste transfer or processing station, a composting facility, recycling, a transformation facility, or a disposal facility as approved by the city.

"Stormwater Retention, Detention, or Treatment (SRDT)" means a structure that is designed to temporarily store or treat stormwater runoff. SRDT facilities can be used to reduce flooding, improve water quality, and conserve water resources.

"Studio- Art, dance, martial arts, music, yoga, etc." means a small-scale facility with one classroom/instruction space, typically accommodating one group of students at a time, in no more than one instructional space.

"Supportive Housing" as defined in California Health and Safety Code Section 50675.14(b)(2), "Supportive Housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist 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."

18.07.200 "T" Land Uses.

"Tasting Area means an ancillary tasting of alcoholic beverage product associated with a food and beverage manufacturing use or a general retail use when that general retail use includes the sale of beer, wine, and distilled spirits for off-site consumption. A beverage tasting area cannot exceed twenty percent of the gross floor area of the food and beverage manufacturing or general retail use to which it is associated unless approved by administrative use

permit to exceed no more than thirty percent gross floor area. On-site tasting areas are included as an accessory use in Brewery, winery, distillery.

"Tasting Room" means a facility allowing beer, wine, or spirits tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery, winery, or distillery, meeting all applicable requirements of state and federal licensure. The tasting room may be operated as a standalone retail use. Food preparation is not permitted. Prepackaged foods may be sold on premises. Patrons may carry food on site for personal consumption. Any facilities not operating with these standards are considered Bars and Nightclubs.

"Theater and Auditoriums" means indoor facilities for group entertainment, other than sporting events (e.g., civic theaters, facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums).

"Transit Facility" means a facility or location with the primary purpose of transfer, loading, and unloading of passengers and baggage. May include facilities for the provision of passenger services such as ticketing, restrooms, lockers, waiting areas, passenger vehicle parking and bus bays, for layover parking, and interior bus cleaning and incidental repair. Includes rail and bus terminals but does not include terminals serving airports or heliports.

"Transit Stations and Terminals" means a facility where passengers board and disembark from public transportation, such as buses, trains, and streetcars. Transit terminals are larger facilities that may include multiple transit stations, as well as parking, retail, and office space.

"Transitional Housing" means a building where housing linked to supportive services is offered, usually for a period of up to 24 months, to facilitate movement to permanent housing for persons with low incomes who may have one or more disabilities, and may include adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

18.07.210 "U" Land Uses.

"Utility Facility" means facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. Does not include office or customer service centers or equipment and material storage yards.

"Utility Infrastructure" means pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits. Does not include Wireless Telecommunication Facility.

18.07.220 "V" Land Uses.

"Veterinary Services" means a veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long-term medical care.

18.07.230 "W" Land Uses.

"Water and Wastewater Facilities" means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.

"Wireless Telecommunication Facility" means a facility as defined and regulated by Chapter 18.47.

18.07.240 "X" Land Uses.

18.07.250 "Y" Land Uses.

18.07.260 "Z" Land Uses.

Chapter 18.23 R-5 - Very Heavy Multiple Residential Zone

Sections:

18.23.010 Purpose
18.23.020 Permitted Uses
18.23.030 Development Standards

18.23.010 Purpose

In order to provide for the development of very heavy multiple residential areas within the city, the regulations set out in this chapter shall be applicable to all properties classified in the R-5 zone.

18.23.020 Permitted Uses

No person shall use, nor shall any property owner permit the use of, an R-5-zoned lot for any principal or accessory use other than the following:

A. Principal Uses

1. Dwelling units, the number of which shall be determined as follows:
 - a. On lots having ten thousand square feet or less of lot area, one dwelling unit for each one thousand two hundred square feet of lot area.
 - b. On lots having more than ten thousand but less than twenty-five thousand square feet of lot area, one dwelling unit for each one thousand square feet of total lot area.
 - c. On lots having twenty-five thousand square feet or more of lot area, one dwelling unit for each eight hundred square feet of total lot area;
 - i. Those uses expressly permitted pursuant to Section 18.52.030 for which a conditional use permit is required; and
 - ii. Those uses permitted in the R-4 zone.

B. Accessory Uses. Accessory uses are permitted pursuant to the provisions of this title.

18.23.030 Development Standards

All uses of property in the R-5 zone shall comply with the following development standards and all other development standards as outlined within this title:

A. Minimum Lot Area. Twenty-five thousand square feet for newly created lots. No minimum applies to existing lots.

B. Minimum Yard Areas. Each lot in the R-5 zone shall have front, side and rear yards conforming to the following requirements:

1. **Front Yards.** Ten feet, provided that on corner lots, the setback shall not result in a visual closure of the entrance to the block.

2. **Side Yards.** Each lot shall maintain the following side yards; except that no side yard shall ever be less than five feet:
 - a. **Interior.** Side yard setbacks shall be at least five feet.
 - b. **Corner.** Side street yard setbacks shall be ten feet and fifteen when abutting residential uses.
 3. **Rear Yards.** Each lot shall maintain a rear yard of not less than five feet.
- C. Minimum Lot Width.** No less than eighty feet for newly created lots. No minimum applies to existing lots.
- D. Maximum Height Limits.** No building or structure located on a lot in the R-5 zone shall have a height in excess of sixty feet; provided that any chimneys, elevators, stairways, towers or similar architectural features may project above the highest point a maximum of two additional feet.
- E. Open Space.** The following types and amounts of open space shall be provided:
1. **Private Open Space.** Each unit in a development in the R-5 zone shall have and maintain at least one hundred square feet of private usable open space dedicated for the exclusive use of each dwelling unit. Private open space shall be located and maintained immediately adjacent to the unit served, with direct access thereto, from a bedroom, living, dining or family room. Mechanical equipment shall not be located within the private open space.
 2. **Common Open Space.** Each lot in a development in the R-5 zone shall have and maintain at least one hundred fifty square feet of common open space per unit, located centrally within the lot or building, or distributed equitably between the units. Common open space areas shall provide a minimum of two recreational/fitness serving amenities, one passive amenity, and one entertainment focused amenity.
- F. Storage.** A minimum of two hundred fifty cubic feet of lockable, enclosed storage per unit shall be provided for use by the occupants of each individual unit. Such storage unit shall not be located within the interior square footage of the unit and screened from public view.
- G. Design Standards.** All development within the R-5 zone shall comply with the applicable design standards of Chapters 18.93 or 18.94.
- H. Parking.** Developments that provide parking in shared facilities such as structures rather than surface lots, or underground or wrapped as a podium integrated into the building design shall be subject to the applicable requirements of Chapter 18.99.

18.30.040 C-2 with Housing Overlay

- A. Purpose.** To provide for the development of general commercial uses integrated with housing.
- B. Permitted Uses.** No person shall use or permit the use of any property zoned C-2-HO, except for the following principal and accessory uses:
1. **Principal Uses.** Table 18.30.040 - B lists the land uses for C-2-HO zoned lots indicating the type of approval required subject to compliance with all provisions of this Title. Descriptions and definitions of the land uses can be found in Chapter 18.07. The specific use regulations and notes column in the table indicates a chapter or section where additional regulations may apply; and/or provides additional information specific to that use type.
 2. **Accessory Uses.** Accessory uses are those uses which are directly related, but clearly subordinate to a permitted or conditionally permitted principal use; where such use is already established or the principal and accessory uses are established jointly.
 3. **Stand-alone Residential.** Stand-alone residential is not allowed in C-2-HO zoned lots.
 4. **Use Not Listed.** Any use that is not listed or has not been determined by the Director of Community Development to be similar to a listed use, is prohibited in C-2-HO zoned lots.

Table 18.30.040 - B: Allowable Uses and Approval Requirements for General Commercial with Housing Overlay Zone

ALLOWABLE USES	APPROVAL REQUIRED "P" Permitted "A" Accessory "C" Conditional Use Permit "--" Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
Residential Uses		
Dwelling Unit, Accessory	A	Section 18.10.020 I
Dwelling Unit, Multi-Family	A	
Dwelling Unit, Single-Family	A	
Dwelling Unit, Two-Family	A	
Employee Housing	A	
Home Based Business	A	Section 18.10.020 C
Mixed Use Development	P	Vertical - Residential over Non-residential mixed use only.
Single-Room Occupancy	C	
Care Uses		
Day Care, Adult	P	
Day Care, Family	P	Section 18.10.020 K
Low Barrier Navigation Center	P	
Residential Care Facility	P/C	CUP for 7 or > persons

Table 18.30.040 - B: Allowable Uses and Approval Requirements for General Commercial with Housing Overlay Zone

ALLOWABLE USES	APPROVAL REQUIRED “P” Permitted “A” Accessory “C” Conditional Use Permit “-” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
Supportive Housing	P	
Transitional Housing	P	
Retail, Service and Office Uses		
Alcoholic Beverage Sales, On-Site	A/C	Not allowed as a stand-alone use. Sale and/or service of alcoholic beverages require CUP approval.
Animal Grooming	P	
Banks and Financial Services	P	
Business Support Services	P	Limited to a maximum of 5,000 square feet.
Child Day Care Facility	P	
Convenience Store	P	
Drive-In or Drive-Up Businesses	C	
Grocery Stores/Supermarkets	P	Limited to a maximum of 55,000 square feet.
Home/Business Improvement Sales/Services	C	
Maintenance and Repair, Small Equipment	C	
Neighborhood Market	P	
Offices, Business and Professional	P	10,000 sf max – street level
Offices, Medical and Dental	P	10,000 sf max – street level
Offices, Research and Development	P	10,000 sf max – street level
Personal Services	P	
Restaurants, Eating and Drinking Establishments	P/C	Sale and/or service of alcoholic beverages require CUP approval.
Restaurants with drive-through	C	
Retail, General	P	
Retail, Limited	P	
Automobile and Vehicle Uses		
Service Stations – Limited	P	
Service Stations – General	C	
Recreation, Education and Public Assembly Uses		
Assembly/Meeting Facilities, Public or Private	C	
Government Facilities	P	

Table 18.30.040 - B: Allowable Uses and Approval Requirements for General Commercial with Housing Overlay Zone

ALLOWABLE USES	APPROVAL REQUIRED “P” Permitted “A” Accessory “C” Conditional Use Permit “-” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
Indoor Commercial Recreation	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Parks and Public Plazas	P	
Public Safety Facility	P	
Utility, Transportation, and Communication Uses		
Parking Facilities	C	
Transit Facility	P	
Utility Facility	C	
Utility Infrastructure	P	
Wireless Telecommunication Facility	P/C	Chapter 18.47

C. Development Standards. Buildings, structures and uses located on lots classified in zone C-2-HO shall be developed and maintained in accordance with the regulations contained in Chapter 18.24; unless modified by Table 18.30.040 – C standards as outlined within this Title, and objective design standards contained in Chapter 18.93:

Table 18.30.040 - C: Development Standards for General Commercial with Housing Overlay Zone

Density	
Maximum	25 du/ac
Floor Area Ratio	
Maximum	0.75 FAR
Maximum Height	
Primary Structures	40 feet
Accessory Structures	25 feet
Setbacks (build to line)	
Front	15 feet minimum 20 feet maximum
Street Side	5 feet minimum 20 feet maximum
Rear	5 feet minimum 10 feet maximum Building step back requirement applies where adjacent to single family zones
Interior Side	0 feet minimum 15 feet maximum Building step back requirement applies where adjacent to single family zones

Table 18.30.040 - C: Development Standards for General Commercial with Housing Overlay Zone

Accessory Structures	Front: 10 feet Side/Rear: 0 feet
Building Frontage	Frontage percentage dependent upon parcel size
Open Space	
Private and Common	300 sf/du minimum combined total
Parking	
Stand-Alone Non-residential Uses	Off-street parking shall be provided as required by Section 18.48.020 and applicable design standards required by Section 18.99.
Mixed-use Development	Off-street parking may be reduced subject to shared or joint use of facilities
Landscaping	
Setback Areas (less walkways)	100% planted
Adjacent to Single-Family Zones	5 ft minimum planter areas 20 ft on center minimum tree spacing
Adjacent to Whittier Boulevard	36-inch box minimum tree size 45 ft on center minimum tree spacing
At Central Open Space Areas	36-inch box minimum specimen tree size 45 ft on center minimum tree spacing

1. **Maximum Density.** The maximum density standard is only applicable to mixed-use developments that include both residential and non-residential uses.
2. **Accessory Structures.** Includes parking structures, trash enclosures and similar supporting or separate structures from the primary structure. The standards do not apply to Accessory Dwelling Units regulated by Section 18.10.020 I.
3. **Building Step Back Requirements.** Buildings located on C-2-HO zoned parcels shall provide transition, a stepping back of the building at the third story and above, that is in addition to the minimum side and rear setback line. Taller elements of the building shall increasingly step back from adjacent single-family zones.
4. **Building Frontage.** New buildings are to be located in close proximity to the street for improved relationship to the street and an enhanced experience for pedestrians. For parcels less than fifteen acres in size, at least fifty percent of the lot width shall be occupied by primary building frontage and/or pedestrian features located between zero and thirty feet from the front property line. For parcels fifteen acres and greater in size, at least fifty percent of the lot width is occupied by primary building frontage and/or pedestrian features located between zero and eighty feet from the front property line. Additional criteria may apply and includes:
 - a. Proportion and form of buildings should contribute to the visual effect of “grand buildings on display.” Individual units should work together to create a more substantial building mass punctuated by strong building elements or portions of greater height.
 - b. New buildings should be designed to present a strong, formal presence along the thoroughfare.
 - c. The height of a major building mass should be roughly two-thirds its width.
 - d. The primary visual presence along the major street frontage should be the building, not a drive-through lane or parking area.
5. **Open Space.** The residential component of an integrated development shall provide open space areas subject to the following standards in addition to the requirements of Table 18.30.040 - C.

- a. **Private Open Space.** Private open space shall be provided at each unit in the form of a patio, yard, balcony, immediately adjacent deck, or combination thereof and shall be directly adjacent to and accessible from each unit. Private open space shall have a minimum area of sixty square feet, minimum dimension of six feet in any direction, and a minimum vertical clearance of eight feet.
- b. **Active Common Open Space/Recreation Areas.** Common open space/recreation areas shall be designed to provide specific amenities as outlined below based on the number of units proposed in the development. The list of amenities is both cumulative and additive, requiring that the Base Amenity Type and Minimum Size be satisfied for the applicable number of units threshold, plus all preceding amenities, plus any additional increase in number or size of the amenity based upon the Additive Amenity Ratio Over the Base.

List of Amenities for Active Common Open Space/Recreation Areas		
Number of Units	Base Amenity Type and Minimum Size	Additive Amenity Ratio Over the Base
≤ 5	Barbeque Area each with Table Seating for 12 adults	1/10 du
≤ 10	Community Garden – 32 sf	8 sf/5 du
≤ 15	Outdoor Active Use Area – 400 sf	50 sf/1 du
≤ 20	Provide One of Two: <ul style="list-style-type: none"> • Business Center – 2 work stations • Gym – 250 sf 	1 work station/10 du 5 sf/1 du
≤ 50	Both Amenity Types Listed for 20 Units Clubhouse with kitchen – 400 sf	At Applicable Ratios 25 sf/1 du
≤ 60	In-Ground or Below Deck Spa – 64 sf	1/20 du
≤ 80	Provide One of Two: <ul style="list-style-type: none"> • Below Ground/Deck Pool – 20,000 gallons • Children’s Play Area – 500 sf OR <ul style="list-style-type: none"> • Wellness Facility 55+ Age – 500 sf 	1/50 du 50 sf/du 50 sf/du
≤ 100 +	One Additional Amenity Type Not Already Provided	At Applicable Ratios

As an example, a development consisting of twenty units shall provide a business center with at least two work stations OR a two-hundred-fifty square foot gym; plus, an outdoor active use area or facility a minimum of six-hundred-fifty square feet (400 sf + 250 sf); plus, forty-eight square feet of community garden area (32 sf + 16 sf); and, two barbeque areas each with table seating for twelve adults.

- c. **Common Open Space Dimensions.** Common open spaces shall have a minimum horizontal dimension in any direction of twenty feet on the ground floor level. Upper story decks shall be no less than ten by ten feet in horizontal dimension. Roof decks shall be no less than fifteen by fifteen feet in horizontal dimension. The minimum vertical dimension shall be fifteen feet.
- d. **Common Open Space Location.** Active common open spaces shall not be located in any required setback area. Active common open spaces may be located at ground level, on upper story decks, on roof decks, indoors, or outdoors. Areas located at upper story decks or on roof decks may contribute one-hundred percent towards the required common open space area. Areas located indoors shall not contribute more than fifty percent of the required common open space area.

6. **Parking.** The number of parking spaces provided for the allowed uses contained in Table 18.30.040 - B, and the design of such parking areas shall satisfy the applicable requirements of Chapters 18.48 and 18.99. Shared parking, shall be permitted, subject to review and approval of a parking study prepared in accordance with Section 18.48.030 for Mixed Occupancy Requirements and Section 18.48.040 Joint Use Authorization.

Chapter 18.33 INV - Innovation Zone

Sections:

18.33.010	Purpose
18.33.020	Permitted Uses
18.33.030	Development Standards
18.33.040	Design Standards

18.33.010 Purpose

This chapter provides regulations applicable to development and land uses in the Innovation (INV) zone, as established by 18.08.010. The INV zone implements the General Plan Innovation land use category, the intent of which is to accommodate creative design and manufacturing businesses focused on new technologies, maker industries, research and development, and craft businesses such as breweries, wineries, and distilleries. Allowed commercial uses are limited in scope to businesses that sell products made in facilities on-site and uses that support the primary uses within the zone and surrounding districts and neighborhoods. Specifically prohibited uses include major vehicle repair and warehousing/storage uses, including personal storage businesses.

The zone regulations encourage and support the repurposing of existing buildings, with new construction echoing the scale and design aesthetic of long-established character buildings.

18.33.020 Permitted Uses

- A. Principal Uses.** Table 18.33.020 lists the allowed land uses for INV zoned lots, indicating the type of approval required subject to compliance with all provisions of this Title. Descriptions and definitions of the land uses are established in Chapters 18.06 and 18.07. The specific use regulations and notes column in the table provides any chapter or section where additional regulations that may apply or additional information for that use type.
- B. Accessory Uses.** Accessory uses are those uses which are directly related but clearly subordinate to a permitted or conditionally permitted principal use.
- C. Limitations on Use.** Uses shall comply with the applicable use regulations specified in Chapter 18.24 and Chapter 18.34.
- D. Symbols Used.** Use regulations in the table are shown with a representative symbol by use classification listing: "P" symbolizes uses allowed by right, "C" symbolizes uses that require approval of a conditional use permit, "A" symbolizes uses that are accessory to an established principal use, and "--" symbolizes that the use is not permitted. Any use that is not listed or has not been determined by the Director of Community Development to be similar to a listed use is specifically prohibited.

Table 18.33.020: Allowable Uses and Approval Requirements for Innovation Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE “P” Permitted “A” Accessory “C” Conditional Use Permit “--” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
	INV	
Retail, Service, and Office Uses		
Alcoholic Beverage Sales	A/C	Sale and/or service of alcoholic beverages require CUP approval.
Animal Boarding/Kennels	C	
Animal Grooming	A/P	Overnight boarding prohibited.
Art, Antique, Collectable	P	
Artisan Shops	P	
Brew Pub	C	Shall be located at least 250 feet from any existing Adult Entertainment Establishment as regulated under Chapter 18.44.
Business Support Services	P	Limited to a maximum of 5,000 square feet.
Catering Business	P	Small classes (maximum 20 persons) are permitted as an accessory use
Drive-Through facilities	--	
Maintenance and Repair, Small Equipment	P	
Neighborhood Market	P	
Offices, Business and Professional	P	
Offices, Medical and Dental	--	
Offices, Research and Development	P	
Parking Facilities	P	
Personal Services	P	
Restaurants, Eating and Drinking Establishments	P/C	Sale and/or service of alcoholic beverages require CUP approval.
Retail, Accessory	A	
Retail, General	P	
Retail, Limited	P	
Retail, Specialty/Quality	C	
Tasting Area	A	Shall be located at least 250 feet from any existing Adult Entertainment Establishment as regulated under Chapter 18.44.
Tattoo Parlor	C	

Table 18.33.020: Allowable Uses and Approval Requirements for Innovation Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE “P” Permitted “A” Accessory “C” Conditional Use Permit “-” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
	INV	
Veterinary Services	A/C	
Industrial, Manufacturing, and Processing Uses		
Artisanal and Specialty Manufacture, Display, and Sales	P	
Biomedical Research, Manufacturing	P	
Brewery, Winery, Distillery	P/C	Sale and/or service of alcoholic beverages require CUP approval.
Distribution Facility	-	
Electrical and Electronic Equipment Manufacturing/Assembly	P	
Furniture Manufacturing	P	
Handicraft Industries and Small-scale Manufacturing	P	
Laboratories	P	
Printing and Publishing	P	
Recreation, Education, and Public Assembly Uses		
Assembly/Meeting Facilities, Public or Private	C	
Government Facilities	P	
Indoor Amusement/Entertainment Facility	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law. Limited to 10,000 square feet
Indoor Commercial Recreation	P/C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law. Limited to 10,000 square feet
Libraries and Museums	P	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Parks and Public Plazas	P	
Schools, Technical and Trade	C	
Theatre and Auditoriums	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Utility, Transportation, and Communication Uses		

Table 18.33.020: Allowable Uses and Approval Requirements for Innovation Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE “P” Permitted “A” Accessory “C” Conditional Use Permit “..” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
	INV	
Broadcast Studio/Recording Studio	P	
Utility Facility	C	
Wireless Telecommunication Facility	P/C	Chapter 18.47
Other		
Adaptive Reuse of Historic Structures	P/C	Subject to required approval type for new use within this zone
Caretaker Residence	A	Only one on-site residential unit per business

18.33.030 Development Standards

- A. General.** New land uses, structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with all development standard requirements in Table 18.33.030, in addition to building design standards in Section 18.33.040 and applicable standards in Chapter 18.48, Chapter 18.64, and other applicable provisions of this Title.

Table 18.33.030: Development Standards for INV Zone

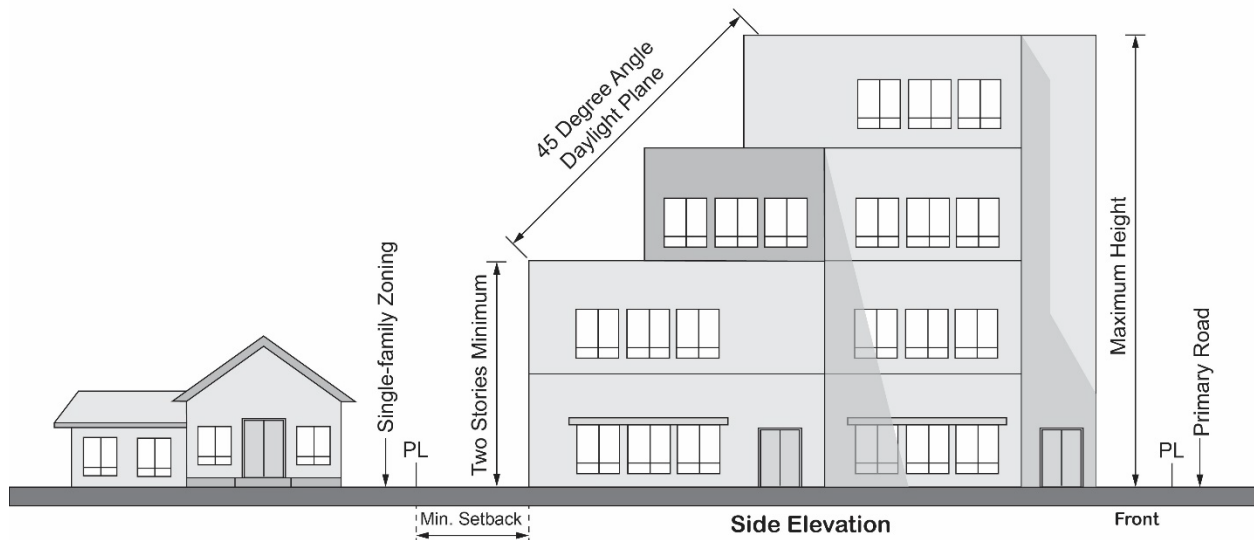
DEVELOPMENT STANDARD	INV
Floor Area Ratio	
Maximum	3.0 FAR
Maximum Height	
Primary Structures	75 feet See section B below for height limitations on lots abutting residential uses
Accessory Structures	20 feet
Setbacks	
Front	<i>Along Whittier Boulevard:</i> 10 feet minimum for buildings with direct and primary pedestrian access oriented toward Whittier Boulevard 15 feet minimum for all other building entrance orientations <i>Along all other street frontages:</i> 10 feet minimum
Side - Street Side	10 feet minimum
Side - Interior	10 feet minimum

Table 18.33.030: Development Standards for INV Zone

DEVELOPMENT STANDARD	INV
	Adjacent to residential uses: 10 feet minimum for first 30 feet of building height, then an additional 5 feet for each additional 30 feet of building height or fraction thereof
Rear	10 feet minimum Adjacent to residential uses: 25 feet minimum
Alley	5 feet minimum
Accessory Structures	Same as primary structure(s); however, accessory structures are not permitted within any front yard area
Other Regulations	
Lot Coverage	Maximum 80 percent, provided all setback, parking, and landscaping requirements are met
Parking and Loading	
New Uses	Off-street parking and loading shall be provided as required by Chapter 18.48 . Where any service-type vehicles are maintained in conjunction with any use located in the INV zone, off-street parking spaces for such vehicles shall be provided in addition to the off-street parking spaces required by Chapter 18.48.
Adaptive Reuse	For adaptive reuse, deviation from parking and loading requirements may be approved through the Minor Variance process.

B. Building Step Back Requirements. Buildings located on INV zoned parcels shall provide transition, a stepping back of the building at the third story and above, that is in addition to the minimum side and rear setback line. Taller elements of the building shall increasingly step back from adjacent single-family zones. No portion of the building, excluding parapets, shall extend above an imaginary plane drawn at the property line that is adjacent to the single-family zone, and extended at an angle of 45 degrees toward the center of the INV zoned parcel as shown in Figure 18.33.030-B.

Figure 18.33.030-B: Building Step Back



C. Walls and Fences. All new walls and fences shall be subject to the provisions contained within Section 18.98.040.I in addition to the following provisions:

1. Smooth-faced precision blocks may be used only when integrated within a wall design to create a decorative wall pattern or when plaster or stucco is to be applied to the blocks as a finishing material.
2. A decorative finishing wall course cap shall be applied to all new walls and pilasters.
3. Combination walls or fences may be constructed consisting of a variety of different building materials, subject to the review and approval of the approval authority.
4. All landscaping planted in front of any wall or fence shall be maintained in healthy condition at all times and supported with an operable irrigation system that complies with the city's water conservation ordinance.
5. All street-facing walls and fences shall be treated with an anti-graffiti laminate coating or any other anti-graffiti method deemed acceptable by the approval authority. Alternatively, healthy landscaping (i.e., vines) may be planted to provide sufficient coverage of the wall face, if deemed acceptable by the approval authority.
6. All fencing materials are subject to the limitations of and shall comply with Section 18.64.070.
7. All new walls and fences shall be subject to the provisions contained in Section 18.64.050. These provisions shall also apply to all driveways.
8. The maximum wall and fence height described within paragraph two of this subsection may be increased in height to a maximum of sixteen feet for noise attenuation purposes, subject to Section 18.34.050, when approved by the Director of Community Development, provided:
 - a. Such walls may only be approved when necessary to protect adjacent property from stationary noise sources legally established, prior to the effective date of this paragraph, on the property from which such noise emanates, or to protect adjacent property from unavoidable nuisance noise resulting from permitted uses of the property.

- b. Such walls may only be approved when all reasonable efforts to reduce such noise at the source have been made, as determined by a qualified acoustical engineer after appropriate technical studies.
 - c. The maximum height of such a wall shall not exceed the minimum necessary to achieve compliance with the city's noise ordinance, Chapter 8.32 of the Municipal Code, as determined by a qualified acoustical engineer.
 - d. Such walls shall be constructed of sound-absorbing materials and designed to include architectural treatment consistent with the style of the buildings on the subject property.
- D. Compressors, Motors, etc.** Each use on such a lot which utilizes compressors, air conditioning units, or other machinery which is located outside of the exterior walls of any building, including but not limited to, vents, ducts and conduits, but excluding window-mounted or wall-mounted air conditioners, shall comply with the following:
- 1. All such equipment shall be enclosed within a permanent, noncombustible enclosure which shall be subject to the approval of the Director of Community Development to ensure that the same will not be observable and/or emit noise to a degree that conflicts with the provisions of Chapter 8.32. In addition, comply with the standards contained in Chapter 18.24.040 (H).
 - 2. All such equipment shall be maintained in a manner that prevents a collection of litter and filth and to avoid the emission of unnecessary noise, dust, or fumes.
- E. Lighting.** All outdoor lighting shall be located, directed downward, and shielded to prevent light from shining onto adjacent lots.
- F. Landscaping.** All required front yard and street side yard setbacks shall be landscaped and appropriately irrigated to city commercial landscape guidelines and standards. All plant material shall be maintained in a healthy and thriving condition, clear of weeds and debris. Plans shall meet all city requirements for submittal, including but not limited to the city landscape guidelines. The city shall maintain the option to require plans to be prepared by a landscape professional, including but not limited to a landscape contractor, landscape architect or landscape designer.

18.33.040 Design Standards

- A. All new development in the INV zone shall comply with the design guidelines set forth in Chapter 18.98.
- B. The following additional design standards shall apply.
 - 1. New buildings over ten-thousand square feet in size shall include a shaded outdoor employee seating area. The minimum depth and width dimensions of required outdoor seating areas for new development shall be 10 feet.
 - 2. Loading areas, access and circulation driveways, trash enclosures, and mechanical equipment should be located as far as possible from any adjacent residences, and screened to the greatest extent possible.
 - 3. When adjoining uses can mutually benefit from connection rather than separation, appropriate connective elements (e.g., walkways, common landscape areas, building orientation, and unfenced property lines) should be provided between the uses.

4. Window orientation in nonresidential buildings should preclude a direct line of sight into adjacent residential units. Methods of precluding such line of sight include opaque windows, clerestory windows, and tall trees that block the line of sight.
5. Uses that involve outdoor storage and /or staging materials or activities outdoors must be screened from view from public streets, parks, and/or residential areas.

Chapter 18.35 MU – Mixed-Use Zones

Sections:

- 18.35.010 Purpose
- 18.35.020 Permitted Uses
- 18.35.030 Development Standards
- 18.35.040 Community Benefits Program

18.35.010 Purpose

In order to provide for the development of mixed-use areas within the city, the regulations set forth in this chapter shall be applicable to all properties classified in zones MU-1, MU-2 or MU-3. These zones are established to support a healthy, active area with a mixture of uses that support a full-service community along corridors and at activity nodes. The zones support multi-modal mixed-use corridors that provide daily needs, goods, and services in walkable proximity to established residential neighborhoods. These zones permit a mixture of residential and non-residential uses in a wide variety of configurations. The purpose of each zone is as follows:

- A. Mixed-Use 1 (MU-1) zone provides for medium-scale, mixed-use development as a transition between residential and mixed-use nodes.
- B. Mixed-Use 2 (MU-2) zone provides for neighborhood activity centers in proximity to bus routes and multi-modal corridors. This zone permits horizontal and vertical mixed-use appropriately scaled for adjacent neighborhoods.
- C. Mixed-Use 3 (MU-3) zone provides for the highest intensity neighborhood activity centers in proximity to bus routes and multi-modal corridors. This zone permits horizontal and vertical mixed-use developments scaled for the highest intensity uses that benefit from transit proximity and pedestrian activity. A two-tiered development system allowing for specific increased intensity, densities and building height is established for the MU-3 zones to promote development with added benefit to the community as outlined under Section 18.35.040.

18.35.020 Permitted Uses

- A. **Principal Uses.** Table 18.35.020 lists the permitted and conditionally permitted land uses for MU-1, MU-2 and MU-3 zoned lots indicating the type of approval required subject to compliance with all provisions of this Title. Descriptions and definitions of the land uses can be found in Chapters 18.06 and 18.07. The specific use regulations and notes column in the table indicates a chapter or section where additional regulations may apply; and/or provides additional information specific to that use type.
- B. **Accessory Uses.** Accessory uses are those uses which are directly related, but clearly subordinate to a permitted or conditionally permitted principal use; where such use is already established, or the principal and accessory uses are established jointly.
- C. **Stand-alone Residential.** Stand-alone residential is allowed in any MU zone and not subject to Floor Area Ratio (FAR) restrictions; however, all density limits for each MU zone are applicable regardless of the type of residential use as identified in Table 18.35.030.
- D. **Use Not Listed.** Any use that is not listed, or has not been determined by the Director of Community Development to be similar to a listed use, is prohibited in any mixed-use zone.

Table 18.35.020: Allowable Uses and Approval Requirements for Mixed Use Zones

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE			SPECIFIC USE REGULATIONS AND NOTES
	MU-1	MU-2	MU-3	
Residential Uses				
Dwelling Unit, Accessory	A	A	A	Section 18.10.020 I
Dwelling Unit, Multi-Family	P	P	P	
Dwelling Unit, Single-Family	--	--	--	
Employee Housing	P	P	P	
Home Based Business	A	A	A	Section 18.10.020 C
Live-Work Units	P	P	P	
Mixed-Use Development	P	P	P	Vertical - Residential over Nonresidential or Horizontal - Residential adjacent to Non-residential.
Senior Residential Project	P	P	P	As defined in Section 18.07
Care Uses				
Day Care, Adult	A	A	A	
Day Care, Family	A	A	A	Section 18.10.020 K
Emergency Shelter	--	--	--	Section 18.34.060
Low Barrier Navigation Center	P	P	P	
Residential Care Facility	P/C	P/C	P/C	CUP for 7 or > persons
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	
Retail, Service and Office Uses				
Alcoholic Beverage Sales	C	C	C	Not allowed as a stand-alone use. Sale and/or service of alcoholic beverages require CUP approval.
Animal Sales and Grooming	P	P	P	Not including kennels
Art, Antique, Collectible	P	P	P	
Artisan Shops	P	P	P	
Artisanal and Specialty Manufacture, Display, and Sales	P	P	P	
Banks and Financial Services	P	P	P	
Bars, taverns, nightclubs	--	--	--	
Brew Pub	C	C	C	Shall be located at least 250 feet from any existing Adult Entertainment Establishment

Table 18.35.020: Allowable Uses and Approval Requirements for Mixed Use Zones

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE			SPECIFIC USE REGULATIONS AND NOTES
	MU-1	MU-2	MU-3	
				as regulated under Chapter 18.44.
Brewery, Winery, Distillery	--	C	C	Limited to a maximum of 20,000 square feet and in conjunction with food services.
Business Support Services	P	P	P	Limited to a maximum of 5,000 square feet.
Child Day Care Facility	P	C	C	
Convenience Store	--	--	--	
Furniture, Furnishings, and Appliance Stores	--	P	P	
Garden Center/Plant Nursery	--	C	C	
Grocery Stores/Supermarkets	--	P	P	Limited to a maximum of 55,000 square feet.
Health Facilities		C	C	
Home Improvement Sales/Services	--	P	P	
Lodging Facilities	--	C	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Maintenance and Repair, Small Equipment	C	P	P	
Neighborhood Market	P/C	P/C	P/C	Sale of alcoholic beverages requires CUP approval.
Offices, Business and Professional	P	P	P	10,000 sf max – street level
Offices, Medical and Dental	P	P	P	10,000 sf max – street level
Offices, Research and Development	--	--	--	10,000 sf max – street level
Personal Services	P	P	P	
Restaurants, Eating and Drinking Establishments	P/C	P/C	P/C	Sale and/or service of alcoholic beverages require CUP approval.
Restaurants, Fast Food (without drive-through)	P	P	P	
Restaurant with drive-through	--	--	--	
Retail, Accessory	A	A	A	
Retail, Bulk Merchandise	--	P	P	
Retail, General	--	P	P	
Retail, Limited	P	P	P	
Retail, Regional Anchor	--	P	P	

Table 18.35.020: Allowable Uses and Approval Requirements for Mixed Use Zones

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE			SPECIFIC USE REGULATIONS AND NOTES
	MU-1	MU-2	MU-3	
Tasting Area	A	A	A	Shall be located at least 250 feet from any existing Adult Entertainment Establishment as regulated under Chapter 18.44.
Veterinary Services	--	C	C	Specific regulations, including kennels as defined in the WMC
Recreation, Education and Public Assembly Uses				
Assembly/Meeting Facilities, Public or Private	C	C	C	
Community Garden	C	C	C	
Government Facilities	P	P	P	
Indoor Amusement/Entertainment Facility	P/C	P/C	P/C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Indoor Fitness and Sports Facility	C	C	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Libraries and Museums	P	P	P	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Outdoor Commercial Recreation	C	C	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Parks and Public Plazas	P	P	P	
Public Safety Facility	P	P	P	
Studio- Art, dance, martial arts, music, yoga, etc.	P	P	P	
Theater and Auditoriums	C	C	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Utility, Transportation, and Communication Uses				
Park and Ride Facility	P	P	P	
Transit Stations and Terminals	P	P	P	
Utility Facility	C	C	C	

Table 18.35.020: Allowable Uses and Approval Requirements for Mixed Use Zones

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE			SPECIFIC USE REGULATIONS AND NOTES
	MU-1	MU-2	MU-3	
Utility Infrastructure	P	P	P	
Wireless Telecommunication Facility	P/C	P/C	P/C	Chapter 18.47

18.35.030 Development Standards

Table 18.35.030 contains the development standards applicable to the MU-1, MU-2 or MU-3 zones. These standards, along with other development standards as outlined within this Title, including objective design standards contained in Chapter 18.93, are intended to assist property owners and project designers in understanding the City’s minimum requirements and expectations for high quality development. The following applies to the requirements of Table 18.35.030:

- A. Minimum and Maximum Density.** The minimum and maximum density standards are only applicable to mixed use developments that include residential uses.
- B. Density, Floor Area Ratio, and Height.** Increase to any of these standards in Table 18.35.030 is exclusive to the MU-3 zone subject to the requirements of the Community Benefits program outlined in Section 18.35.040.
- C. Predominant Use.** Predominant uses are intended to establish the primary focus for development maximizing the land use intent and square footage for those uses in Table 18.35.020 identified as primary uses. Mixed-use zones allow some standalone uses that are not traditional mixed-use (e.g., medical services/hospitals, banks/financial institutions, lodging facilities, recreation, education, and public assembly uses).
- D. Accessory Structures.** Includes parking structures, trash enclosures and similar supporting or separate structures from the primary structure.
- E. Development Standards.** In addition to the standards outline in Table 18.35.030, mixed-use development shall comply with applicable requirements of Chapter 18.93.

Table 18.35.030: Development Standards for Mixed Use Zones

Development Standard	MU-1	MU-2	MU-3
Density			
Minimum	20 du/ac	25 du/ac	25 du/ac
Maximum	30 du/ac	40 du/ac	40 du/ac Tier 1 – 50 du/ac Tier 2 – 60 du/ac (see Section 18.35.050 for Tiers)
Floor Area Ratio			
Minimum	0.25 FAR	0.30 FAR	0.45 FAR

Table 18.35.030: Development Standards for Mixed Use Zones

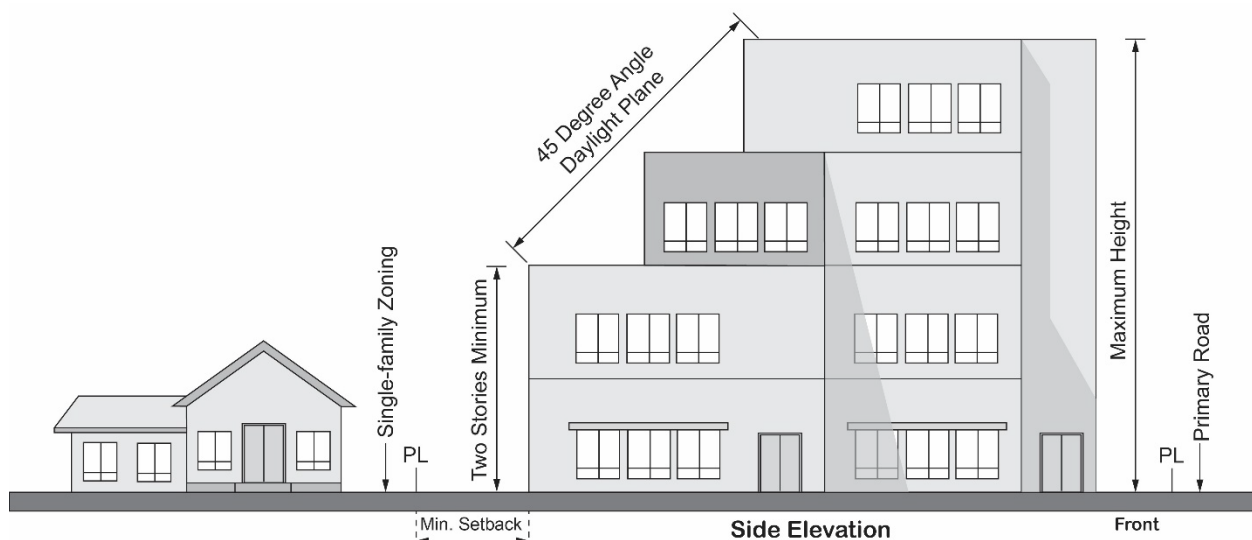
Development Standard	MU-1	MU-2	MU-3
Maximum	1.00 FAR	1.00 FAR	1.00 FAR Tier 1 – 2.00 FAR Tier 2 – 3.00 FAR (see Section 18.35.050 for Tiers)
Predominant Use Standard			
Use Type	Stand-alone residential	Neighborhood serving retail with residential Horizontal or vertical development	Commercial and/or entertainment retail with residential Vertical development
Standard	≥ 50% total combined building square footage	≥ 50 % of combined building square footage	≥ 50% of ground floor building square footage
Maximum Height			
Primary Structures	40 feet	50 feet	50 feet Tier 1 – 60 feet Tier 2 – 75 feet
Accessory Structures	25 feet, excluding parking structures		
Setbacks (build to line)			
Front	15 feet minimum 20 feet maximum	0 feet minimum 15 feet maximum	0 feet minimum 10 feet maximum
Street Side	0 feet minimum 10 feet maximum	0 feet minimum 5 feet maximum	0 feet minimum 0 feet maximum
Rear	10 feet minimum	10 feet minimum	10 feet minimum
	Building step back requirement applies where adjacent to residential uses (see Section F)		
Interior Side	0 feet minimum 5 feet maximum	0 feet minimum 5 feet maximum	0 feet minimum 0 feet maximum
	Building step back requirement applies where adjacent to residential uses (see Section F)		
Accessory Structures	Front: 15 feet Side/Rear: 10 feet	Front: 10 feet Side/Rear: 5 feet	Front: 10 feet Side/Rear: 0 feet
Building Frontage	None	Frontage percentage dependent upon parcel size	
Open Space			
Private and Common	300 sf/du minimum combined total, private open space shall have a minimum of 60 sf (interior dimensions)		

Table 18.35.030: Development Standards for Mixed Use Zones

Development Standard	MU-1	MU-2	MU-3
Parking			
Stand-Alone Uses	Off-street parking shall be provided as required by Section 18.48.020		
Residential Mixed-Use	Off-street parking may be reduced subject to shared or joint use of facilities		
Landscaping			
Setback Areas (less walkways and driveways)	100% planted		
Adjacent to Residential Uses	5 ft minimum planter areas 20 ft on center minimum tree spacing		
Adjacent to Whittier Boulevard	36-inch box minimum tree size 40 ft on center minimum tree spacing 5 ft within property line		
At Central Open Space Areas	36-inch box minimum specimen tree size 45 ft on center minimum tree spacing	24-inch box minimum standard tree size 48-inch box minimum standard specimen tree size Initial planting mix shall contain a ratio of: 48-inch box – 25% 36-inch box – 60% 24-inch box – 15%	

F. Building Step Back Requirements. Buildings located on MU zoned parcels shall provide transition, a stepping back of the building at the third story and above, that is in addition to the minimum side and rear setback line. Taller elements of the building shall increasingly step back from adjacent single-family zones. No portion of the building, excluding parapets, shall extend above an imaginary plane drawn at the property line that is adjacent to the single-family zone, and extended at an angle of forty-five degrees toward the center of the MU zoned parcel as shown in Figure 18.35.030-F.

Figure 18.35.030-F: Building Step Back



G. Building Frontage. New buildings are to be located in close proximity to the street for improved relationship to the street and pedestrians. For parcels less than fifteen acres in size, at least fifty percent of the lot width shall be occupied by primary building frontage and/or pedestrian features located between zero and thirty feet from the front property line. For parcels fifteen acres and greater in size, at least fifty percent of the lot width is occupied by primary building frontage and located between zero and eighty feet from the front property line.

H. Open Space. The residential component of a mixed-use development shall provide open space areas subject to the following standards in addition to the requirements of Table 18.35.030.

1. **Private Open Space.** Private open space shall be provided at each unit in the form of a patio, yard, balcony, immediately adjacent deck, or combination thereof and shall be directly adjacent to and accessible from each unit. Every private open space area that is provided shall have a minimum area of sixty square feet, a minimum dimension of six feet in any direction, and a minimum vertical clearance of eight feet.
2. **Active Common Open Space/Recreation Areas.** Common open space/recreation areas shall be designed to provide specific amenities as outlined below based on the number of units proposed in the development. The list of amenities is both cumulative and additive, requiring that the Base Amenity Type and Minimum Size be satisfied for the applicable number of units threshold, plus all preceding amenities, plus any additional increase in number or size of the amenity based upon the Additional Minimum Ratio to Be Provided, Where Applicable.

As an example, a development consisting of twenty units shall provide a business center with at least two workstations OR a two-hundred fifty square foot gym OR a one-hundred fifty square foot meeting/study room OR a thirty-six square foot community garden; PLUS, either one barbeque with table seating for twelve adults OR an outdoor active use area a minimum of four-hundred five square feet (Base Amenity of 400 sf + 5 sf for 10 additional du above the base). All fractional values shall be rounded up. Additional amenity types and square feet of amenities beyond the minimum required may be provided.

Table 18.35.030.H: List of Amenities for Active Common Open Space/Recreation Areas

Number of Units	Base Amenity Type and Minimum Size or Number (plus all preceding amenities)	Additional Minimum Ratio to Be Provided, Where Applicable ¹
1-10	Provide at least one of the following: <ul style="list-style-type: none"> • One Barbeque with Table Seating for 12 adults; or • Outdoor Active Use Area – 400 sf 	<ul style="list-style-type: none"> • 1 / 45 du, with additional seating not to exceed 12 adults • 5 sf/10 du for active use area
11-20	Provide at least one of the following: <ul style="list-style-type: none"> • Business Center – 2 workstations; or • Gym – 250 sf; or • Meeting/study room – 150 sf; or • Community Garden – 36 sf 	<ul style="list-style-type: none"> • 1 workstation/10 du up to 4 additional workstations maximum • 5 sf/1 du up to additional 300 sf maximum gym • 5 sf/1 du up to additional 300 sf maximum room • 8 sf/5 du for garden
21-50	Provide either of the following: <ul style="list-style-type: none"> • Clubhouse with kitchen – 400 sf; or • Children’s Play Area – 500 sf 	<ul style="list-style-type: none"> • 15 sf/1 du • 40 sf/5 du, up to additional 500 sf maximum
51-70	Provide at least one of the following: <ul style="list-style-type: none"> • In-Ground or Below Deck Spa – 64 sf; or 	

Number of Units	Base Amenity Type and Minimum Size or Number (plus all preceding amenities)	Additional Minimum Ratio to Be Provided, Where Applicable ¹
	<ul style="list-style-type: none"> • Sauna and/or steam room; or • Dog run – 12 x 48 feet, and grooming station • Below Ground/Deck Pool – 20,000 gallons 	
71+	Provide at least one of the following: <ul style="list-style-type: none"> • Arcade/game room or pool table; or • Full basketball court (or two half courts), pickleball court, or tennis court, or similar; or • Cabanas, pergolas, or ramadas with a total cover of 300 sf; or • Indoor theater for seating of a total 25 adults; or • One Universal design office space of 80 square feet; or • Concierge Desk and Secure Package Delivery Room; or • One Additional Amenity Type Not Already Provided, at Director of Community Development’s discretion 	For projects with ≥ 100 + units, the below ground/deck pool of 20,000 gallons as listed in the preceding amenity type threshold may be one pool of this size, or two pools adding up to 20,000 gallons total.

¹ Ratios to be applied for the additional number of units in the project that is above the amount listed in the “Number of Units” column, resulting in an increase in the amenity square footage or number in the “Base Amenity Type and Minimum Size” column.

sf = square feet; du = dwelling unit

3. **Common Open Space Dimensions.** Common open spaces shall have a minimum horizontal dimension in any direction of twenty feet on the ground floor level. Upper story decks shall be no less than ten by ten feet in horizontal dimension. Roof decks shall be no less than fifteen by fifteen feet in horizontal dimension. The minimum vertical dimension shall be fifteen feet.
4. **Common Open Space Location.** Active common open spaces shall not be located in any required setback area. Active common open spaces may be located at ground level, on upper story decks, on roof decks, indoors, or outdoors. Areas located at upper story decks or on roof decks may contribute one-hundred percent towards the required common open space area. Areas located indoors shall not contribute more than fifty percent of the required common open space area.
5. **Parking.** The number of parking spaces provided for the allowed uses contained in Table 18.35.020, and the design of such parking areas shall satisfy the applicable requirements of Chapters 18.48 and 18.99. Shared parking for Residential Mixed-Use development, either vertical or horizontal, shall be permitted, subject to review and approval of a parking study prepared in accordance with Section 18.48.030 for Mixed Occupancy Requirements and Section 18.48.040 Joint Use Authorization.

18.35.040 Community Benefits Program

- A. **Purpose.** To promote added amenities on MU-3-zoned lots, a tiered development system using a Community Benefits program as provided herein may be applied. The program provides the City with tools to evaluate and determine how a development contributes to the urban fabric and creates special places that enhance the City. A two-tier system of benefits allows development to achieve higher densities and intensities in return for certain public and community-serving amenities being provided.

- B. Relationship to State Density Bonus Law.** Any such density and intensity bonuses associated with the provisions outlined herein are supplementary to density bonus provisions established by State law.
- C. Relationship to the General Plan.** At a minimum and in accordance with the General Plan, development utilizing this program must provide a measurable and/or clearly identifiable community benefit in the form of affordable housing, jobs creation, parkland or open space.
- D. Eligibility.** Multifamily and mixed-use residential development within the MU-3 zone are eligible for participation in the Community Benefits Program. To be eligible for the program, mixed use development must have at least two-thirds of the total floor area developed with residential uses.
- E. Types of Community Benefits.** Table 18.35.040-E provides a list of community benefits and a general description of the minimum criteria to evaluate the community benefit that reflects public input on desired types of development, project features and amenities within the City.

Table 18.35.040.E: Community Benefits

Community Benefit	Description
On-Site Affordable Units	The project provides on-site affordable units in compliance with Chapter 18.11, including the minimum duration requirement for the units to remain affordable.
Additional On-Site Affordable Units	The project exceeds the number of affordable units required by Chapter 18.11. All affordable units must remain affordable for the minimum duration required by Chapter 18.11.
Age-Restricted Housing	All units are age-restricted for persons 55 and older (age of at least one occupant). Units must remain age-restricted for a period of not less than 30 years.
Housing for Artists/Artisans	At least 20 percent of units are Live-Work units for artists, artisans, and similarly creative individuals. For units with working space, the working space must <ul style="list-style-type: none"> • constitute 50 percent of the floor area of the unit • be a clearly defined area within the unit • be reserved for and regularly used as artistic working space by the resident of the unit
Neighborhood-serving and local job creation	A minimum of 25 percent of the total non-residential building square footage providing on-site space with emphasis on one or more of the following non-residential uses: <ul style="list-style-type: none"> • Restaurants, Eating and Drinking Establishment • Neighborhood Market • Personal Services • Retail, Limited
Public Art	The project includes a public art component above and beyond the City's Public Art Program requirements increasing the base funding by an additional amount equal to at least two percent of total construction costs of the development. Public art must be permanent and is subject to the requirements found in Chapter 12.52.
Public Open Space	On-site public open space that represents five percent of site area or 1,000 square feet, whichever is greater. Examples of public open space includes public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather. Development shall grant an easement or other property interest for the perpetual benefit of the public for said open space. Open space must be accessible to the general public. Provisions must be made for ongoing operation and maintenance of the public open space and related improvements in perpetuity.
Public Infrastructure	Public infrastructure improvements equal to two percent of total construction costs of the development. Improvements to streets, sidewalks, bicycle facilities, curbs, gutters,

Table 18.35.040.E: Community Benefits

Community Benefit	Description
	sanitary and storm sewers, street trees, lighting, and other public infrastructure above and beyond the minimum required by the City or other public agency shall be provided as determined most beneficial to the City. The equivalent payment of an in-lieu fee may satisfy this community benefit as part of the approval process.
Public Parking	Providing additional parking spaces available for use by the general public within the same block as a transit stop, in an amount equal to at least ten percent of the number required to be provided on-site. Use of the additional spaces shall be designated as public and shall not be restricted. The additional spaces must be accessible to the public at all times, subject only to the same time limits or towing that is applicable to on-street parking as regulated by the California Vehicle Code.
Other Community Benefits – Tier 2 Development Projects	Other community benefits not listed above as proposed as part of an eligible development that demonstrate a significant and substantially community benefit, as determined by the City, subject to an approval in concept by the City Council prior to the acceptance of a formal development application.

F. Increased Density/Intensity. Table 18.35.040-F outlines the maximum allowable increase to residential density and/or intensity of non-residential development within a two-tier program for qualifying community benefits. The City may grant such increases up to the maximum by tier only when the community benefits or amenities offered satisfy the minimum amount and are not otherwise required by this Title or any other provision of local, State or Federal law.

Table 18.35.040-F: Community Benefits Program

Program Parameters	Tier 1	Tier 2
Minimum Number of Community Benefits Provided	Two	Four
Maximum Density	50 du/ac	60 du/ac
Maximum Intensity	2.00 FAR	3.00 FAR
Maximum Height	60 feet	75 feet

G. Required Approvals. Approval of an eligible development participating in the Community Benefits Program requires the following review and approvals in conjunction with any other approvals as required by this Title.

1. **Tier 1.** A development that proposes to utilize the allowable increases to density, intensity, and/or height under the Tier 1 Community Benefits Program shall require Planning Commission review and approval.
2. **Tier 2.** A development that proposes to utilize the allowable increase in density, intensity, and/or height under the Tier 2 Community Benefits Program shall require a recommendation of the Planning Commission to the City Council for final review and approval. If a Development Agreement is utilized by the City to negotiate project design that maximizes community benefits, then such agreement shall be prepared and approved consistent with this Title and Government Code Sections 65864 through 65869.5, including all required public noticing and hearings.

Chapter 18.37 MED - Medical Zone

Sections:

18.37.010	Purpose
18.37.020	Permitted Uses
18.37.030	Development Standards
18.37.040	Design Standards

18.37.010 Purpose

This chapter provides regulations applicable to development and land uses in the Medical (MED) zone, as established by 18.08.010. The MED zone implements the General Plan Medical land use category, the intent of which is to accommodate pedestrian-oriented master-planned medical facility complexes such as hospitals and nearby complementary medical office and medical research uses. Allowed supportive commercial uses are limited in scope to businesses that sell and/or rent products; provide services that support and/or encourage the further expansion of the medical uses within the zone; uses that serve the medical facilities, their employees, and their customers/visitors/clients; and uses and site design that promote overall health and well-being. Specifically prohibited uses include automotive and auto-oriented uses, manufacturing, warehousing/storage uses, including personal storage, and big-box retail businesses.

The zone regulations encourage and support the architectural design that is distinctive and memorable, building design and landscaping that minimizes the public views or presence of parking lots and parking structure, and site planning that allows for and encourages pedestrian circulation between buildings and uses.

18.37.020 Permitted Uses

- A. Principal Uses.** Table 18.37.020 lists the allowed land uses for MED zoned lots, indicating the type of approval required subject to compliance with all provisions of this Title. Descriptions and definitions of the land uses are established in Chapters 18.06 and 18.07. The specific use regulations and notes column in the table provides any chapter or section where additional regulations may apply or additional information for that use type.
- B. Accessory Uses.** Accessory uses are those uses which are directly related but clearly subordinate to a permitted or conditionally permitted principal use.
- C. Limitations on Use.** Uses shall comply with the applicable use regulations specified in Chapter 18.24.
- D. Symbols Used.** Use regulations in the table are shown with a representative symbol by use classification listing: “P” symbolizes uses allowed by right, “C” symbolizes uses that require approval of a conditional use permit, “A” symbolizes uses that are accessory to an established principal use, and “--” symbolizes that the use is not permitted. Any use that is not listed or has not been determined by the Director of Community Development to be similar to a listed use is specifically prohibited.

Table 18.37.020: Allowable Uses and Approval Requirements for Medical Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE “P” Permitted “A” Accessory “C” Conditional Use Permit “--” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
	MED	
Medical Uses		
Alcoholism or Drug Recovery or Treatment Facility	C	
Ambulance Fleet Services	P	
Drive-Through Facilities	A/C	Limited to Pharmacies or medically related uses. Must be located to the rear of a building, or within parking area.
Health Facilities	C	
Heliport or Helistop	A/P/C	Allowed only as an accessory use to Health Facilities. Heliports which meet the criteria for providing "emergency aircraft flights for medical purposes" under Public Utilities Code Section 21662.4 are a permitted use subject to review and approval by the Design Review Commission. An accessory Heliport to Health Facilities that does not meet the PUC definition shall require CUP approval.
Maintenance and Repair, Small Equipment	P	Limited to medical equipment
Offices, Medical and Dental	P	
Parking Facilities	A	Limited to structures and design standards of Chapter 18.99
Pharmacies	P	
Research and Development, Medical	C	
Retail, Service, and Office Uses		
Business Support Services	P	Limited to a maximum of 5,000 square feet.
Catering Business	P	
Childcare Center	P	
Extended-Stay Hotels	P	
Neighborhood Market	P	
Offices, Business and Professional	P	
Personal Services	P	Limited to Wellness Center use

Table 18.37.020: Allowable Uses and Approval Requirements for Medical Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE “P” Permitted “A” Accessory “C” Conditional Use Permit “--” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
	MED	
Restaurants, Eating and Drinking Establishments	P/C	Sale and/or service of alcoholic beverages require CUP approval.
Restaurants, with drive-through	C	
Retail, Accessory	A	Limited to medical equipment or medical support and/or accessory to Health Facilities, such as gift shops or similar uses. Includes medical equipment rentals.
Recreation, Education, and Public Assembly Uses		
Assembly/Meeting Facilities, Public or Private	C	
Community Garden	P	
Government Facilities	P	
Indoor Amusement/Entertainment Facility	A	Only when accessory to Health Facilities
Indoor Fitness, Health and Sports Facility	A	Only when accessory to Health Facilities.
Libraries and Museums	P	
Parks and Public Plazas	P	
Schools, Technical and Trade	P	Limited to Technical and Trade Schools that are medically related fields.
Theatre and Auditoriums	A	Accessory to Health Facilities.
Utility, Transportation, and Communication Uses		
Broadcast Studio/Recording Studio	A	Accessory to Health Facilities.
Utility Facility	C	Limited to supporting Health Facilities.
Wireless Telecommunication Facility	P/C	Chapter 18.47
Other		
Caretaker Residence	P	Only one on-site residential unit per business

18.37.030 Development Standards

Prior to the issuance of a building permit, a development review, in accordance with Chapter 18.56 shall be approved. In addition to the special development standards set forth in Chapters 18.24 through 18.32, compliance with Division

VI. Community Design, as applicable, is required, and the following development standards shall apply to each MED-zoned lot, except as otherwise expressly provided in this chapter.

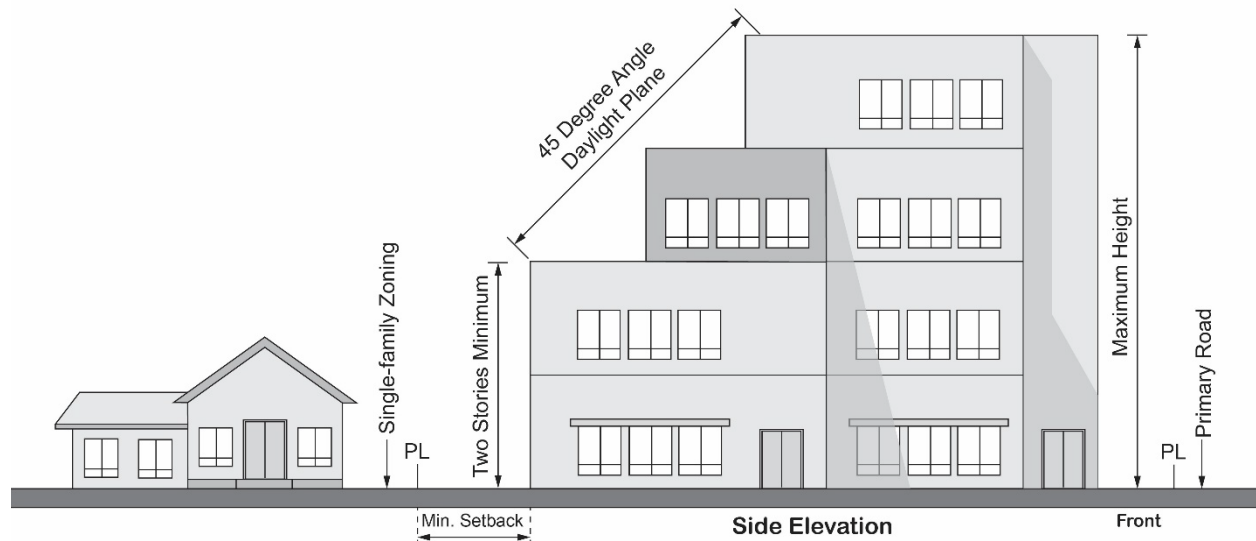
- A. General.** New land uses, structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with all development standards requirements in Table 18.37.030, in addition to building design standards in Section 18.37.040 and applicable standards in Chapter 18.48 ,Chapter 18.64 , and other applicable provisions of this Title.

Table 18.37.030: Development Standards for MED Zone

DEVELOPMENT STANDARD	MED
Floor Area Ratio	
Maximum	3.0 FAR
Maximum Height	
Primary Structures	125 feet See section B below for height limitations on lots abutting single-family residential uses or zones which permit single-family residential uses
Accessory Structures	20 feet
Setbacks	
Front	<i>Along Whittier Boulevard:</i> 10 feet minimum for buildings with direct and primary pedestrian access oriented toward Whittier Boulevard 15 feet minimum for all other building entrance orientations <i>Along all other street frontages:</i> 10 feet minimum
Side - Street Side	15 feet minimum for lots with 50 feet or less width and/or 140 feet or less in depth All others: 20 feet minimum
Side - Interior	10 feet minimum Adjacent to residential uses: 10 feet minimum for first 30 feet of building height, then an additional 5 feet for each additional 30 feet of building height or fraction thereof
Rear	5 feet minimum Adjacent to residential uses: 25 feet minimum
Alley	5 feet minimum
Accessory Structures	Same as primary structure(s); however, accessory structures are not permitted within any front yard area
Other Regulations	
Lot Coverage	Maximum 80 percent, provided all setback, parking, and landscaping requirements are met
Parking and Loading	
New Uses	Off-street parking and loading shall be provided as required by Chapter 18.48 (Off-street Parking). Where any service-type vehicles are maintained in conjunction with any use located in the MED zone, off-street parking spaces for such vehicles shall be provided in addition to the off-street parking spaces required by Chapter 18.48.

- B. Building Step Back Requirement.** Buildings located on MED zoned parcels shall provide transition, a stepping back of the building at the third story and above, that is in addition to the minimum side and rear setback line. Taller elements of the building shall increasingly step back from adjacent single-family zones. No portion of the building, excluding parapets, shall extend above an imaginary plane drawn at the property line that is adjacent to the single-family zone, and extended at an angle of 45 degrees toward the center of the MED zoned parcel as shown in Figure 18.37.030-B.

Figure 18.37.030-B: Building Step Back



18.37.040 Design Standards

- A.** All new development in the MED zone shall comply with the design guidelines set forth in Chapter 18.96.
- B.** All new parking structures in the MED zone shall comply with the standards and design guidelines set forth in Chapter 18.99.
- C.** The following additional design standards shall apply.
1. Higher-rise buildings of four stories or more must clearly distinguish the base, middle and upper stories.
 2. The base of all buildings must visually establish a human-scale for pedestrians and passers-by.
 3. Two-story buildings shall provide a scale base treatment between nine inches and six feet in height.
 - a. Three- to five-story buildings should provide a scale base treatment from one to two stories in height, relating proportionally to the total building height.
 - b. Buildings greater than five stories must provide a building base of approximately one-eighth of the building's height.
 - c. Design Base treatment should extend around all sides of the building.

4. The “top” of buildings must be approximately one-twentieth of the building’s height or twelve inches, whichever is greater.
5. New and renovated buildings should be treated architecturally on all sides.
6. Buildings located at the Five Points intersection, along the intersecting streets of Whittier Boulevard, Santa Fe Springs Road, and Washington Boulevard, must include special treatment, such as a prominent entry at the corner, special architectural “turning” of the corner with a major facade change, a corner tower with a landmark roof form, symmetrical designs at the two flanking facades, or special attention at building facades, including fenestration over at least twenty-five percent of the facade’s surface.
7. Front facades facing other public streets should have a highly visible main entrance, with a substantial presence and scale.
8. Primary building entries should be well defined, provide a “sense of entry” for the building, and use architectural features such as columns and awnings.
9. New buildings over ten thousand square feet in size shall include a shaded outdoor employee seating area with a one-thousand square foot minimum.
10. Parking lots and parking structures must be designed as follows:
 - a. Parking lots and parking structures shall follow standards identified in Chapter 18.48 (Off-Street Parking).
 - b. Parking areas should be located behind or along the side of structures.
 - c. Parking lots and structures located along the side of structures must be screened with landscaping of fifteen feet or more in width.
 - d. Driveways and internal circulation must be safe, efficient, and convenient and must result in minimal conflict between vehicles and pedestrians.
11. Equipment, loading and storage areas, circulation, and trash enclosures must be designed as follows:
 - a. Roof mounted equipment such as cooling and heating equipment, antennae and receiving dishes must be screened from view of parking lots, connecting walkways and street right-of-way.
 - b. Mechanical equipment screening should be integrated as part of a project’s site and building design.
 - c. Loading areas, overhead doors, and storage areas must not face street right-of-way and must be located behind or to the side of buildings.
 - d. Loading areas, access and circulation driveways, trash enclosures, and mechanical equipment should be located as far as possible from any adjacent residences.
12. When adjoining uses can mutually benefit from connection rather than separation, appropriate connective elements (e.g., walkways, common landscape areas, building orientation, and unfenced property lines) should be provided between the uses.

13. Landscaping and outdoor pedestrian-oriented areas must be distinctive and should dominate the streetscape.
 - a. Landscaping shall be an integral part of the overall site plan, enhance building design, public views and spaces, and provide buffers, transitions, and screening.
 - b. Distinct planting and/or landscape features must be provided through focal points at project entries, plaza areas, and other areas of interest.
 - c. Development should provide outdoor pedestrian activity and gathering areas such as courtyards and plazas which are accessible to the public.

14. Medical drive-through facilities must be located to the side or rear of the structure. The overall height of landscaped berms and/or low walls shall be between thirty-six and forty-two inches high and must screen the parking lot and drive-through aisle.

Chapter 18.39 PQP - Public and Quasi-Public Zone

Sections:

18.39.010	Purpose
18.39.020	Permitted Uses
18.39.030	Development Standards
18.393.040	Design Standards

18.39.010 Purpose

This chapter provides regulations applicable to development and land uses in the Public and Quasi-Public (PQP) zone, as established by 18.08.010. The PQP zone is intended to provide regulations for uses in appropriate locations that are maintained by public or publicly controlled agencies such as municipal and/or county agencies, school districts, or utility companies.

The zone regulations encourage and support the adaptive reuse of historic and industrial buildings, with new construction echoing the scale and design aesthetic of long-established character buildings.

18.39.020 Permitted Uses

- A. Principal Uses.** Table 18.39.020 lists the allowed land uses for the PQP zoned lots, indicating the type of approval required subject to compliance with all provisions of this Title. Descriptions and definitions of the land uses are established in Chapter 18.07. The specific use regulations and notes column in the table provides any chapter or section where additional regulations may apply or additional information for that use type.
- B. Accessory Uses.** Accessory uses are those uses which are directly related but clearly subordinate to a permitted or conditionally permitted principal use.
- C. Limitations on Use.** Uses shall comply with the applicable use regulations specified in Chapter 18.24.
- D. Symbols Used.** Use regulations in the table are shown with a representative symbol by use classification listing: “P” symbolizes uses allowed by right, “C” symbolizes uses that require approval of a conditional use permit, “A” symbolizes uses that are accessory to an established principal use, and “—” symbolizes that the use is not permitted. Any use that is not listed or has not been determined by the Director to be similar to a listed use is specifically prohibited.

Table 18.39.020: Allowable Uses and Approval Requirements for Public Quasi-Public Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE	SPECIFIC USE REGULATIONS AND NOTES
	PQP	
Public and Quasi-Public Uses		
Alcoholism or Drug Abuse Recovery or Treatment Facility	C	

Table 18.39.020: Allowable Uses and Approval Requirements for Public Quasi-Public Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE “P” Permitted “A” Accessory “C” Conditional Use Permit “--” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
	PQP	
Clubs/Social Organization Facility or Lodge	C	
Congregate Care	C	
Corporation Yard	C	
Flood Control Facilities	P	
Food Storage and Distribution	P	
Government Facilities	P	
Health Facilities	C	Limited to outpatient care.
Outdoor Education	P	
Parking Facilities	P	
School, Private	C	
School, Public	P	
Solid Waste Facilities	P	
Stormwater Retention, Detention, or Treatment	P	
Supportive Housing	P	
Transitional Housing	P	
Transit Facility	P	
Utility Facility	P	
Water and Wastewater Facilities	P	
Recreation, Education, and Public Assembly Uses		
Assembly/Meeting Facilities, Public or Private	C	
Childcare Center	C	
Community Garden	P	
Cultural Centers	P	
Day Care, Adult	C	
Indoor Fitness and Sports Facility	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Libraries and Museums	P	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Parks and Public Plazas	P	
Religious Institutions	C	
Schools, Technical and Trade	C	

Table 18.39.020: Allowable Uses and Approval Requirements for Public Quasi-Public Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE “P” Permitted “A” Accessory “C” Conditional Use Permit “--” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
	PQP	
Theatre and Auditoriums	C	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Utility, Transportation, and Communication Uses		
Broadcast Studio/Recording Studio	P	
Utility Facility	C	
Wireless Telecommunication Facility	P/C	Chapter 18.47
Other		
Adaptive Reuse of Historic Structures	P/C	Subject to required approval type for new use within this zone.
Caretaker Residence	P	Only one on-site residential unit per business or location

18.39.030 Development Standards

- A. General.** New land uses, structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with all development standards requirements in Table 18.39.030, in addition to building design standards in Section 18.39.040 and applicable standards in Chapter 18.48, Chapter 18.64 , and other applicable provisions of this Title.

Table 18.39.030: Development Standards for PQP Zone

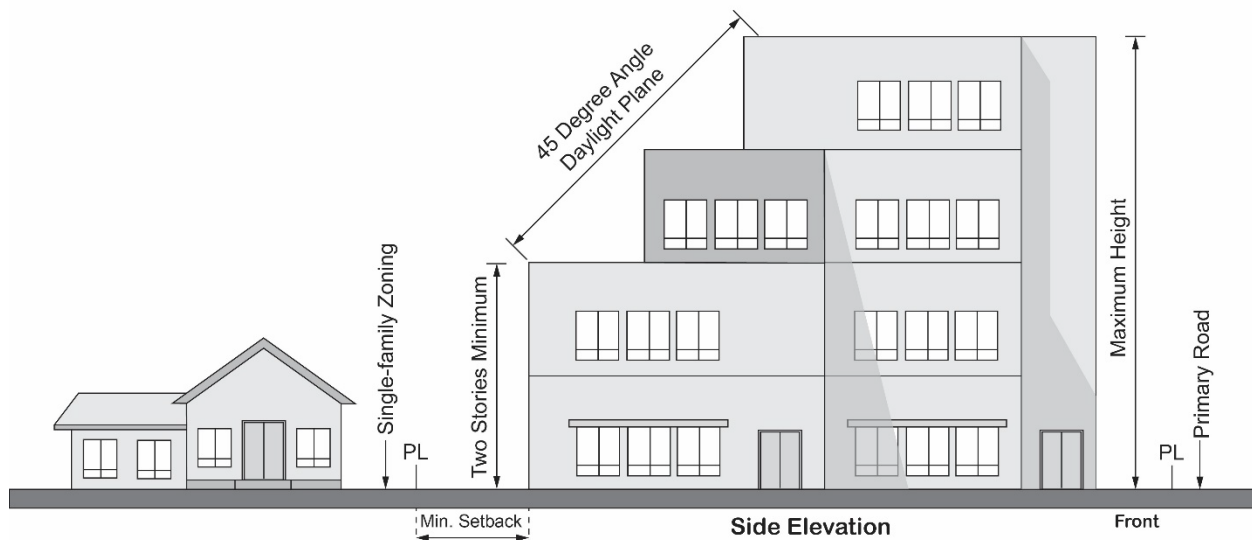
DEVELOPMENT STANDARD	PQP
Floor Area Ratio	
Maximum	0.35 FAR
Maximum Height	
Primary Structures	75 feet
Accessory Structures	40ft
Setbacks	
Front	15 feet minimum for all building entrances with pedestrian access oriented toward the street 10 feet minimum all other building frontage
Side - Street Side	10 feet minimum
Side - Interior	10 feet minimum Building step back requirement applies where adjacent to residential uses (see Section B)

Table 18.39.030: Development Standards for PQP Zone

DEVELOPMENT STANDARD	PQP
Rear	10 feet minimum Adjacent to R zone: 25 feet minimum Building step back requirement applies where adjacent to residential uses (see Section B)
Alley	5 feet minimum
Accessory Structures	Same as primary structure(s); however, accessory structures are not permitted within any front yard area
Other Regulations	
Lot Coverage	Maximum 80 percent, provided all setback, parking, and landscaping requirements are met
Parking and Loading	
New Uses	Off-street parking and loading shall be provided as required by Chapter 18.48 Where any service-type vehicles are maintained in conjunction with any use located in the PQP zone, off-street parking spaces for such vehicles shall be provided in addition to the off-street parking spaces required by Chapter 18.48.
Adaptive Reuse	For adaptive reuse - Section 18.48.020 c

B. Building Step Back Requirements. Buildings located on PQP zoned parcels shall provide transition, a stepping back of the building at the third story and above, that is in addition to the minimum side and rear setback line. Taller elements of the building shall increasingly step back from adjacent single-family zones. No portion of the building, excluding parapets, shall extend above an imaginary plane drawn at the property line that is adjacent to the single-family zone, and extended at an angle of forty-five degrees toward the center of the PQP zoned parcel as shown in Figure 18.39.030-B.

Figure 18.39.030-B: Building Step Back



C. Walls and Fences. All new walls and fences shall be subject to the following provisions:

1. Smooth-faced precision blocks may be used only when integrated within a wall design to create a decorative wall pattern or when plaster or stucco is to be applied to the blocks as a finishing material.
2. A decorative finishing wall course cap shall be applied to all new walls and pilasters.
3. Combination walls or fences may be constructed consisting of a variety of different building materials, subject to the review and approval of the approval authority.
4. All landscaping planted in front of any wall or fence shall be maintained in healthy condition at all times and supported with an operable irrigation system that complies with the city's water conservation ordinance.
5. All street-facing walls and fences shall be treated with an anti-graffiti laminate coating or any other anti-graffiti method deemed acceptable by the approval authority. Alternatively, healthy landscaping (i.e., vines) may be planted to provide sufficient coverage of the wall face, if deemed acceptable by the approval authority.
6. All fencing shall comply with Section 18.24.040 F and all materials subject to the limitations of 18.64.070.
7. All new walls and fences shall be subject to the provisions contained in Section 18.64.050. These provisions shall also apply to all driveways.
8. The maximum wall and fence height described within paragraph two of this subsection may be increased in height as determined by staff but not higher than sixteen feet for noise attenuation purposes when approved with a conditional use permit, provided:
 - a. Such walls may only be approved when necessary to protect adjacent property from stationary noise sources legally established, prior to the effective date of this paragraph, on the property from which such noise emanates, or to protect adjacent property from unavoidable nuisance noise resulting from permitted uses of the commercial property.
 - b. Such walls may only be approved when all reasonable efforts to reduce such noise at the source have been made, as determined by a qualified acoustical engineer after appropriate technical studies.
 - c. The maximum height of such a wall shall not exceed the minimum necessary to achieve compliance with the city's noise ordinance, Chapter 8.32 of the Municipal Code, as determined by a qualified acoustical engineer.
 - d. Such walls shall be constructed of sound-absorbing materials and designed to include architectural treatment consistent with the style of the buildings on the subject property.

E. Refuse Storage Areas. All development and uses in the PQP zone shall be provided with facilities for the storage of refuse containers as set forth in Section 18.24.040.G.

E. Compressors, Motors, etc. Each use on such a lot which utilizes compressors, air conditioning units, or other machinery which is located outside of the exterior walls of any building, including but not limited to, vents, ducts and conduits, but excluding window-mounted or wall-mounted air conditioners, shall comply with the standards contained in Section 18.24.040 H.

- F. **Lighting.** All outdoor lighting shall be located, directed downward, and shielded to prevent light from shining onto adjacent lots.
- G. **Landscaping.** All required front yard and street side yard setbacks shall be landscaped and appropriately irrigated to city commercial landscape guidelines and standards. All plant material shall be maintained in a healthy and thriving condition, clear of weeds and debris. Plans shall meet all city requirements for submittal, including but not limited to the city landscape guidelines. The city shall maintain the option to require plans to be prepared by a landscape professional, including but not limited to a landscape contractor, landscape architect or landscape designer.

18.39.040 Design Standards

- A. All new development in the PQP zone shall comply with the design guidelines set forth in Chapter 18.96.
- B. The following additional design standards shall apply.
 - 1. Primary building entries should be well defined, provide a “sense of entry” for the building, and use architectural features such as columns and awnings.
 - 2. New buildings over ten-thousand square feet in size shall include a one-thousand square foot minimum shaded outdoor seating area.
 - 3. Loading areas, access and circulation driveways, trash enclosures, and mechanical equipment should be located as far as practical from any adjacent residences.
 - 4. When adjoining uses can mutually benefit from connection rather than separation, appropriate connective elements (e.g., walkways, common landscape areas, building orientation, and unfenced property lines) should be provided between the uses.
 - 5. Window orientation in nonresidential buildings should preclude a direct line of sight into adjacent residential units. Methods of precluding such line of sight include opaque windows, clerestory windows, and tall evergreen trees that block the line of sight.
 - 6. Uses that involve outdoor storage and/or staging materials or activities outdoors must be screened from view from public streets, parks, and/or residential areas.

Chapter 18.40 PUT- Parks and Urban Trails Zone

Sections:

18.40.010	Purpose
18.40.020	Permitted Uses
18.40.030	Development Standards

18.40.010 Purpose

This chapter provides regulations applicable to development in the Parks and Urban Trails (PUT) zone, as established by 18.08.010. The PUT zone implements the General Plan Parks and Urban Trails land use category and the adopted Parks Master Plan, as amended from time to time.

18.40.020 Permitted Uses

- A. **Principal Uses.** Reserved for those uses permitted in the adopted Parks Master Plan
- B. **Accessory Uses.** Reserved for those uses permitted in the adopted Parks Master Plan.
- C. **Temporary Uses.** Reserved for those uses authorized by the Director of Parks, Recreation and Community Services by regulations established for such uses.

18.40.030 Development Standards

New land uses, structures, and alterations to existing uses or structures shall be designed, constructed, and/or established upon the review and approval process under the purview of the Whittier Parks and Recreation Commission, including any required recommendations for final action by the Whittier City Council.

Chapter 18.43 GC - Golf Course Zone

Sections:

18.43.010	Purpose
18.43.020	Permitted Uses
18.43.030	Development Standards

18.43.010 Purpose

This chapter provides regulations applicable to development in the Golf Course (GC) zone, as established by 18.08.010. The GC zone implements the General Plan Golf Course land use category. The intent of the GC zone is to regulate golf course development and associate buildings/improvements with the city.

18.43.020 Permitted Uses

No person shall use or permit the use of any property zoned GC, except for the following principal and accessory uses:

- A. Principal Uses.** Table 18.43.020 lists the land uses for GC zoned lots indicating the type of approval required subject to compliance with all provisions of this Title. Descriptions and definitions of the land uses can be found in Chapter 18.07. The specific use regulations and notes column in the Table indicates a Chapter or Section where additional regulations may apply; and/or provides additional information specific to that use type.
- B. Accessory Uses.** Accessory uses are those uses which are directly related, but clearly subordinate to a permitted or conditionally permitted principal use; where such use is already established or the principal and accessory uses are established jointly.
- C. Uses Not Listed.** Any use that is not listed, or has not been determined by the Director of Community Development to be similar to a listed use, is prohibited in the GC zoned lots.

Table 18.43.020: Allowable Uses and Approval Requirements for Golf Course Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE	SPECIFIC USE REGULATIONS AND NOTES
	GC	
Public and Quasi-Public Uses		
Clubs/Social Organization Facility or Lodge	A	
Outdoor Education	A	Limited to golf instruction
Parking Facilities	A	Limited to serving course or providing cart spaces
Recreation, Education, and Public Assembly Uses		
Assembly/Meeting Facilities, Public or Private	A	Limited to banquet facilities
Athletic Courts	A	

Table 18.43.020: Allowable Uses and Approval Requirements for Golf Course Zone

ALLOWABLE USES	APPROVAL REQUIRED BY ZONE “P” Permitted “A” Accessory “C” Conditional Use Permit “--” Use Not Allowed in Zone	SPECIFIC USE REGULATIONS AND NOTES
	GC	
Golf Course	C	
Indoor Fitness and Sports Facility	A	Includes all on-site guest services subject to any specific regulations of this Title or as required by State law.
Outdoor Commercial Recreation	A	
Private Clubs	A	
Retail, Service, and Office Uses		
Alcoholic Beverage Sales	A/C	Sale and/or service of alcoholic beverages require CUP approval.
Offices, Business and Professional	A	Limited to golf course administrative
Restaurants, Eating and Drinking Establishments	A/C	Sale and/or service of alcoholic beverages require CUP approval.
Retail, Accessory	A	
Utility, Transportation, and Communication Uses		
Maintenance Yard	A	Limited to cart and course maintenance equipment/vehicles
Wireless Telecommunication Facility	P/C	Chapter 18.47

18.43.030 Development Standards

New land uses, structures, and alterations to existing uses or structures within the GC zone shall be designed, constructed, and/or established upon the review and approval requirements outlined for Conditional Use Permits in Chapter 18.52 and Development Review in Chapter 18.56. Maximum height of structures is limited to 35 feet.

Chapter 18.55 Streamlined Housing Development Projects on Housing Element Sites

Sections:

18.55.010	Purpose
18.55.020	Applicability
18.55.030	Definitions Applicable to this Chapter
18.55.040	Review, Permits and Approval
18.55.050	Lower-Income Unit Requirements and Standards
18.55.060	Housing Plan
18.55.070	Housing Agreement
18.55.080	Continued Affordability
18.55.090	Administration and Monitoring

18.55.010 Purpose

This Chapter is established to comply with Government Code §65583.2(c) and §65583.2(i) relating to the inventory of land suitable for residential development to meet the general plan housing element Regional Housing Needs Assessment (RHNA). The Government Code requires that specified housing development projects be approved as by-right uses if at least 20 percent of the units are affordable to lower-income households. The specified housing development projects are: 1) those proposed on sites identified in the housing element as suitable for residential development to meet the sixth cycle RHNA that are non-vacant and that were also identified as suitable sites in the fourth and fifth cycle housing element, and 2) vacant sites that were also identified as suitable sites in the fourth and fifth planning cycles. This Chapter identifies the sites applicable to these provisions, establishes requirements and standards for lower-income units, and establishes procedures and requirements for the review and approval of housing development projects with the required lower-income household units.

18.55.020 Applicability

The provisions of this Chapter pertain to housing development projects that include at least twenty (20) percent of the total housing units for persons and families of lower-income households, and are on sites identified in the State Housing and Community Development Department Site Inventory in the Housing Element as being: 1) non-vacant and identified in the fourth and fifth cycle housing element as suitable for residential development to meet the RHNA and accommodate lower-income housing, moderate-income housing, or above moderate-income housing; or (2) vacant and identified in the fourth and fifth cycles of housing elements as suitable for residential development to meet the RHNA and accommodate lower-income housing, moderate-income housing, or above moderate-income housing.

18.55.030 Definitions Applicable to this Chapter

- A. "Above moderate-income" means above one hundred twenty (120) percent of the Los Angeles County median income.
- B. "By-right use" shall have the same meaning as Government Code §65583.2(i).
- C. "Extremely low-income" means less than thirty (30) percent of the Los Angeles County median income.
- D. "Housing development project" shall have the same meaning as Government Code §65589.5(h)(2), and refers to a use consisting of residential units, mixed-use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional housing or supportive housing.

- E. “Lower-income households” means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106.
- F. “Moderate-income” means 80 percent to 120 percent of the Los Angeles County median income.
- G. “Very-low-income” means 30 percent to 50 percent of the Los Angeles County median income.
- H. “Regional Housing Needs Assessment,” or RHNA, means a process mandated by state housing law as part of the periodic process of updating the general plan housing element that quantifies the need for housing within each jurisdiction during specified planning periods.

18.55.040 Review, Permits and Approval

- A. Ministerial Approval and Design Review.** Housing development projects that qualify under Section 18.55.020 and are consistent with the provisions of this Chapter shall be reviewed, permitted, and approved by the city as by-right uses and as ministerial actions, including design review, in accordance with Chapter 18.93, except that a housing development project with the required lower-income units that require a subdivision action to establish a legal building site for such development shall comply with all applicable requirements of Title 17 and be subject to a discretionary review process and the application types, reviews, and procedures as outlined in this Title, unless otherwise exempted by state law.
- B. Zoning Development Standards and Building Standards.** Notwithstanding Section 18.55.040(A), all housing development projects pursuant to this Chapter shall comply with all development standards and regulations of the applicable zoning district and other applicable provisions of Title 18, and with all applicable regulations of Title 15.
- C. California Environmental Quality Act.** All housing development projects pursuant to this Chapter, and that are in conformance with the provisions of this Chapter, that qualify for a ministerial review process shall be considered exempt from the California Environmental Quality Act (CEQA). This exemption does not preclude a determination by the city that certain technical reports are required as part of the standard submittal checklist established by the Community Development Director, or as required through the imposition of standard conditions of approval. Any required technical reports shall conform to city requirements established for such reports. Projects that do not qualify for a ministerial review process shall be reviewed in compliance with the applicable CEQA guidelines for discretionary application types.
- D. Building Permit.** All housing development projects pursuant to this Chapter, and that are in conformance with the provisions of this Chapter, shall require a building permit, subject to all the standard application, review, processing fees, and procedures that apply to building permits generally.

18.55.050 Lower-Income Unit Requirements and Standards

The lower-income units that represent at least twenty percent of the total units of the housing development project must be constructed on the same site as the housing development project and must conform to the following standards.

- A.** The units shall remain restricted and affordable to the designated income group for a period of at least forty-five years for owner-occupied units and at least fifty-five years for renter-occupied units.
- B.** The units shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project.

- C. The units shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the development.
- D. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project.
- E. The units shall be dispersed throughout the housing development project, on each floor and section of the building(s) and throughout the site such that:
 - 1. No more than fifty percent of the proposed lower-income units are consolidated into one structure in developments with more than one multi-unit structure; and
 - 2. No more than twenty percent of the proposed lower-income units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution.
- F. All lower-income units shall be made available for occupancy concurrently with the market-rate units of the housing development project as follows:
 - 1. In ownership projects, the city may not issue building permits for more than fifty percent of the market-rate units until it has issued building permits for all of the lower-income units, and the city may not approve any final inspections or certificates of occupancy for more than seventy-five percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the lower-income units.
 - 2. In rental projects, the city may not issue building permits for more than fifty percent of the market-rate buildings until it has issued building permits for all buildings containing lower-income units, and the city may not approve any final inspections or certificates of occupancy for more than seventy-five percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing lower-income units.
 - 3. In the event the city approves a phased project, the lower-income units shall be provided proportionally within each phase of the housing development project.

18.55.060 Housing Plan

- A. An application for approval of a housing development project pursuant to Section 18.55.020 shall include a housing plan describing how the development will comply with the provisions of this Chapter. No application for approval of a housing development project shall be deemed complete unless the housing plan is in conformance with this section.
- B. A housing plan shall include a written description and project plans indicating each of the following:
 - 1. The number of lower-income units proposed.
 - 2. The unit square footage and number of bedrooms for market-rate and lower-income units and whether they are ownership or rental units.
 - 3. The proposed location of the lower-income units.

4. Amenities and services provided for the unit residents.
5. Specific level of affordability for each of the lower-income units.
6. Schedule for production of the lower-income and market-rate units.

18.55.070 Housing Agreement

A housing agreement that includes provisions and terms for meeting the requirements of this Chapter shall be approved by the Director of Community Development and recorded as a deed restriction against the property prior to issuance of a certificate of occupancy for the housing development project. The housing agreement shall be completed by the developer on a form acceptable to the City Attorney and submitted with an application for the housing development project.

18.55.080 Continued Affordability

- A. All lower-income units shall remain affordable to the targeted income group for a period of at least forty-five years for owner-occupied units and at least fifty-five years for renter-occupied units.
- B. The occupancy of the lower-income units shall be governed by the terms of the housing agreement recorded as a deed restriction against the property, which shall establish, at a minimum, the following:
 1. Any eligible household that occupies a lower-income unit must occupy that unit as its principal residence unless otherwise approved in writing for rental to a third-party eligible household for a limited period due to household hardship, as may be specified in the housing agreement.
 2. No household may begin occupancy of a lower-income unit until the household has been determined to be eligible to occupy that unit by the Director of Community Development or designee.

18.55.090 Administration and Monitoring

- A. The City Council, by resolution, may establish fees for the ongoing administration and monitoring of the lower-income units, which fees may be updated periodically, as required.
- B. The City Council, by resolution, may adopt procedures for implementing this Chapter, including documents that establish standards for determining household income, lower-income housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

Chapter 18.93 - Multi-family and Mixed-Use Objective Design Standards

Sections:

18.93.010	Purpose, Intent, and Goals
18.93.020	Relationship to Other Standards and Requirements
18.93.030	Definitions
18.93.040	Site Design
18.93.050	Building Design
18.93.060	Architectural Style and Materials
18.93.070	Sustainable Design
18.93.080	Open Space and Landscaping
18.93.090	Other Features
18.93.100	Crime Prevention Through Environmental Design
18.93.110	Adaptive Reuse

18.93.010 Purpose, Goals, and Applicability

- A. This Chapter establishes citywide design standards for qualifying multi-family residential developments and mixed-use developments. These design standards are intended to provide for high-quality site planning and building design that fit contextually into the neighborhoods and districts where new development is proposed, and to ensure that such new development is designed and constructed in a manner that respects the scale and design approaches of any adjacent lower-intensity residential development.
- B. This Chapter is intended to address the need for housing of all income levels by providing for non-discretionary review of qualifying multi-family and mixed-use development projects that conform with the design standards established in this Chapter.
- C. Multi-family residential development appears in a variety of forms throughout the city. The standards in this Chapter distinguish between small developments (four units or fewer) and large developments (more than four units) but are intended to achieve the common goal of providing flexibility in the design of multi-family residential and mixed-use development that will:
 1. Create residential and mixed-use developments consisting of high-quality architecture and landscaped spaces and functional public and common open spaces; and
 2. Produce new developments with design compatibility within existing neighborhoods and districts, both in site planning and architectural design.
- D. Non-discretionary approval of qualifying developments that meet the following standards shall be completed by:
 1. Small Projects (one to four units): Director Review
 2. Large Projects (more than four units): Design Review Board

18.93.020 Relationship to Other Standards and Requirements

- A. These optional standards may apply to all qualifying new multi-family residential and mixed-use developments, except as provided herein, pursuant to any provision of state law which references Objective Design Standards including, but not limited to, Government Code Section 65589.5 (Housing Accountability Act) and Section 65913.4.
- B. The standards set forth in this Chapter apply in addition to the development standards for the zoning district in which the development is located. In the event of conflict between these design standards and the standards of

the applicable zoning district, the objective standard shall apply first from the applicable zoning district and second from the Objective Design Standards.

- C. All projects shall comply with applicable open space and public realm design standards as required by the development.
- D. All projects shall comply with the following applicable plans and manuals:
 - 1. Whittier Bicycle Transportation Plan
 - 2. Parkway Tree Manual
 - 3. Uptown Whittier Streetscape Beautification Plan, for projects with the boundaries of said plan
 - 4. Other plans or manuals that may be adopted from time to time
 - 5. Requirements outlined for the art in public places program contained in Chapter 12.52

18.93.030 Definitions

A. Qualifying Multi-family Building Types

- 1. Small Projects (two to four units). Multiple-unit dwellings in attached, semi-detached, or detached structures. These buildings are characterized by features such as private yard areas for individual residences and individual parking facilities, such as attached or separate garages or carports accessible by an internal private driveway and/or alley. Such building types can include duplexes, triplexes, and quadplexes; townhomes, row housing, and tuck-under housing; bungalow courts, garden apartments, and courtyard housing; stacked flats; and live/work units.
- 2. Large Projects (more than four units). A single building or collection of buildings containing multiple dwellings with a shared pedestrian entry feature, such as an entry lobby, or attached townhouse-type units that have individual entries to each unit.

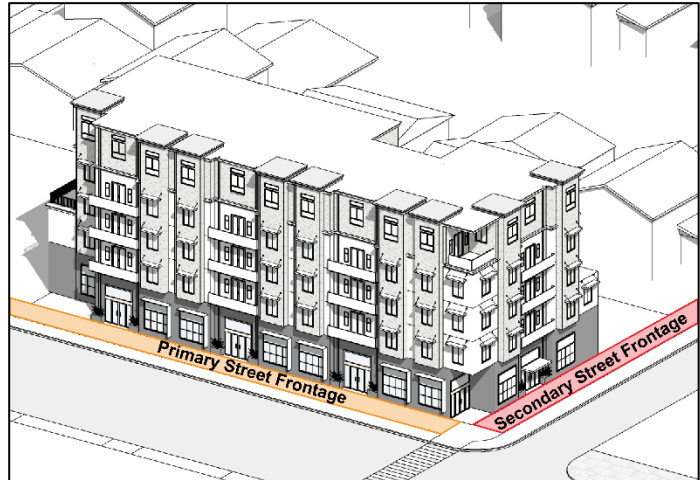
B. Qualifying Mixed-Use Developments. Any mixed-use project with a residential component in which the residential component constitutes two-thirds or more of the gross floor area of the development's building or buildings.

C. Frontage Types and Associated Terms

- 1. Primary Frontage. The primary public right-of-way frontage determined as that frontage along the right-of-way with the highest roadway classification, as specified in the City of Whittier General Plan. Lots with a single frontage shall designate that frontage as primary.
- 2. Secondary Frontage. The secondary or set of secondary public right(s)-of-way property frontages along a right-of-way other than the Primary Frontage.
- 3. Measured Frontage Area. The area determined by distance from the farthest point of the lot line bounding the lot's frontage to a centerline measured by the midpoint of the lot's depth. A site may have a maximum of two Measured Frontage Areas: one primary and one secondary.

D. Street Frontage Types

1. Primary Street Frontage. The interface area between a building facade and the Primary Frontage street.
2. Secondary Street Frontage. The interface area between a building facade and any Secondary Frontage street.

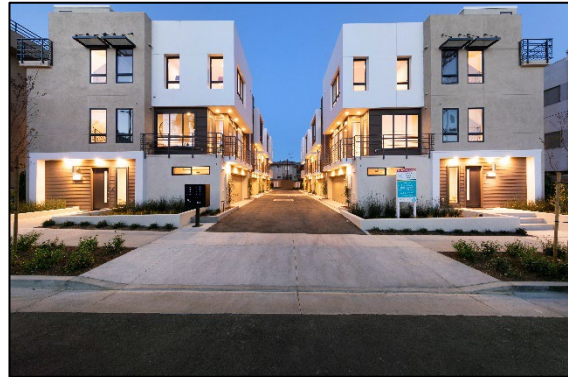


E. Building Typologies

1. Townhome. A residential development type consisting of three or more housing units constructed either as freestanding units or attached units in a linear orientation or repeating rows.



Townhomes

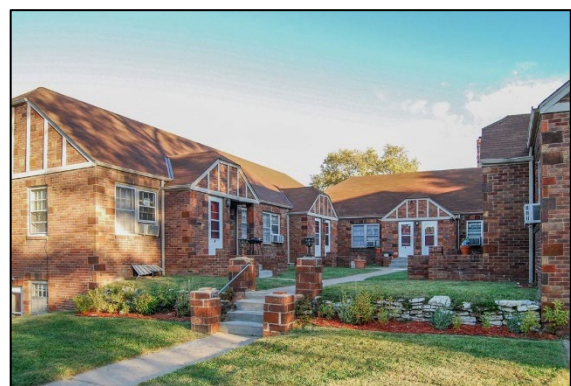


Townhomes

2. Bungalow Court. A residential development type consisting of a clustered set of freestanding or connected units developed generally in a U shape around a common pedestrian courtyard that opens to a street.



Bungalow Court



Bungalow Court

3. Rose Walk. A residential development type consisting of free-standing single-unit structures or duplexes along a pedestrian pathway or common open space area that connects two public streets.



Rose Walk



4. Multiplex. A detached structure that consists of five to twelve dwelling units arranged side-by-side and/or stacked, typically with a shared entry from the street. This type has the appearance of a medium-to-large single-unit house.



Multiplex



Multiplex

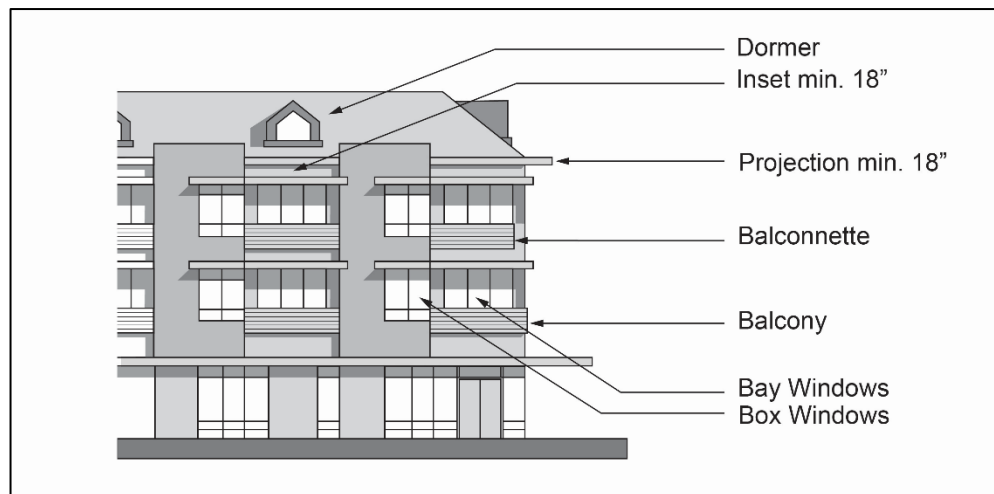
5. Apartment Building. A residential building that has individual apartment units using a shared entry and shared parking facilities.

Apartment Building



G. Architecture and Building Elements

1. Architectural Features. Unless an individual standard provides another list, architectural features shall include:
 - a. Bay windows
 - b. Box windows
 - c. Dormers.
 - d. Balcony
 - e. Balconette (Juliet balcony or railing)
 - f. Projection of at least 18 inches
 - g. Inset of at least 18 inches



2. Corner Building. A building located at the intersection of two streets, intersection of a street and a pedestrian paseo, or intersection of a street and public open space.
3. Ground-level (dwelling) unit. A unit where at least two hundred square feet or thirty percent of the unit square footage, whichever is less, is located on the ground level.
4. Prevailing. Unless otherwise described for an individual standard, prevailing means the described characteristic of over fifty percent of the described physical condition on the specified geography.
5. Upper-level (dwelling) unit. A unit where at least seventy percent of the unit square footage is located above the ground level.

18.93.040 Site Design

A. Building Siting

1. Small Projects. A small project can consist of one building containing all units, attached units on individual lots, or up to four detached buildings as a small-lot subdivision.
 - a. Where the development consists of a single building, the primary building entrance shall be oriented toward the primary frontage.

- b. The units shall incorporate architectural features that help individually distinguish them, such as wall breaks, projections, distinct color schemes, and individual roof treatments.
- c. For corner lots, units shall front onto street side and front property lines. Buildings constructed on corner lots shall incorporate a well-defined architectural focal element addressing the corner. The corner element shall complement existing corner elements on other buildings adjacent to the intersection, in size, scale and composition, and shall be proportionate in size to the street intersection it addresses
- d. Units shall be staggered to avoid driveway corridor effect.
- e. Side-facing units shall face the most distant side property line from the unit.
- f. For projects with two or more buildings, primary building entrances may be oriented toward either the primary or secondary frontage. Orientation of entrances toward a common interior courtyard or garden shall only be permitted if the buildings are sited as follows:
 - i. On lots with sixty feet or more feet of primary street frontage, an opening at least ten feet wide and ten feet high shall provide a view to the common interior courtyard or garden from the street. All fencing across the opening shall be partially open or perforated; fence or wall openings shall constitute a minimum of eighty percent of the screening surface and be evenly distributed throughout the fencing or wall. Gates, fences, and landscaping across the opening or leading to the common courtyard or garden shall not exceed six feet in height.



- ii. On lots with less than sixty feet of primary street frontage, at least one of the units shall have a primary entrance oriented toward the primary frontage.

- g. Where units share a common driveway, and whether the units are connected or separated, the façade area of each unit facing the driveway shall be offset from each other by at least five feet to create a staggered effect.



2. Large Projects. A large project can consist of one building containing all units, a series of related buildings with each containing multiple units, attached units on individual lots, or detached buildings as a small-lot subdivision.
- a. For projects with multiple buildings, a primary and secondary building(s) shall be provided, except for the following cases:
- i. Small-lot subdivisions, bungalow court, attached townhomes, and rose walk typologies
 - ii. Where each building has the same design and same approximate number of units (within ten), buildings are permitted to be within five percent in square footage of each other and allow for change in orientation of individual buildings.
 - iii. Adaptive reuse of existing building(s)
- b. Primary building entrances shall be oriented toward the adjacent street frontages. Orientation of entrances toward a common interior courtyard or garden shall only be permitted if the buildings are sited as follows:
- i. On lots with sixty feet or more feet of primary street frontage, an opening at least ten feet wide and ten feet high shall provide a view to the common interior courtyard or garden from the street. All fencing across the opening shall be partially open or perforated; fence or wall openings shall constitute a minimum of eighty percent of the screening surface and be evenly distributed throughout the fencing or wall. Gates, fences, and landscaping across the opening or leading to the common courtyard or garden shall not exceed six feet in height.
 - ii. On lots with less than sixty feet of primary street frontage, at least one of the units shall have a primary entrance oriented toward the primary frontage.
- c. The units shall incorporate architectural features that help distinguish them individually, such as wall breaks, projections, distinct color schemes, and individual roof treatments.
- i. For corner lots, units should front onto street side and front property lines.
 - ii. Units shall be staggered to avoid driveway corridor effect.

- iii. Side-facing units shall face the most distant side property line from the unit.
3. Building Separation.
 - a. Buildings with predominantly commercial uses must be separated from residential development by a minimum of 30 feet.
 - b. Residential buildings facing each other must be separated by a minimum of 30 feet.
 - c. Residential buildings must be separated from adjacent residential buildings to the side and rear by a minimum of 15 feet.
 - d. Where a residential building fronts on a driveway or parking area, the minimum distance from the front of the condominium to the driveway or parking area shall be fifteen feet;
 - e. Where a residential building fronts on a property line, the condominium shall be a minimum of ten feet from the line.
- B. Setbacks – Small and Large Projects.** All structures shall comply with the minimum setback requirements for the zoning district in which the project is located.
- C. Frontage – Stand-alone Buildings.** The following frontage standards apply for stand-alone residential and mixed-use buildings.
1. Small Projects
 - a. Building(s) shall constitute a combined total of at least sixty percent of the horizontal frontage along the primary street frontage that are built to the front setback line.
 - b. Dwellings shall be designed so that common areas (living room, family room, dining room, kitchen) face toward the primary frontage. Ground floor sleeping rooms shall be prohibited along the primary frontage.
 2. Large Projects
 - a. The primary street frontage shall include at least one of the following elements:
 - i. A common interior courtyard or garden along the ground-floor primary frontage that is interior to the project but visible from the adjacent primary street frontage via a minimum ten-foot-wide opening. All fencing across the opening shall be partially open or perforated; fence or wall openings shall constitute a minimum of eighty percent of the screening surface and be evenly distributed throughout the fencing or wall. Gates, fences, and landscaping across the opening or leading to the common courtyard or garden shall not exceed six feet in height. Such an opening shall be provided for every two hundred feet of horizontal length of building frontage.
 - ii. Public seating that provides a minimum of ten linear feet of sittable surface area or five individual seating units such as chairs for every two hundred feet of street frontage.

- b. Building(s) shall constitute a combined total of at least seventy percent of the horizontal frontage along the primary street frontage and built to the setback line, except for the opening required in (a) above or providing a point of entry and/or exit for vehicles.



- c. For mixed-use projects, at least fifteen percent or fifty feet, whichever is greater, of linear distance along the primary street frontage shall be set back at least an additional fifteen feet from the required setback line to accommodate the following elements to be selected by the applicant/developer:
 - i. Pedestrian plaza
 - ii. Outdoor café/restaurant seating
 - iii. Building lobby entrance
 - iv. Outdoor retail merchandise area, where permitted by the underlying zoning district
- 3. Exceptions. Buildings along the boulevard must be of a length and mass appropriate to a “Grand Boulevard”. Individual units shall work together to create a more substantial building mass punctuated by strong building elements or portions of greater height. The height of a major building mass shall be roughly two-thirds its width

D. Building/Unit Access

- 1. Small Projects
 - a. The provisions of Section 18.93.040(A)(1) (Building Siting – Small Projects) shall apply for ground-floor entrances.
 - b. On corner lots, the entrance for at least one unit shall face the primary and secondary street frontages.
 - e. Entrances to upper-level units shall be designed in one of the following methods:
 - i. Individual entrances on the upper level accessed from an exterior stair; no doorway shall not directly front the primary street frontage
 - ii. A single entry at the ground-level that provides access to a shared, internal stairway with individual unit entries from that stairway or walkway at each upper level.
 - iii. Individual entries at the ground level that do not directly face the primary street frontage and provide private stairways to the unit.

2. Large Projects

- a. If a lobby is included in the building design, the lobby shall be placed and include direct access to and from the primary frontage.
- b. Each ground-floor unit shall include one entry along the street frontage or internal courtyard it faces.
- c. If a project is located along a public use path, trail, or other connection, a direct pedestrian connection between the subject project and the path shall be established. Connection shall be met via an entry gate or other access point and may incorporate measures for security and functionality.

E. Parking and Driveways

1. All Project Types

- a. Locations for vehicle parking shall be restricted to surface lots, porte-cocheres, carports, garages, or common parking structures.
- b. Surface parking lots shall not be located within thirty feet of the front lot line or a side lot line along a public street.
- c. Surface parking lot(s) shall be screened from view from abutting streets through the placement of buildings, the planting of dense vegetation/landscaping that is maintained at a minimum height of three feet, a three-foot high decorative block wall with a graffiti-resistant coating, and/or a fence that is at least seventy percent opaque.
- d. If the development has access to an alley, at least one vehicle entrance/exit shall be accessed from the alley.
- e. All driveways shall incorporate an enhanced paving strip consisting of unit pavers or textured/scored concrete at the entrance and at least one hundred foot-intervals thereafter, of at least ten feet in width.

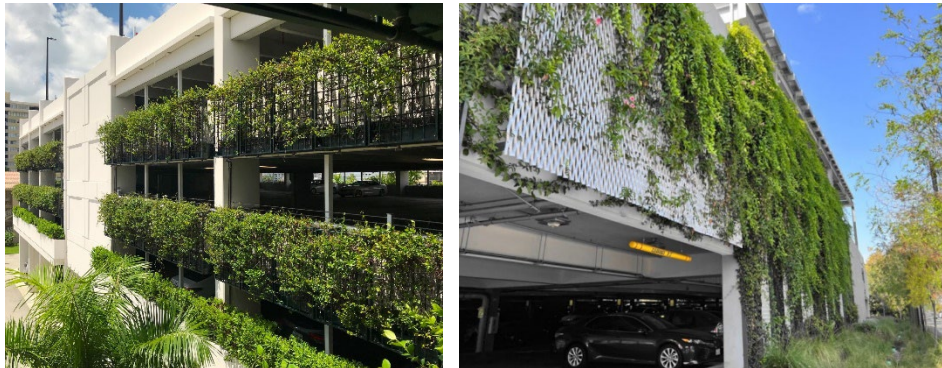
2. Small Projects

- a. Clustered parking and service areas shall be accessed by a driveway with a maximum width of ten feet.
- b. Garages shall be prohibited from facing a primary street frontage unless set back at least ten feet behind the primary structure relative to the primary street frontage.
- c. On corner lots, garages shall not face the primary street frontage. Garages on corner lots without alleys may front onto the side street only if provided with one-car garage doors, and with driveways no more than ten feet wide that are separated by planting areas at least two feet wide.
- d. Any one garage structure shall be limited in size to contain a maximum of four cars.
- e. Any garage door should be recessed at least two feet into the wall of the unit in which it is located.
- f. The garage wall or door shall not constitute greater than forty percent of the front or side wall of any unit.

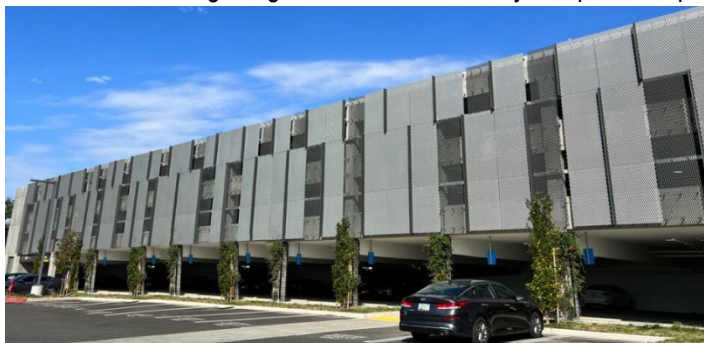
3. Large Projects

- a. The ground floor of podium parking facilities located along a primary street frontage shall be screened for at least eighty percent of the length with commercial/retail, residential, office, or community uses (such as a gym or meeting space for the residential tenants).
- b. Upper-floor podium parking facilities located along a primary street frontage shall be screened for the entire length of each level using the following methods, individually or together:
 - 1) Wrapped with residential uses or other programmed building area to a minimum depth of eighteen feet, measured from the outer wall of the façade
 - 2) Green landscape wall
 - 3) Ornamental metal grating that is at least seventy-five percent opaque
 - 4) Solar panel wall
- c. Parking structures shall be designed to incorporate the following:
 1. For lots with primary street frontage of one hundred feet or less, only one point of ingress/egress shall be permitted along that frontage.
 2. For lots with primary street frontage of more than one hundred feet, the number of ingress/egress points shall be as established by Public Works' standards for distance between curb cuts.
 3. No portion of a parking structure, other than points of ingress/egress, shall front a primary street frontage.
 4. Parking structures shall not have any blank walls. Walls shall be designed to have one or more of the following:

i. Green landscape wall



ii. Ornamental metal grating that is at least seventy-five percent opaque



iii. Noncommercial mural



iv. At least two facing materials that match those of the associated primary building(s)

- d. Any garage door shall be recessed at least two feet into the wall of the unit in which it is located.
- e. The combined width of garage doors shall not constitute greater than forty percent of the front or side wall of any unit in which they are located.
- f. Driveways that access surface parking lots shall be delineated using at least one of the following treatments:
 - 1. A pergola that uses the same architectural style of the buildings
 - 2. Ground-mounted signage identifying the development, consistent with the requirements of Title 18, Division II (Signs)
 - 3. A landscaped driveway divider of a minimum width of four feet, enclosed within a curbed area

F. Mixed Use – Additional Standards. The following standards apply only to mixed-use buildings, in addition to all other standards in this Chapter and the underlying zoning district. In the event of conflict between the following mixed-use specific standards and other standards for mixed-use projects, the following standards shall apply.

1. Mixed-Use Site Planning

- a. Mixed-use projects shall be constructed in one of the following configurations:
 - i. Vertical Mixed Use, with commercial and/or office uses located on the ground level of street frontages and allowed on the second level and above, with residential uses on floors above the commercial and/or office uses.
 - ii. Horizontal Mixed Use, with commercial and/or office uses exclusive to one or more structures located largely, but not exclusively, along the primary and/or secondary frontage and residential uses located within separate buildings. Horizontal mixed-use buildings can have adjoining walls.

2. Access

- a. Within a vertical mixed-use structure, pedestrian access to residential uses shall have a separate entrance from entries to the commercial and/or office uses.
- b. There shall be at least one pedestrian access to residential uses located along a primary frontage.

3. Parking

- a. For new developments, designated parking for residences shall be separated from commercial/office parking through at least one of the approaches listed below. Approaches for separating parking areas include:
 - i. Separate entrances
 - ii. Separate levels
 - iii. Gated access to residential parking areas
- b. Surface parking lots for commercial and office uses shall be centrally located between groupings of commercial structures.

18.93.050 Building Design

A. Massing and Scale

1. Small Projects

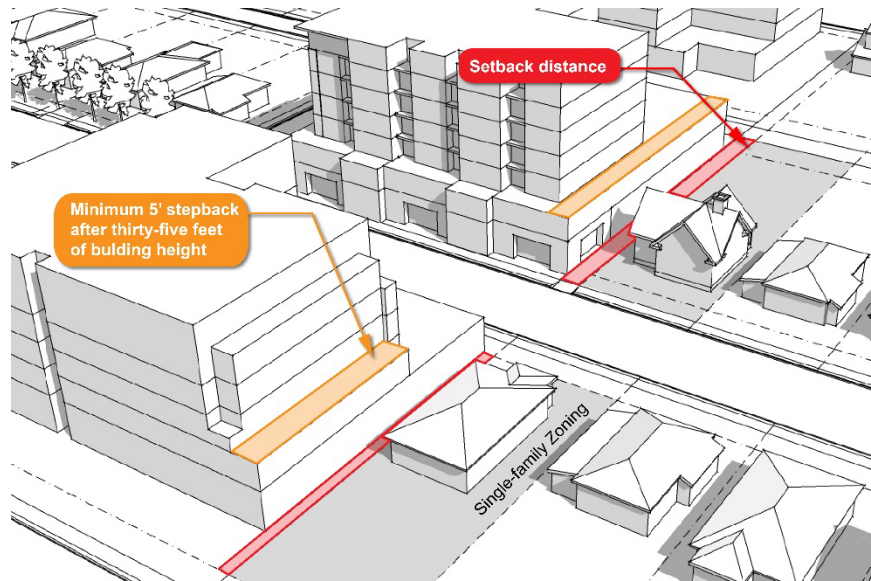
- a. The wall mass of each building face along a primary or secondary street shall be divided into two or three vertical planes, with one deep break of at least three feet used to define each plane.



- b. Building face(s) along primary and secondary frontages, mid-block pedestrian paseos, or other public spaces shall provide at least one of the following elements:
 - i. Bay windows or projected windows of at least one foot of depth
 - ii. Porch with a minimum depth of four feet
 - iii. Stoop with a minimum depth of four feet

2. Large Projects

- a. Where a large project is proposed adjacent to a single-family zoning district, the first thirty-five feet in building height may be built to the minimum setback line for the side and rear yards. For every ten feet in building height above thirty-five feet, the building shall be stepped back an additional five feet from the setback line to the maximum height permitted by the applicable zoning district.



- b. Buildings shall be vertically divided into three sections: the base, body, and top. The maximum size of the base and top sections is one level, meaning the ground floor for the base and uppermost story for the top. Base and top sections can be less than a full level and for the top, can consist of a roof edge treatment that defines the top section.
- c. The vertical division of sections shall be provided through at least one of the following approaches for each of the base, body, and top sections or at least three total approaches from any section:

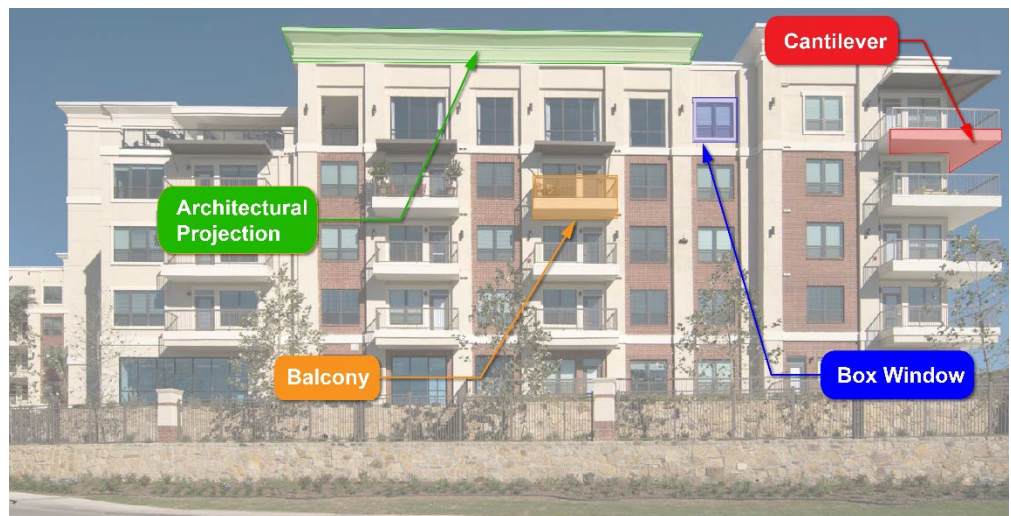


- i. Base
 - 1) Utilize a material different than that of building faces on upper floors
 - 2) Include at least eighty percent glazing along the ground floor adjacent to primary and secondary frontages
 - 3) Utilize columns, with bases and capitals, or arcade to support canopy roof or horizontal articulation element (e.g., frieze or architrave)
- ii. Body

- 1) Step back or step forward between three and ten feet (step forward to be supported by columns or arcade)
 - 2) Project as a cantilever up to five feet, from wall plane of building base
 - 3) Use the following architectural elements only in the middle section: balcony, bay and/or box windows, insets and projections, planter boxes
- iii. Top
- 1) Building cornice and parapet wall
 - 2) Landscape elements from a green roof form a continuous line along the building face or drape over the building
 - 3) A unique material and/or color for the top section, with the base and middle sections utilizing the same materials and colors (maybe different shades) between the two

B. Façade Articulation

1. Small Projects. Building elevations abutting side yards shall be designed to provide at least one horizontal plane break of at least three feet and at least one vertical break.
2. Large Projects
 - a. No building wall plane shall extend more than twenty-five feet along primary or secondary street frontage without some form of articulation.
 - b. Buildings shall include at least two features, shapes, or forms that creates depth of at least two feet in building articulation from the following list:



- i. Architectural projections between vertical sections (base and body, body and top) such as roof overhangs
- ii. Box or bay windows
- iii. Balconies
- iv. Cantilevers

C. Entries

1. Small Projects
 - a. Primary entries shall include at least one of the following fenestration elements:
 - i. Windows within the door
 - ii. Transom window
 - iii. Sidelight window
 - iv. Portico/awning
 - b. Ground-floor units shall incorporate at least one of the following elements at front entrances:
 - i. Front porches
 - ii. Stoops
 - iii. Recessed entry of at least two feet
 - iv. Forecourt
2. Large Projects
 - a. A primary building entry shall be provided along the primary street frontage that is at least ten percent larger than other entry points and includes at least one architectural detail not incorporated into other entries.
 - b. The primary entry shall provide access to an interior common lobby or internal common courtyard.

D. Corner Articulation

1. Small Projects. The two building faces that meet to create a corner at a street intersection shall incorporate at least two of the following features:
 - a. Building height changes of at least five vertical feet
 - b. Decorative element at least ten feet taller than the roof line
 - c. Curved or angled corner
 - d. Paseo from corner to interior courtyard
 - e. Unique material at least fifteen feet along each intersection side for the entire height of the building ending at a logical architectural element
2. Large Projects. The two building faces that meet to create a corner at a street intersection shall incorporate at least three of the following features:
 - a. Building height changes of at least ten vertical feet
 - b. Building entrance facing the corner
 - c. Small plaza created by increased ground-level setbacks or corner cuts at intersection(s) of primary and secondary street(s)
 - d. Decorative element at least ten feet taller than the roof line
 - e. Curved or angled corner
 - f. Paseo from corner to interior courtyard
 - g. Covered pedestrian plaza

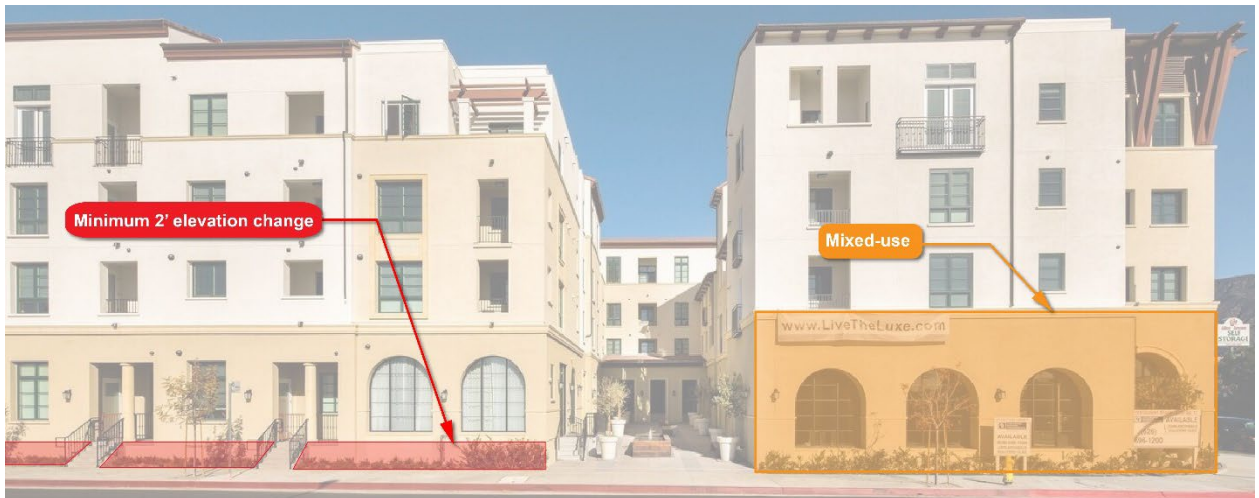
- h. Unique material at least twenty-five linear feet along each intersection side for the entire height of the building ending at a logical architectural element
- i. Iconic noncommercial signage element of at least one hundred square feet

E. Mixed-Use Buildings with Ground-Floor Retail/Commercial Use

- 1. Ground-floor ceiling heights in mixed-use buildings shall be at least twelve feet, measured from the top of the floor to the ceiling of the next level.
- 2. Ground-floor elevations for commercial uses shall be designed to be opaque not more than two feet above the sidewalk grade at the primary frontage.
- 3. Entries to ground-floor commercial uses shall have direct at-grade access from the sidewalk.
- 4. Entries to ground-floor commercial spaces shall be inset at least thirty-six inches from the building face along all frontages.
- 5. The street-level façade of a mixed-use building shall have a minimum transparency of seventy percent between a height of two feet and twelve feet, measured parallel above the sidewalk grade.

F. Mixed-Use Buildings Ground-Floor Residential Use

- 1. Ground-floor residential uses within attached residential and mixed-use developments shall be designed to provide a grade change of at least two feet from the public sidewalk to the first-floor residence.



- 2. Live/work units on the ground floor, where permitted by the applicable zoning district, shall have a front entrance that is a minimum of a double door in width. Any entrance wider than six feet shall be bifold door or roll-up garage door; the maximum width of the front entrance shall be twelve feet.

G. Roof Forms

1. Allowed Roof Forms. Projects shall incorporate at least two different roof forms from the following list: gable, box gable, Dutch gable, jerkinhead, gambrel, mansard, saltbox, hipped, shed, flat, butterfly, and gazebo.



2. Small Project

- a. Dormers which utilize an alternative roof form shall count toward the requirement of at least two different roof forms. If utilized, dormers shall be designed and constructed to cover a minimum of twenty square feet.
- b. If units are organized side by side, there shall be an individual roof form for adjacent units as viewed from the primary frontage. Individual roof articulation can include, but are not limited to,
 - i. Individual instances of the same roof form (e.g., a repeated gable roof)
 - ii. Different roof forms
 - iii. Different roof pitches of the same form

- c. Flat roofs must include at least two of the following: profiled caps, cornice edges, or parapets at least two feet in height.
 - d. At least one of the following roof features shall be used along all frontages: projections, gables, usable dormers, and brows, except when following the roof form of a qualifying architectural style.
3. Large Project. The use of the same roof form for at least three levels is permitted to replace the requirement for at least two different roof forms.
- a. Dormers that utilize an alternative roof form shall count toward this requirement. If utilized, dormers shall be designed and constructed to cover a minimum of twenty square feet of enclosed interior area.
 - b. Rooflines shall be vertically articulated by at least one of the following along all street frontages by the following architectural elements: parapets, varying cornices, reveals, or clerestory windows.
 - c. Rooflines along each street frontage shall have a change in height or roof form.

18.93.060 Architectural Style and Materials

A. Architectural Style

- 1. Only one architectural style per building shall be used.
- 2. New buildings do not need to match the architectural style of an existing building on the site.
- 3. Small and large projects can use a qualifying architectural style from *A Field Guide to American Houses: the definitive guide to identifying and understanding America’s domestic architecture* by Virginia Savage McAlester, the *City of Whittier Uptown Specific Plan*, or other guides the Planning Division may make available to guide building and architectural design. The building must follow the design standards for the selected architectural style incorporating the following elements at a minimum, as well as all the required building and architectural elements of the chosen style:
 - a. Massing/scale/proportions
 - b. Materials (all elements)
 - c. Roof
 - d. Windows
 - e. Entrances
 - f. Architectural detailing/fenestration
- 4. Architectural styles for small and large projects shall be based on the building typology. Approved architectural styles for building typologies is based on Table 18.93.060-A. Any building typology not clearly defined within this Chapter shall utilize those requirements outlined in the *City of Whittier’s Uptown Whittier Specific Plan*.

Table 18.93.060-A: Allowable Architectural Style by Building Type

Architectural Style		Mediterranean	Craftsman	Victorian	Main Street	Art Deco	Contemporary
Project Size	Building Type						
N/A	☺ ☹ Accessory Dwelling	Y	Y	Y	--	--	--

N/A		Duplex, Triplex, Quadplex	Y	Y	Y	--	--	--
Large Projects		Rose Walk	Y	Y	Y	--	--	Y
		Bungalow Court	Y	Y	Y	--	--	Y
		Small-Lot Subdivision	Y	Y		Y	Y	Y
		Rowhouse	Y	Y	Y	--	--	Y
		Live/Work	Y	Y	Y	Y	Y	Y
		Courtyard Housing	Y	Y	--		Y	Y
	N/A	Commercial Block	Y	--	--	Y	Y	Y
	N/A	Linear	Y	--	--	Y	Y	Y

B. Exterior Elements and Finishes

Buildings shall carry the same theme on all elevations. A theme includes primary (non-accent) material(s) and color(s).

C. Windows, Doors, and Entries

1. If using a qualifying architectural style, the building must include all windows, doors, and entries defining the architecture and all must follow guidelines of the chosen style.
2. Windows shall not be flush with the exterior wall surface unless characteristic of a qualifying architectural style. Window glass shall be recessed from the exterior wall surface. Wainscoting and reveals can also be used to enhance the appearance of deep-set windows.
3. Unless following guidelines of a qualifying architectural style, at least two different window designs and proportions shall be used to add architectural interest to the building. Window designs can help differentiate the various components of the building (e.g., ground floor lobbies, stair towers, corners, office suites, or residential units).
4. Unless following guidelines of a qualifying architectural style, all windows must include window frames, sills, and/or recesses to add visual interest and reinforce the building design.
5. Exterior facing utility rooms and exit corridors shall have decorative doors that are integrated into the design of the adjacent street wall.
6. Loading dock doors shall provide full screening of the interior loading dock area and use such materials as translucent glass or decorative metal appropriate to the architectural style of the building.

D. Materials and Colors

1. High-quality, weather-resistant, and low-maintenance architectural materials and finishes shall be used throughout the exterior and public interior spaces of the buildings. Acceptable materials include these listed below:
 - a. Brick
 - b. Concrete

- c. Stone
 - d. Stucco
 - e. Tile
 - f. Glass
 - g. Rammed earth
 - h. Shingle sidings
 - i. Fiber cement board
 - j. Other materials based upon design guidelines for qualifying architectural styles
2. The building base shall be clad in generally nonporous, hard materials such as stone, tile, metal, brick, and concrete.
 3. In addition to the primary exterior material at the ground level, at least one secondary material shall be used to add texture, color, and visual interest at the pedestrian level, unless it conflicts with the guidelines of the selected qualifying architectural style.
 4. The following materials are prohibited on building exteriors:
 - a. Exterior foam molding
 - b. Corrugated metal
 - c. Vinyl siding
 - d. Plywood
 - e. Exterior Insulation Finishing System (EIFS)
 5. Colors and materials shall be consistent along all building faces.
 6. The building base's materials shall extend to within at least one inch of finished sidewalk grade, and these materials shall wrap corners of exposed interior property line walls a minimum of five to ten feet ending at a logical architectural element.
 7. Affordable units and market rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another.

18.93.070 Sustainable Design

- A. Passive Energy.** South-facing windows shall provide shading technique(s) to limit all direct sunlight during summer months but allow direct light during winter and spring months, which could include vertical louvers, overhangs, or similar techniques.
- B. Solar.** Plumbing and other appurtenant equipment for roof-top solar power collection devices shall be installed in the attic, flush mounted, or ground mounted. Appurtenant equipment, plumbing, and related solar energy fixtures shall comply with the setback requirements of the zone in which they are located and shall be screened from public view.
- C. Water.** Large projects shall incorporate rainwater harvesting for at least fifty percent of non-porous surfaces, including building rooftops and parking areas.

18.93.080 Open Space and Landscaping

A. Open Space

1. All Projects

- a. Private ground-level open space shall be enclosed by fencing, garden walls, garage walls, and/or the walls of the unit the open space is intended to serve.
- b. Above-ground balconies and decks shall be set back at least ten feet from any interior property line.
- c. Rooftop gardens and passive seating areas may be credited toward required open space for the zoning district in which the project is located.
- d. Shading shall be provided for at least twenty-five percent of any playground and public gathering spaces. Shading options include shade trees that are of a minimum twenty-four-inch box size at planting, shade structures, sails, and canopies.
- e. Common open space shall be required for all developments. Each lot shall maintain at least two hundred square feet of common open space per unit, located within reasonable proximity of most of the units. Private open space shall not be less than eight feet in any dimension and shall have a minimum area of not less than one hundred square feet except for balconies, which shall have a minimum dimension of six feet by ten feet. No mechanical equipment shall be allowed to encroach into the required open space area.
- f. Required common and private open space shall not include required setback areas.

2. Small Projects

- a. Each dwelling shall have a private or semi-private required yard or open space area of at least one hundred fifty square feet.
- b. Ground-level open space shall be located adjacent to required side and rear yards to maximize the useable area.

3. Large Projects.

- a. Dwelling units shall have a private open space of at least one hundred fifty square feet, with no side less than six feet in length.
- b. An interconnected path system shall be provided to connect units to common open space areas.

B. Landscaping

1. Small Projects. At least one large tree of minimum twenty-four-inch box size at planting and with a height at and spread at maturity of at least twenty-five feet shall be provided for each unit on the property.
2. Large Projects. One tree shall be provided for at least every ten units, with the tree, at planting, being at least twenty-four-inch box size.

18.93.090 Other Features

A. Accessory Structures. Accessory structures shall be the same architectural style as the primary building that is existing or part of a new development, or it can be a contemporary architecture style.

B. Utilities and Mechanical Equipment

1. **Applicability.** For the purpose of this Section, utilities and mechanical equipment includes, but is not limited to, air conditioners; heaters; utility meters; cable and similar telecommunications equipment; backflow preventions; irrigation control valves; electrical transformers; pull boxes; all ducting for air conditioning, heating, and blower systems; fire protection equipment; and all roof-mounted equipment. These provisions do not apply to wireless telecommunications facilities.
2. **Locations Prohibited.** Ground-mounted utilities and mechanical equipment that directly serve the development shall not be located within any required open space area nor any required landscape area, with the exception of irrigation control valves.
3. **Screening Required.** All ground-mounted equipment shall be screened from view from adjacent properties and primary and secondary frontages by an enclosure designed as part of the building or by appropriate landscaping. Screening materials shall be consistent with the exterior colors and materials of the building.
4. **Roof-Mounted Equipment.** Roof-mounted mechanical equipment shall be architecturally integrated and screened from view from primary and secondary roadway frontages using roof forms.
5. **Small Projects**
 - a. Where an alley is present, services, including all utility access and above ground equipment and trash container areas shall be located on the alley.
 - b. Where an alley is not present, utility access, above-ground equipment, and trash container areas shall be screened from view from the street with a hedge or fence.

C. Solid Waste Enclosures – Generally

1. Solid waste enclosures shall include separate areas or receptacles for recycling, compost (green/organic), and landfill waste.
2. Enclosures shall be designed with the finishes, materials, and details as the primary buildings within the project and shall be screened with landscaping to the greatest extent possible. All enclosures shall incorporate a roof feature designed to match the finishes and materials of the primary buildings.
3. Enclosures shall not be visible from primary entry drives.
4. There shall be signage to inform residents what materials are appropriate and prohibited for each receptacle/area.
5. Exterior waste collection and disposal areas shall not be located in a required front yard, street side yard, parking space, landscaped area, or open space areas.

D. Solid Waste Enclosures - Small Projects. If a common collection area is required, it shall meet the requirements in subparagraph E, below, for large projects.

E. Solid Waste Enclosures - Large Projects

1. Solid waste, recyclable materials, and green waste collection and disposal areas shall be within a building or contained within an enclosure that on three sides consists of a minimum six-foot-high decorative block wall, with cap. The fourth side for access shall consist of a solid decorative metal gate. A roof shall be provided to prevent precipitation from entering the enclosure.
2. The siting of exterior waste collection and disposal areas shall consider locational relationships to adjacent residential uses and shall minimize exposure of adjacent residential properties to associated noise and odors.
3. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel with at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector.

F. Lighting. The following shall apply to all on-site exterior lighting fixtures.

1. If a qualifying architectural style is used, light fixtures shall adhere to the chosen style.
2. All exterior lighting fixtures shall be designed and shielded to avoid direct glare onto adjacent properties.
3. Shielding shall match the style of the lighting fixtures.
4. Required security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures.
5. No portion of a lighting fixture shall be mounted above the building façade or above the roof of the building.
6. All lighting shall include top covers to direct light down and contribute to dark night skies, unless it is landscape up lighting. Building facade uplighting, roof “wash” lighting, and landscape uplighting should be operated on timers that turn off illumination entirely after 12:00 a.m. nightly.

A. Signs. The provisions of the applicable zoning district shall apply.

B. Walls and Fences.

1. Wall openings, material change, or design elements should be used to break up long expanses of uninterrupted fences and walls. Wall expanses should be broken up at a minimum of every 40 feet. Support piers, pilaster or posts can be emphasized at regular intervals.
2. Walls must include a cap and base treatment. A distinctive cap of different width, material or texture should occur within the top eight feet.
3. Exposed block walls may be constructed using a combination of varied-height block courses and/or varied block face colors and textures (e.g., a combination of split-face and precision-face blocks).

18.93.100 Crime Prevention Through Environmental Design

- A. Purpose.** This Section establishes design standards intended to integrate defensible space into site planning and building design and thereby deter crime and create safe living environments. These standards are based on the principles of crime prevention through environmental design (CPTED).

B. Applicability. These CPTED standards shall apply to all projects. These standards are in addition to any standards related to the design of parking areas, outdoor lighting, fencing, and screening.

C. Standards.

1. Common building entrances for residential developments shall lock upon closing.
2. No more than two points of entry may be provided to common areas within a building.
3. Building entrances shall be visible from adjacent streets or buildings.
4. Common mailbox areas shall be provided with night-time security lighting with a minimum one-foot-candle of light.
5. Elevators and stairwells shall be in locations that are clearly visible from entrances and are well lit.
6. Playgrounds and common open space areas shall be located to be visible from at least four residential units.

18.93.110 Adaptive Reuse

A. Applicability

1. Adaptive reuse standards apply to qualifying developments in addition to standards 18.93.040 through 18.93.100.
2. Adaptive reuse includes the following categories of development:
 - a. New residential structures or additions within a property that retains existing structures with all or a portion of commercial/retail uses.
 - b. Partial adaptive reuse of existing structures into residential uses while retaining some commercial/retail uses.
 - c. Complete adaptive reuse of existing structures into residential uses.

B. Site Design

1. Siting
 - a. Existing structures with nonconforming setbacks may remain.
 - b. Any additions greater than twenty continuous linear feet of exterior wall facing a public right-of-way shall comply with setback requirements for the applicable zoning district.
2. Parking
 - a. Qualifying developments that include retention of existing commercial/retail uses and/or adaptive reuse of existing structures can utilize shared parking among residential and commercial/retail uses.

- b. All existing, uncovered surface parking lots shall be updated to provide at least one tree for every five parking spaces with the introduction of residential uses in new structures or adaptive reuse.
- c. If existing surface parking lots have access to an alley or secondary frontage and vehicle access is only provided via a curb cut on the primary frontage road, curb cuts shall be removed from the primary frontage and created along the alley or secondary frontage to leave a maximum of one curb cut along the primary frontage.

C. Building Design

1. If an existing opening (e.g., door or window) is closed off, the finish fill materials shall match the type and condition of the surrounding façade material.
2. The addition of parapets, roof structures (e.g., solar panels), equipment or other enclosures, or canopies for rooftop open space is allowed.

D. Architectural Style and Materials

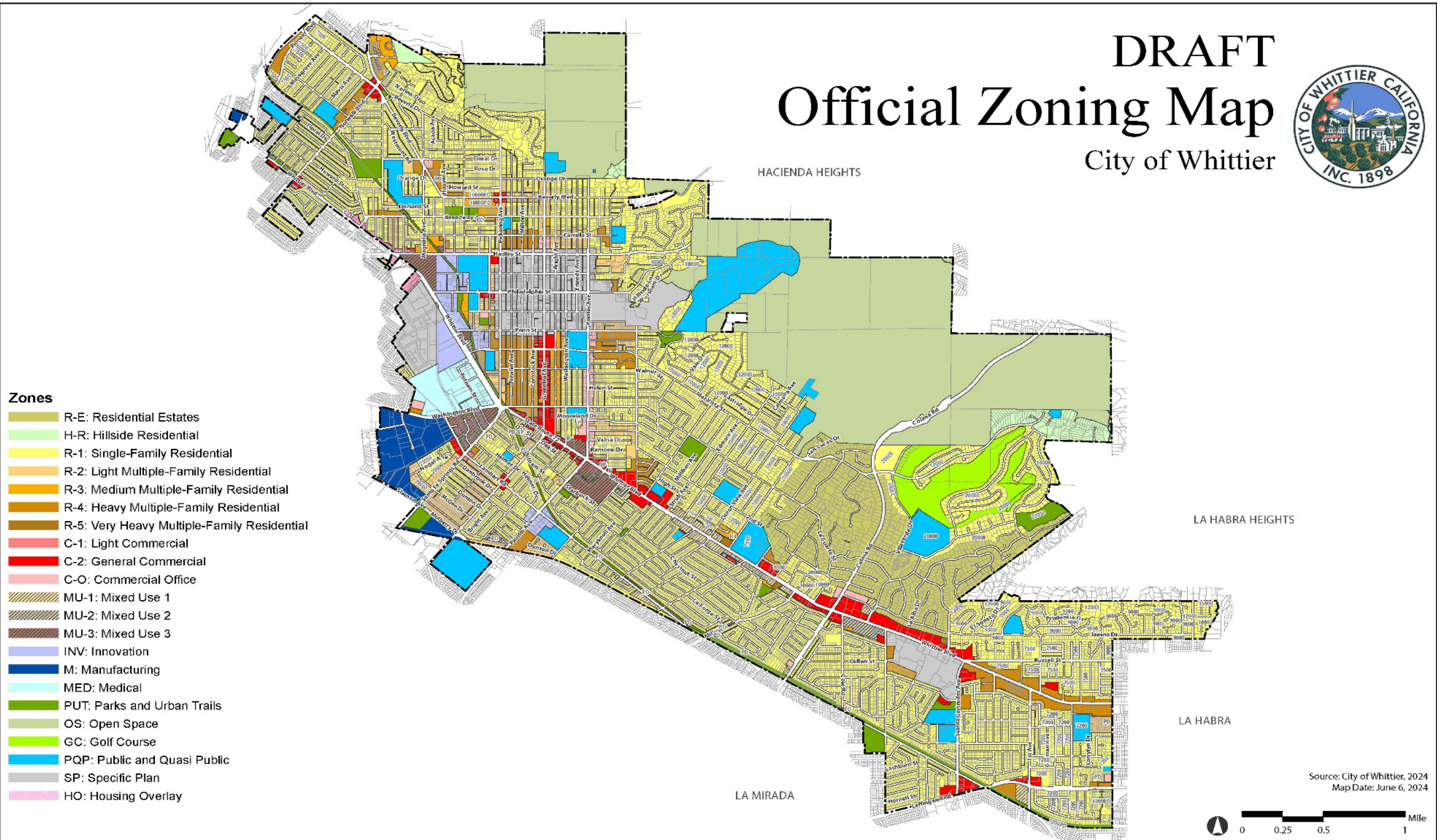
1. If an existing building is classified as a known architecture style, that architecture style shall be preserved for the existing structure.
2. Additions to an existing building shall be in the same architectural style or contemporary architecture style.
3. New buildings shall incorporate at least one material (excluding glass) from existing buildings onsite within the building design.

E. Other Features. The following existing building signage shall be preserved unless deemed to be unsafe. Signs can be removed during construction or for restoration but must be reinstalled on the same building façade.

1. Signs, plaques, and similar features that indicate the original name and/or original date of completion for building.
2. Building or tenant signs of at least twenty square feet fixed to the façade of the building.
3. Truss structure for a building or tenant sign on the building roof.

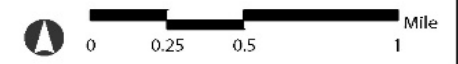
DRAFT Official Zoning Map

City of Whittier



- Zones**
- R-E: Residential Estates
 - H-R: Hillside Residential
 - R-1: Single-Family Residential
 - R-2: Light Multiple-Family Residential
 - R-3: Medium Multiple-Family Residential
 - R-4: Heavy Multiple-Family Residential
 - R-5: Very Heavy Multiple-Family Residential
 - C-1: Light Commercial
 - C-2: General Commercial
 - C-O: Commercial Office
 - MU-1: Mixed Use 1
 - MU-2: Mixed Use 2
 - MU-3: Mixed Use 3
 - INV: Innovation
 - M: Manufacturing
 - MED: Medical
 - PUT: Parks and Urban Trails
 - OS: Open Space
 - GC: Golf Course
 - PQP: Public and Quasi Public
 - SP: Specific Plan
 - HO: Housing Overlay

Source: City of Whittier, 2024
Map Date: June 6, 2024



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Chapter 17.02 – GENERAL PROVISIONS

17.02.010 – Purpose

- A. The provisions of this Title are intended to supplement, implement and work with the California Subdivision Map Act, referred to in this Title as the Act, as specified in Government Code Sections 66410 et seq., for the purpose of regulating the design and improvement of divisions of land within the City, as those sections may be replaced or amended from time to time.
- B. This Title is not intended to replace the Act, but is expected to be used in conjunction with the Act in the preparation of subdivision applications, in conjunction with the review, approval and improvement of proposed subdivisions.

17.02.020 – Title

This Title 17 shall be referred to as the City's "Subdivision Ordinance."

17.02.030 – Statutory Authority

The provisions of this Chapter are adopted pursuant to the Subdivision Map Act (Section 66410 et seq. of the Government Code, hereafter "Act") for the purpose of regulating the design and improvement of subdivisions.

17.02.040 – Applicability

- A. Applicability of Chapter
 - 1. No person shall divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Title and the Act, Government Code Sections 66410 et seq.
 - 2. This Title shall apply to all divisions of land, except those exempted by Government Code Sections 66412, 66412.1, 66412.2 and 66412.5.

3. In the event of divisions of land not subject to this Title and/or the Act, a certificate of compliance, as described in Government Code Section 66499.35, shall be issued on a form prescribed by the Director.
- B. Each division of land within the City shall be authorized through the approval of a map, or a waiver, as appropriate, in compliance with this Title.
- C. In the event of any conflicts between the provisions of this Title and the Act, the Act shall control.
- D. The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

17.02.050 – Advisory Agency and Appeal Board Designated

Pursuant to the Subdivision Map Act, the following designations are made:

- A. Advisory Agency
 1. The designated advisory agencies specified in this Section shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.
 2. The advisory agency shall have the authority to refer an application to the Planning Commission or Council for action, as indicated in Table 17-1 (Subdivision Review Authorities), below.
 3. Notwithstanding the provisions of this Section, any application filed in compliance with this Title that has an associated permit application subject to action by the Planning Commission or Council, the application shall also be subject to those same review and hearing requirements for the associated permit application, in compliance with Table 17-1 (Review Authority).
- B. Appeal Boards
 1. The Planning Commission shall be the review authority for any appeal of a decision of the City Engineer or Director.
 2. The Council shall be the review authority for any appeal of a decision of the Planning Commission.
- C. City Engineer. The City Engineer shall be responsible for all of the following.

1. Establishing subdivision and public improvement design and construction details, standards, and specifications.
2. Determining whether proposed subdivision improvements comply with the provisions of this Title and the Act.
3. Inspecting and approving subdivision improvements.
4. Approval of amendments to recorded maps, subdivision improvement plans and waiver of parcel maps.
5. Providing assistance to the Director on the review of certificates of compliance, final parcels maps, final tract maps and vesting final maps.

TABLE 17-1 SUBDIVISION REVIEW AUTHORITIES		Role of Review Authority⁽¹⁾				Required Findings
Type of Decision	Applicable Section	Director	City Engineer	Planning Commission	Council⁽²⁾	
Amendments to Approved Tentative Maps (Minor)	17.06.090	Recommend		Decision	Appeal	17.06.090(G)
Amendments to Recorded Maps	17.08.060		Recommend		Decision	17.08.060 (A)(6)
Certificates of Compliance	17.10.020	Decision	Recommend	1 st Appeal	2 nd Appeal	N/A
Extensions of Time – Tentative Maps	17.06.080	Decision		1 st Appeal	2 nd Appeal	17.06.080(D)
Final Parcel Maps	17.08.030		Recommend		Decision	N/A
Final Tract Maps, Vesting Tract Maps	17.08.020		Recommend		Decision	N/A
Lot Line Adjustments	17.10.030	Decision		1 st Appeal	2 nd Appeal	17.10.030(C)
Parcel Mergers	17.10.040	Decision		1 st Appeal	2 nd Appeal	N/A
Reversion to Acreage	17.10.050	Recommend		Decision	Appeal	17.10.050(D)
Improvement Plans	17.12.060		Decision	1 st Appeal	2 nd Appeal	N/A
Tentative Tract Maps, Vesting Tentative Tract Maps	17.06.020, 17.06.070	Recommend	Recommend	Decision	Appeal	17.06.030(D)
Tentative Parcel Maps	17.06.020	Recommend	Recommend	Decision	Appeal	17.06.030(D)
Waiver of Parcel Maps	17.08.040		Decision	1 st Appeal	2 nd Appeal	N/A

Notes:

1. "Decision" means that the approval authority makes the final decision on the matter; "Appeal" means that the approval authority may consider and decide upon appeals to the decision of an earlier decision-making body; "Recommend" means that the review authority makes a recommendation to the decision-making authority.
2. All decisions of the City Council are final.

D. Director. The Director shall be responsible for all of the following:

1. Accepting certificate of compliance, lot line adjustment, parcel map, vesting parcel map, parcel merger, reversion to acreage, tentative tract map, vesting tentative tract map and similar applications for processing; and distributing the application materials to appropriate agencies and City departments for review.
 2. Evaluating tentative map applications for conformity to the General Plan, Zoning Ordinance, and applicable specific plans, and in consultation with other City departments and agencies, recommending action to the Planning Commission.
 3. Conducting environmental analyses related to proposed applications in compliance with the California Environmental Quality Act (CEQA) specified in Public Resources Code Section 21000 et seq.
 4. Review authority on tentative tract maps, vesting tentative tract maps, tentative parcels maps and vesting tentative parcel maps.
 5. Approval authority for Lot Line Adjustments, Parcel Mergers and Certificates of Compliance and extensions of time.
- E. Planning Commission. The Planning Commission shall be responsible for all of the following:
1. Hearing appeals of decisions of the City Engineer and Director.
 2. Approval authority on tentative parcel maps, reversion to acreage, tentative tract maps and vesting tentative tract maps
- F. Council. The City Council shall be responsible for all of the following:
1. Accepting offers of dedication and improvements for divisions of land resulting in five (5) or more parcels.
 2. Hearing appeals of decisions of the City Engineer, Director and Planning Commission.
 3. Approval authority on all final parcel maps, final tract maps, and reversion to acreage.
 4. Taking action to approve, conditionally approve, or deny any application referred by another review authority or by appeal, or any land division application with an associated permit application.

17.02.060 – Type of Subdivision Approvals

Any subdivision of an existing parcel into two (2) or more parcels shall require approval by the City in compliance with this Title and the Act. In general, the procedure for subdivisions first requires the approval of a tentative map, and then the approval and recordation in the office of the County Recorder,

after clearance of all conditions of approval, of a final map to complete the subdivision process. The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, and the appropriateness of the proposed subdivision design. Final maps are precise surveying documents that detail the location and dimensions of all parcel boundaries and public improvements in an approved subdivision.

A. Tentative Map Requirements

1. Parcel Map. The filing and approval of a tentative parcel map is required for a subdivision of four (4) or fewer parcels, as authorized by Government Code Section 66428; and
2. Tract Map. The filing and approval of a tentative tract map is required for a subdivision of five (5) or more parcels, except those subdivisions excluded by Government Code Section 66426.

B. Final Map Requirements. A final map (Chapter 17.08) shall be required as follows.

1. Final Parcel Map. The filing and approval of a final parcel map (Chapter 17.08) shall be required for a subdivision creating four (4) or fewer parcels, with or without a designated remainder in compliance with Government Code Article 2, Chapter 1, unless a waiver is authorized pursuant to 17.08.050.
2. Final Tract Map. The filing and approval of a final tract map (Chapter 17.08) shall be required for a subdivision of five (5) or more parcels, except a subdivision that is otherwise authorized to have a final parcel map by Government Code Section 66426.

17.02.070 – Fees

By resolution, the City Council shall set appropriate filing and processing fees which shall apply to all subdivisions and other divisions of land contemplated by the Act.

17.02.080 – Exceptions to Subdivision Standards

- A. Exemptions. Those activities specified by Government Code Sections 66411, 66412, 66412.1, 66412.2 and 66426.5, or other applicable Act provision not subject to the requirements of the Act, and/or not considered to be divisions of land for the purposes of the Act, shall be exempt from the subdivision approval requirements of this Title.

Chapter 17.04 – DEFINITIONS

17.04.010 – General

This Chapter provides definitions of the technical and other terms and phrases used in this Title as a means of providing consistency in its interpretation. Where any definition in this Chapter may conflict with

definitions in other titles of the Whittier Municipal Code, these definitions shall prevail for the purposes of this Code. If a word is not defined in this Title or in other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

17.04.020 – Definitions

“Advisory Agency” means a designated official, or an official body 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, or having the authority to approve, conditionally approve, or disapprove maps.

“Certificate of Compliance” means a determination made by the City indicating that a property complies with Government Code Section 66410 et seq (Subdivision Map Act)

“City” means the City of Whittier

“City Clerk” means the City Clerk of the City

“City Council” means the City Council of the City.

“City Engineer” means the City Engineer of the City

“Director” means the Director of Community Development, unless otherwise noted.

“Encroachment” means any physical obstruction other than a motor vehicle and includes any structure or object of any kind or character placed, without the authority of law, either on, in, under or over any public right-of-way or public property. "Authority of law" includes any applicable local, state, or federal law or regulation.

“Improvements” means any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof. Improvement also refers to any other improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, or by any other entity, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

“Lot” See “Parcel.”

“Lot Line Adjustment” means an adjustment or relocation of a property line between two (2) to four (4) existing adjacent parcels that does not result in the creation of additional parcels.

“Map Act” or “Act” See “Subdivision Map Act.”

“Monuments” means an object or mark employed by a surveyor to fix or to establish boundaries or land location.

“Parcel” or “Lot” means:

1. A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act or this title to be recorded before sale of parcels shown on the map or plat, at the time the map was recorded;
2. A parcel of real property that has been issued a certificate of compliance as provided by Government Code Section 66499.35 and Section 18.06.200 et seq. of this title; or
3. A parcel of real property not described in (1) or (2) of this definition, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was record before the requirement of the filing of the subdivision map by the Subdivision Map Act or this title.

“Parcel Map” means the map described by Article 3, Chapter 2 of the Subdivision Map Act, which is required by this title to complete subdivision of four (4) or fewer lots.

“Parcel Merger” means a merger between two (2) or more existing legal parcels, where the land taken from one parcel is added to an adjacent parcel.

“Public right-of-way” means all or any part of the entire width of a street, alley, sidewalk, lane, trail, flood-control channel, railroad line, owned or controlled by the federal, state, or local government, irrespective of the rights-of-way use.

“Reversion of Acreage” means the recombining of land which was previously subdivided. The process may be used to nullify rights and/or obligations effected by a previous subdivision of the property, including vacation of streets.

“Subdivider” means a person, firm, corporation, partnership or association, a governmental agency, public entity or public utility, or the grantor to any such agency, entity, utility or subsidiary, who proposes to subdivide for him or herself or for others, except employees and consultants or such persons or entities acting in such capacity.

“Subdivision Map Act” or “Map Act” or “Act” means Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments thereto.

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized Los Angeles 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 easement or railroad rights-of-way.

“Tentative Map” means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

“Tract Map” means the process of subdividing real property into smaller lots. Typically, the tract map is used to create five (5) or more residential lots.

“Vesting Tentative Map” means a map that is filed and processed in the same manner as a tentative map except as otherwise provided by this title or the Subdivision Map Act. At the time a vesting tentative map is filed it shall have the words “Vesting Tentative Map” printed conspicuously on its face.

Chapter 17.06 – TENTATIVE MAP FILING PROCEDURES

17.06.010 – Purpose.

This Chapter establishes requirements for the preparation and filing of tentative maps, consistent with the requirements of the Act.

17.06.020 – Tentative Map Required.

Whenever a tentative map is required to be filed pursuant to the Act or this title, such map shall be filed with the Director and approved in accordance with the provisions of the Act and this title (Title 17) prior to the submission for approval of a final map.

17.06.030 – Filing and Processing Requirements

- A. Submission of Tentative Maps
 - 1. The subdivider is strongly encouraged to confer with Planning and Engineering staff before preparing and submitting a tentative map.
 - 2. Submission of a tentative map shall not constitute a complete filing with the City until all attachments and required statements, instructions, environmental forms, environmental clearances and a completed application form with appropriate fees are deposited with the Department and a written receipt is provided to the applicant. Included with the application shall be a signed statement indicating whether the project site is located on a site included on any of the local lists prepared by the California Integrated Waste Management Board in compliance with Government Code Sections 65962.5(d) and (f).
 - 3. The subdivider shall file with the Department the number of tentative maps the Director shall deem necessary, together with a certified copy of the current ownership title deed to the land proposed to be divided.
 - 4. Failure to submit all materials and statements required by this Section, as well as any other information deemed necessary for processing by the Director, shall constitute an incomplete application.
- B. Prepared by Civil Engineer or Surveyor. Tentative maps shall be prepared by or under the direction of a registered California civil engineer or a California licensed surveyor in good standing.

- C. Maps to Be Clearly Drawn. Tentative maps shall be clearly and legibly drawn on one (1) sheet, with additional sheets acceptable to show required information.
1. Whenever practicable, map sheets should be no less than 18 inches by 26 inches with modification in map sheet size permissible when necessary to adequately show the subdivision. A one-inch margin shall be left between the trim line and the borderline.
 2. The maps shall be prepared at a readable scale, but in no case shall the scale be less than one-inch equals 100 feet or a scale as request by the City.
 3. Tentative maps shall contain, at a minimum, all of the following information, as well as any additional information that may be specified in the application form or by the Director (in writing):
 - a. A title, which shall contain the subdivision number, subdivision name and type of subdivision;
 - b. Name and address of the current legal owner(s), the subdivider and person preparing the map, including their registration or license number;
 - c. A sufficient legal description to define the boundary of the proposed subdivision;
 - d. Date, north arrow, scale, contour intervals and source and date of existing contours;
 - e. A description of the existing and proposed land use(s) and the zoning and General Plan land use designation of the property;
 - f. Existing Conditions. Existing conditions of the proposed site and at least 100 feet beyond its boundaries, including but not limited to all of the following:
 - (1) Existing topography with contours at one-foot intervals, or as required by the City Engineer or Director;
 - (2) The approximate location of all existing trees standing within the boundaries of the division of land and a clear indication as to which trees are to be removed. The location of all trees with a diameter greater than six (6) inches, measured at breast height, shall be clearly indicated and a statement on the existing ground cover shall also be submitted;
 - (3) The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked;

- (4) The approximate location of all areas subject to inundation or storm water overflow and the direction, location and width of flow of each water course;
 - (5) The grade, location, pavement and right-of-way width and name of existing streets or highways;
 - (6) The identity, location and widths of all existing easements;
 - (7) The location and size of existing sanitary sewers, storm drains and water mains and the approximate slope of existing sewers and storm drains shall be clearly indicated. The location of existing overhead and underground utility lines on peripheral streets shall be clearly indicated; and
 - (8) The pad elevations of all structures located on the surrounding properties adjacent to the subdivision; and
 - (9) The location, type and height of all perimeter fencing adjacent to the subdivision.
- g. Proposed Improvements. Proposed improvements required to be shown shall include, but not be limited to, all of the following:
- (1) The grade, location, centerline and curb return radii and arc length of curves, pavement, right-of-way width and names of all proposed adjacent streets;
 - (2) Typical sections of all existing and proposed streets;
 - (3) The location, nature and width of all easements;
 - (4) The approximate parcel layout and the approximate dimensions of each parcel and of each building site. Engineering data shall show the approximate finished grade of each parcel;
 - (5) Location and nature of all proposed recreation facility lots, if applicable;
 - (6) Location and nature of all proposed common private open space lots and lots to be dedicated for public open space;
 - (7) The elevation, location and size of proposed sanitary sewers, storm drains and water mains;
 - (8) Location and nature of all proposed slopes;
 - (9) Phasing lines if phasing of development is proposed

- (10) All proposed finished grades and pad grades for the new lots;
- (11) All property dedications and street improvements;
- (12) All swales and storm drains;
- (13) The direction and flow of on-site water drainage;
- (14) All existing street grades as well as the existing street grades that will serve the subdivision; and,
- (15) Any or all known existing or abandoned oil wells, pipelines, tanks, etc above and below ground.

4. The Director and/or City Engineer may require additional information deemed necessary be added to the tentative map.

D. Required Findings for Approval. No Tentative Map shall be approved unless the Planning Commission or other Approval Authority makes all of the following findings:

- 1. That the proposed map is consistent with the General Plan, applicable specific plans and Whittier Municipal Code requirements.
- 2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
- 3. That the site is physically suitable for the type of development proposed.
- 4. That the site is physically suitable for the proposed density of development.
- 5. The design of the subdivision or the proposed improvements are unlikely to cause substantial environmental damage, or substantially injure fish or wildlife or their habitat.
- 6. The requirements of the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) have been satisfied.
- 7. The design of the subdivision or type of improvements is unlikely to cause serious public health problems.
- 8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for the access through or use of property within the proposed subdivision.
- 9. Any discharge of waste from the proposed subdivision into an existing sewer system would not result in violation of existing requirements prescribed by the

California Regional Water Quality Control Board, Los Angeles Region, pursuant to Division 7 of the Water Code of the State of California.

10. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, taking into consideration local climate, contour, configuration of the parcel to be divided, and other design and improvement requirements.

Additional Findings for Properties Located within the Very High Fire Hazard Severity Zones

11. The subdivision is consistent with regulations adopted by the State Board of Forestry and Fire Protection (CAL FIRE) as meeting or exceeding the state regulations.
 12. Structural fire protection and suppression services will be available for the subdivision through either county, city, special district, political subdivision of the state, another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity, or the Department of Forestry and Fire Protection (CAL FIRE) by contract.
- E. Reports and Other Required Materials. The tentative map also shall be accompanied by the required number of copies of reports and written statements from the subdivider giving essential information regarding all of the following matters:
1. A description of the project scope;
 2. A vicinity map showing data sufficient to locate the proposed subdivision and its relation to the community and existing cross streets;
 3. Source of water supply;
 4. Type of street improvements and utilities which the subdivider proposes to install;
 5. Proposed method of sewage disposal and a sewer study, if required by the City Engineer, prepared by a registered civil engineer;
 6. Proposed stormwater sewer or other means of drainage (grade and size);
 7. Protective covenants to be recorded;
 8. A geological and/or geotechnical report, if required by the City Engineer, prepared by a licensed geologist, registered civil engineer and/or geotechnical engineer, stating the effect of geological or soil conditions on the proposed development;

9. New and existing public and private easements that are within the subdivision or are impacted by the subdivision. All easement holders shall be identified on the tentative map.
 10. An Environmental Initial Study Checklist and/or assessment as determined by the Director; and
 11. For all condominiums, stock cooperatives, and planned unit developments, a site plan shall be submitted with the tentative map. The site plan shall contain all of the information required for design review in compliance with Chapter 18.56 (Development Review).
- F. Name(s) of Any Geologist or Geotechnical Engineer. The name(s) of any geologist or geotechnical engineer whose services were utilized in the preparation of the design of the tentative map.
- G. Additional Data and Reports Required. Tentative maps shall be accompanied, at a minimum, by the following data or reports, as well as any additional data and reports that may be required by the Director to facilitate review of the tentative map:
1. Title Report. A preliminary title report dated no older than within 60 days of the filing date of the tentative map.
 2. Owner's Affidavit. Written verification that the fee owner(s) of the real property have consented to the filing of the tentative map.
- H. Referral to Affected Agencies
1. Required Referrals. The Director shall refer a tentative map application for review and comment to agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City agencies and departments, local agencies, public utilities, special districts, and State agencies.
 2. Anticipated Type of Response. The agencies that receive a tentative map application are expected to respond to the Director with an evaluation of the proposal, a list of items (e.g., hydrology study, title report, traffic study, etc.) that may need to be filed and considered during the evaluation phase, and a list of proposed conditions of tentative map approval.
 3. Time Limits for Referral and Response
 - a. As required by Government Code Sections 66453 through 66455.7, referral shall occur within five (5) days of the tentative map application being determined to be complete.
 - b. An agency wishing to respond to a referral shall provide the City with its recommendations within 15 days after receiving the tentative map application.

- I. Environmental Review
 1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis, and determine the appropriate environmental documentation.
 2. The application for tentative map approval shall not be considered until the environmental documentation has been completed.

17.06.040 – Notices and Hearings

- A. Applicable Review Authority. The applicable review authority is set forth in Table 17-1.
- B. Scheduling of Review Authority’s Action. The review authority shall approve, conditionally approve, or deny a tentative parcel, tract map or vesting map application within 60 days from the date of adoption by the lead agency of a Negative Declaration, Mitigated Negative Declaration, or determination that the project is complete for processing and exempt from CEQA, or if an Environmental Impact Report is required, within 180 days after certification of the Final Environmental Impact Report.
- C. Notice and Public Hearing Required
 1. The review authority shall hold a noticed public hearing on a tentative parcel map, tentative tract map or vesting tentative map.
 2. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Government Code Sections 66410 et seq.
- D. Review Authority’s Action is Conclusive. In the absence of a timely filed written appeal, the decision of the review authority shall be final and conclusive.

17.06.050 – Appeals

The subdivider or any interested person who believe they are adversely affected by a decision with respect to a tentative parcel, tract map, vesting map, or amendment to a map may appeal the decision, in compliance with the applicable appeals procedures specified in Government Code Section 66452.5 and as follows:

- A. If the Planning Commission is the review authority, then the appeal shall be to the Council which is established as the appeals board;
- B. If the review authority is not the Planning Commission, then the first appeal shall be to the Planning Commission. The Planning Commission’s decision may be appealed to the Council.

17.06.060 – Effective Date of Tentative Map Approval

The approval of a tentative map shall become effective for the purposes of filing a final tract or parcel map, including compliance with the conditions of approval, 30 days following the date of decision by the applicable review authority in compliance with Government Code Section 66452.5, if no appeal is filed.

17.06.070 – Vesting Tentative Maps.

- A. Purpose. It is the purpose of this section to establish procedures necessary for the implementation of the provisions of the Act relating to vesting tentative maps.
- B. Application. Vesting tentative maps shall apply only to residential zoned properties. Whenever a provision of the Act as this chapter requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed.
- C. Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Act and/or this chapter for the expiration of the approval or conditional approval of a tentative map.
- D. Vesting on Approval of Vesting Tentative Map. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in accordance with Section 66474.2 of the Act.
- E. Vesting Rights Conferred. However, if Section 66474.2 of the Act is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- F. Vesting Rights Expiration. The vested rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in this chapter. If the final map is approved, the vested rights shall last for the following periods of time:
 - 1. An initial time period of two (2) years;
 - 2. A subdivider may apply for a 12-month extension 30 days before expiration in compliance with Subsection C (Expiration) above.

17.06.080 – Tentative Map Expiration and Extensions

- A. Valid Timeframe. An approved tentative parcel or tract map is valid for 24 months after its effective date, except as otherwise provided by Government Code Section 66452.6, which, under specified circumstances, allows for a tentative map to be deemed valid for

36 months unless otherwise extended in accordance with the provisions of this Title and the Act.

B. Filing of Extension Request

1. The time limits for acting on maps and associated appeals, as specified in this Title and Government Code Sections 66410 et seq., may be extended by mutual consent of the subdivider and the applicable review authority.
2. An extension request shall be in writing and shall be filed with the Director not less than 30 days before the date of expiration of the approval or previous extension, together with the required filing fee in compliance with the Planning Fee Schedule.

C. Expiration of an Approved Map

1. Expiration of an approved tentative parcel or tract map or vesting tentative map shall terminate all proceedings.
2. The application shall not be reactivated unless a new tentative parcel or tract map application is filed in compliance with this Title.

D. Approval of a Time Extension — Director. The Director may grant one (1) year extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Subdivision Ordinance 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 Subdivision Ordinance apply to the project; and
3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

E. Appeal of Decision. If the tentative map extension request is denied, the subdivider may appeal the denial within 30 days after the effective date of the denial of the extension.

F. Filing of a Lawsuit

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction affecting the validity of the approval or conditional approval of a tentative parcel or tract map, the subdivider may apply to the City within 10 days of the service of the initial petition or complaint upon the City for a stay of the time in which a tentative parcel or tract map will expire.

2. Within 40 days after receiving the request, the Director shall stay the map's expiration date until final conclusion of the action, if the Director determines that the action affects the validity of the tentative parcel or tract map approval.

17.06.090 – Amendment to Approved Tentative Maps

- A. **Minor Changes to Approved Tentative Maps — Planning Commission.** A subdivider may request minor changes or amendments to an approved tentative parcel or tract map or its conditions of approval before recordation of a final map in compliance with this Section. Changes to a parcel or final map after recordation are subject to Section 17.08.050 (Correction and Amendment of Recorded Maps).
- B. **Minor Changes Defined.** Minor changes or amendments to an approved tentative parcel or tract map that may be requested by a subdivider in compliance with this Section include minor adjustments to the location of proposed parcel lines and improvements that are more extensive than can be determined to be in substantial compliance with the original approval, and reductions in the number of approved parcels (but no increase in the number of approved parcels), and any changes to the conditions of approval, consistent with the findings required by Subsection G. (Required Findings for Approval), below.
- C. **Changes Other Than Minor Changes.** All proposed changes or amendments not covered by this Section shall require the filing and processing of a new tentative parcel or tract map in compliance with this Chapter.
- D. **Application for Minor Changes.** The subdivider shall file an application and filing fee, as established by City Council, with the Director, using the forms furnished by the City, together with the following additional information:
 1. A statement identifying the tentative parcel or tract map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes;
 2. Any additional information deemed appropriate by the Director.
- E. **Processing of Application.** Proposed changes to an approved tentative parcel or tract map or conditions of approval shall be processed using the same procedures as the original tentative parcel or tract map, except as otherwise provided by this Section.
- F. **Review Authority.** The Planning Commission shall be the review authority for reviewing and either approving or denying minor changes to approved tentative maps.
- G. **Required Findings for Approval.** The Planning Commission may approve minor changes or amendments to an approved tentative parcel or tract map or its conditions of approval if the Planning Commission first finds all of the following findings to be true, and that all of the applicable findings for approval required by Subsections 17.06.090 A. and B., above, can still be made:

1. No parcels are added, deleted, or substantially altered;
 2. Modifications do not substantially alter proposed locations for future structures.
 3. The changes are consistent with the intent and spirit of the original tentative parcel or tract map approval; and
 4. There are no resulting violations of this Title, or other applicable laws.
- H. Effect of Changes on Time Limits. Approved changes to a tentative parcel or tract map or conditions of approval shall not be considered approval of a new tentative map and shall not extend the time limits provided by Section 17.06.080 (Tentative Map Expiration and Extensions), above, nor extend any right(s) in compliance with a vesting tentative map.
- I. Recording of Amendments. Minor changes or amendments shall be indicated on the approved map and certified by the Director.

Chapter 17.08 – FINAL TRACT MAPS AND PARCEL MAPS

17.08.010 – Purpose

This Chapter establishes requirements for the preparation, filing, processing, approval, conditional approval or denial, and recordation of final tract and parcel maps, consistent with the requirements of the Act.

17.08.020 – Final Tract and Parcel Map Form and Content

- A. Form and Content. The form and content of final tract and parcel maps shall be as required by the Act and this Chapter. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, this Chapter and this Code.
- B. Authorized Preparers
1. The final tract or parcel map shall be prepared by, or under the direction of, a registered California civil engineer or California licensed land surveyor in good standing.
 2. A final tract or parcel map shall be based upon a field survey made in compliance with the Professional Land Surveyors Act and as required by this Chapter.
- C. Certificates and Acknowledgments

1. Before filing, the certificates and acknowledgements required by the Act and this Chapter shall appear on the map and may be combined where appropriate.
 2. The certificates and acknowledgments shall appear on the face of the map unless the City Engineer advises the subdivider that the certificates and acknowledgments are to be made by separate instrument.
 3. If a certificate or acknowledgment is made by separate instrument, there shall appear on the map a reference to the separately recorded documents.
- D. Monuments. The location, number and type of monuments shall be as specified in the Act and this Chapter and shall be in compliance with the standards prescribed in the California Business & Professions Code Section 8771.
- E. Documentation Required for City Review and Approval
1. The subdivider shall submit prints of the map to the City Engineer for checking, who will distribute the map to other City departments and agencies for review.
 2. The preliminary prints shall be accompanied by documents, plans and reports in a form approved by the City Engineer, including but not limited to all of the following.
 - a. Improvement Plans. Improvement plans for all public improvements as required by the City Engineer.
 - b. Geotechnical Report
 - (1) A preliminary geotechnical report, based upon test borings and prepared in compliance with the requirements of the Building Code, as it may be amended and as referenced in Municipal Code Title 15 (Buildings and Construction), shall be required for all tract maps and for those parcel maps which involve commercial or industrial development.
 - (a) The geotechnical report shall be prepared by a State-registered civil or geotechnical engineer.
 - (b) The requirement of a preliminary geotechnical report may be waived or reduced in scope by the City Engineer if, in the City Engineer's opinion, the soil characteristics in the vicinity of the proposed subdivision have been established by previous analyses.
 - (2) Parcel maps which propose the construction of single-family dwellings shall require the preparation of a report which includes the subsurface soil classification, as well as the results of an expansive index test.

- c. Title Report. A title report prepared by a title insurer, with the title report required to be dated no older than within 60 days of the filing of the final map.
- d. Improvement Cost Estimate. An improvement cost estimate, which shall include all improvements located within public or private rights-of-way, common areas, or easements, on-site and off-site drainage improvements and utility trench backfill as provided by the subdivider, except for those utility facilities to be installed by a utility company under the jurisdiction of the Public Utilities Planning Commission.
- e. Improvement Security. The necessary bonds, cash deposit, letter of credit, or other improvement security authorized by the Subdivision Map Act, if they are determined to be required by the City sufficient to ensure the completion of construction of improvements, pursuant to Section 17.12.080 (Improvements—Agreement Required).
- f. Deeds for Easements and Rights-of-Way
 - (1) Deeds for easements or rights-of-way required which are not proposed to be dedicated on the final map.
 - (2) The subdivider shall provide written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the subdivision granting access to perform necessary construction work and allowing the maintenance of facilities, if required.
- g. Traverse Closure Calculations. Traverse closure calculations for the boundary blocks, easements, monument lines, parcels and street centerlines.
- g. Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations.
- h. Organization Documents
 - (1) Any proposed declaration of covenants, conditions and restrictions and all other organization documents for the subdivision in a form prescribed by the Civil Code Section 1355.
 - (2) All documents shall be subject to review and approval by the Director and the City Attorney.
- i. Letter of Certification from Water Agencies. The subdivider shall submit written certification from the affected water provider that adequate domestic water facilities are or will be available to serve the proposed

project and that all necessary financial arrangements have been made to ensure construction of the facilities.

- j. Other Reports. Any additional calculations, data, reports, or information required by the City Engineer, including but not limited to a grading and erosion control plan, water study, sanitary sewer study and drainage study.

17.08.030 – Filing and Processing of Final Tract and Parcel Maps

A. Official and Timely Filing of Map

1. The subdivider shall cause the map to be officially filed with the City Engineer at least 20 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted in compliance with Section 17.06.080 (Tentative Map Expiration and Extensions).
2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the tentative map approval, the Act, the Municipal Code, this Subdivision Ordinance and applicable City standards have been complied with.
3. The filing of the official copy of the map with the City Engineer shall constitute the timely filing of the map.

B. Review of Map

1. After the issuance of a receipt for the map, the City Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Subdivision Map Act, this Chapter and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in correct form, the matters shown on the map are sufficient, and the City Engineer is satisfied that all of the conditions of approval have been met, the City Engineer shall endorse approval of the map.
3. The City Engineer shall combine with the map the agreements, easements and securities as required by this Chapter.
4. The material shall be transmitted to the Council for its consideration of the map.

- C. Time Limit for Filing Map. If the subdivider fails to file the map with the City Engineer and the required accompanying data with the appropriate City departments within 24 months, or other period of time specified in Government Code Section 66452.6 and Section 17.06.080 (Tentative Map Expiration and Extensions), following the effective date of tentative map approval by the review authority, or within any authorized extension of

time, the tentative map approval or conditional approval shall become void. In this case, a new filing fee shall be paid, as established by resolution of the City Council, and an application for a new tentative map shall be filed.

17.08.040 – Final Tract or Parcel Map Approval and Recordation

After determining that the map is in compliance with Section 17.08.010 (Final Map and Parcel Map Form and Content), above, and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Government Code Section 66442 and forward the map to the City Clerk for Council action in the following manner.

- A. Applicable Review Authority. The applicable review authority is set forth in Table 17–1.
- B. Review and Approval by the Review Authority
 - 1. Timing of Review Authority’s Review. The Review Authority shall approve or deny the map after it receives the map from the City Engineer or, in the case of the Council, at its regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Director and the subdivider.
 - 2. Criteria for Approval
 - a. The Council shall approve the map if it conforms to all of the requirements of the Act, all provisions of this Subdivision Ordinance that were applicable at the time that the tentative map was approved and is in substantial compliance with the approved tentative map.
 - b. If the map does not conform, the Review Authority shall not approve the map.
 - c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of the Act and this Chapter. If the map(s) does not conform, it shall not be approved.
 - 3. Applicable Ordinances, Policies and Standards. In determining whether to approve or deny a map, the Review Authority shall apply only those ordinances, policies and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.
 - 4. Action Not to Approve a Final Tract or Parcel Map
 - a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Chapter, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.

- b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map not involving any offers of dedication or improvement, the Director, does not materially affect the validity of the map.

C. Map with Dedications

1. If a dedication or offer of dedication is required on the map, the Council shall accept, accept subject to improvement, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.
2. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with Government Code Section 66477.2.
3. Any termination of an offer of dedication shall be processed in compliance with Government Code Section 66477.2 using the same procedures as specified by Streets and Highway Code Part 3 of Division 9.

D. Map with Incomplete Improvements. If improvements required by this Subdivision Ordinance, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the Council shall require the subdivider to enter into an agreement with the City as specified in Government Code Section 66462, and Section 17.12.080 (Improvements—Agreements Required), as a condition precedent to the approval of the map.

E. Recording of Final Tract and Parcel Maps

1. After action by the Review Authority, as applicable, to approve the map, and after the required signatures and seals have been affixed, the City Clerk shall transmit the map back to the City Engineer.
2. The City Engineer or designee shall file the map with County Recorder.
3. The County Recorder shall oversee the recording of the map.

17.08.050 – Waiver of Parcel Map and Exceptions

Notwithstanding the provisions of this Chapter, the City Engineer may elect to waive the requirement for a parcel map subject to the preparation of written findings and as provided for in the Subdivision Map Act.

17.08.060 – Correction and Amendment of Recorded Maps

A recorded final tract or parcel map (referred to as a map) may be amended by the City Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision in compliance with Government Code Chapter 3, Article 7.

- A. Type of Corrections Allowed in Compliance with Government Code Section 66469.
 1. Filing of a Certificate of Correction or an Amending Map. In the event that errors in a map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Government Code Chapter 3, Article 7.
 2. Error Defined. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to acreage, parcel numbers, street names and identification of adjacent record maps.
 3. Other Corrections. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
 4. Review Authority. The City Engineer shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66469.
 5. Application and City Engineer's Review Process
 - a. An application to amend a recorded map in compliance with Government Code Section 66469 shall be filed with the City Engineer.
 - b. The City Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.
 - c. The City Engineer may request additional information based upon that determination and shall approve the certificate of correction or the amending map if all of the required findings specified in Subparagraph 3. (Required Findings), below can be made.
 6. Required Findings. A map may be amended only if the City Engineer first finds all of the following to be true:
 - a. The change(s) requested only involves a minor map annotation correction(s);

- b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
 - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
 - d. The map, as amended, is still in compliance with Government Code Section 66474.
- B. Type of Corrections Allowed in Compliance with Government Code Section 66472.1. In the event that there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:
 - 1. Application and City's Review Process
 - a. An application to amend a recorded map in compliance with Government Code Section 66472.1 shall be filed with the City Engineer.
 - b. Once approved by the City Engineer, the application shall be sent to the Council for approval of either a certificate of correction or an amending map.
 - c. The Council shall approve the application if all of the required findings specified in Subparagraph 3. (Required Findings), below can be made.
 - 2. Review Authority. The Council shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66472.1.
 - 3. Required Findings. A map may be amended only if the Council first finds all of the following to be true:
 - a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
 - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
 - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
 - d. The map, as amended, is still in compliance with Government Code Section 66474.
- C. Recordation. After approval, the certificate of correction or amending map shall be submitted to the County Recorder for recordation.

- D. Amendment of an Approved Subdivision. In the event that a subdivider wishes to amend (e.g., change or modify) the characteristics of an approved subdivision (e.g., a recorded final tract or parcel map), including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 17.12.080 (Improvements—Agreement Required), the subdivider shall file a new tentative, final, or parcel map in compliance with this Title or comply with the requirements of Government Code Section 66499.20.2.

Chapter 17.10 – LOT LINE ADJUSTMENTS, PARCEL MERGERS AND OTHER PROCEDURES

17.10.010 – Purpose

This Chapter establishes requirements consistent with the Act for certificates of compliance, lot line adjustments, parcel mergers and reversions to acreage.

17.10.020 – Certificates of Compliance

- A. General Provisions
 - 1. The City shall process and approve or deny applications for certificates of compliance in compliance with Government Code Sections 66499.34 and 66499.35, and this Section.
 - 2. Filing criteria and applicability – when required.
 - a. A recorded certificate of compliance may be requested by any person owning real property to have the Director determine whether the property complies with the provisions of this Subdivision Ordinance.
 - b. A recorded certificate of compliance shall be required for all lot line adjustments.
 - c. When contiguous deeds or surveys have ambiguities in which the property boundary cannot be ascertained as determined by the Director and an agreement is reached to establish the line by all parties, a boundary line agreement and a certificate of compliance shall be recorded.
 - d. When determined by the Director, a certificate of compliance may be required for the remainder parcel(s) on final or parcel maps.

- B. Application. An application for the approval of a certificate of compliance or conditional certificate of compliance shall be filed with the Director and include the information required by the Director, together with the processing fee specified by the planning fee schedule.
- C. Review Authority. The Director shall be the review authority for reviewing and either approving or denying Certificates of Compliance.
- D. Review and Action
 - 1. The Director shall review the completed application in light of public records and applicable law.
 - 2. If the Director is able to determine from this review that the parcel is clearly in compliance with the provisions of this Title and the Act, a certificate of compliance shall be issued by the Director and delivered to the County Recorder for recordation.
 - 3. If the Director is unable to determine from this review that the parcel is in compliance with the provisions of this Title and the Act, but can do so with appropriate conditions, a conditional certificate of compliance shall be issued by the Director and delivered to the County Recorder for recordation.
 - 4. If the Director is unable to determine from this review that the parcel is clearly in compliance, the procedures specified in Government Code Section 66499.35 shall apply.

17.10.030 – Lot Line Adjustments

- A. Conditions for Allowing Lot Line Adjustments
 - 1. Compliance with Government Code Section 66412(d). Lot line adjustments shall be allowed in compliance with Government Code Section 66412(d); provided, all of the following provisions are complied with.
 - 2. Four (4) or Fewer Parcels. A lot line adjustment is between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed are not created.
 - 3. Who Shall Prepare Application. An application for a lot line adjustment shall be prepared by a licensed California land surveyor or California civil engineer, in good standing, who is authorized to practice land surveying by the State.
 - 4. Application Requirements
 - a. An application for a lot line adjustment shall be filed.

b. The application, accompanied by the fee as established by City Council resolution, shall include the following information and materials:

- (1) Application Form.
- (2) Assessor's Parcel Map (with property outlined).
- (3) Title Report (within the last 60 days).
- (4) Site Plan.
- (5) Exhibit "A" - legal description.
- (6) Exhibit "B"- 8 ½" x 11" plat showing existing and proposed boundaries. Existing lot lines shall be shown in a different color than the proposed lot lines.
- (7) Owner's Statement (reason for lot line adjustment request).
- (8) Signed and Notarized Statement of Ownership.
- (9) Documentation confirming that all lien holders, record owners and trust deed holders' consent to the lot line adjustment.
- (10) All existing on-site structures and their respective setbacks from the proposed new lot lines.
- (11) The location and size of all existing on-site easements on the properties affected by the Lot Line Adjustment.
- (12) The location of all existing perimeter fencing and wall on the properties affected by the Lot Line Adjustment.
- (13) The existing and proposed lot width and depth of all properties affected by the Lot Line Adjustment.
- (14) The existing and proposed lot area of all properties affected by the Lot Line Adjustment.
- (15) Contour lines of the properties affected by the Lot Line Adjustment.

c. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection B. (Processing of Lot Line Adjustment Application – Findings Required for Approval), below.

5. Survey May Be Required. The Director may, at the Director's sole discretion, require a survey of the properties involved, if the Director finds the survey necessary in order to provide an adequate description of the subject properties.

B. Review Authority. The Director shall be the review authority for reviewing and either approving or denying lot line adjustments.

C. Processing of Lot Line Adjustment Application – Findings Required for Approval

1. The Director may approve a lot line adjustment only after first making all of the following findings:

a. The resulting parcels will conform to the General Plan and any applicable specific plan;

- b. No street or alley dedication or improvements are necessary to properly service the properties involved in the proposed lot line adjustment;
 - c. The parcels, as proposed by the lot line adjustment, will conform, in all respects, to the provisions of applicable law, including this Title
 - d. A greater number of parcels than originally existed are not created;
- 2. Where the Director finds all of the above facts to be present, the Director shall approve the lot line adjustment and cause the recordation of a certificate of compliance containing the descriptions of the lots as they will exist after adjustment.
 - 3. The lots as shown on the lot line adjustment map and described in the certificate of compliance shall be reflected in a deed recorded by the applicant.

17.10.040 – Parcel Mergers

A. Purpose

- 1. This Section is provided in compliance with Government Code Division 2, Chapter 3, Article 1.5 (Merger of Parcels) for the purpose of establishing the authority of the City to merge two (2) or more parcels or units of land held by the same owner.
- 2. Parcel mergers may be voluntary mergers initiated by the property owner(s) or mandatory mergers initiated by the City.
- 3. Parcels may also be merged in compliance with Government Code Sections 66499.20.2, or 66499.20.3 pertaining to the reversion to acreage.

B. Voluntary Merger of Contiguous Parcels

- 1. **Description and Purpose.** It is the purpose of this Subsection to allow property owners to request a voluntary merger of contiguous parcels that are under the same ownership.
- 2. **Review Authority.** The Director shall be the review authority for reviewing and either approving or denying parcel mergers.
- 3. **Process**
 - a. An application for a parcel merger shall be filed.
 - b. The application shall include the information and materials shown on the parcel merger application checklist:
 - (1) Application Form.

- (2) Assessor's Parcel Map (with properties outlined).
- (3) Title Report (within the last 60 days).
- (4) Site Plan.
- (5) Exhibit "A" - legal description.
- (6) Exhibit "B"- 8 ½" x 11" plat showing boundaries and adjoining properties.
- (7) Owner's Statement (reason for parcel merger request).
- (8) Signed and Notarized Statement of Ownership.
- (9) Application Fees as established by City Council resolution.

b. The merger of the subject parcels become effective when the Director causes a notice of merger specifying the names of the record owners and a description of the real property to be filed for record with the County Recorder.

4. Requirements. A parcel may be voluntarily merged with one or more contiguous parcels held by the same owner: if any one of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size or dimension specified by the applicable zone; if the property owner wishes to construct a structure across the property line(s) of two (2) or more contiguous parcels; or, if at least one of the parcels meet one or more of the requirements specified in the Government Code Section 66451.11(b).

C. Where These Provision Do Not Apply

1. This Subsection shall not apply to the sale, lease, or financing of one or more contiguous parcels or units of land which have been created under the provisions of City ordinances regulating the division of real property and Government Code Sections 66410 et seq., applicable at the time of their creation, or to parcels or units which were not subject to the provisions at the time of their creation, even though the contiguous parcels or units are held by the same owner.
2. However, if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to allow use or development in compliance with this Subdivision Ordinance and the standards established by Subsection D. (Unmerged Parcels Prior to January 1, 1984), below, then those parcels or units shall be merged.

D. Unmerged Parcels. Any parcels or units which were deemed unmerged, before January 1, 1984, under the Act and which have not been merged subsequently shall be considered separate parcels or units for purposes of this Subsection.

E. Mandatory Merger of Nonconforming Contiguous Parcels under Single Ownership. Contiguous parcels or units of land held by the same owner on the date that notice of intention to determine status, pursuant to Government Code Section 66451.13, is filed shall be involuntarily merged if one of the parcels or units does not conform to the minimum parcel size to allow use or development in compliance with this Subdivision

Ordinance, and if all of the following requirements are satisfied in compliance with Government Code Section 66451.11(b):

1. At least one of the affected parcels is not developed with any structure for which a building permit was issued or for which a building permit was not required at the time of construction or is developed only with an accessory structure(s), or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
2. With respect to any affected parcel, one or more of the following conditions exists:
 - a. Comprises less than 5,000 square feet in area at the time of the determination of merger.
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - c. Does not meet current standards for sewage disposal and domestic water supply.
 - d. Does not meet slope stability standards.
 - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - g. Its development would create health or safety hazards.
 - h. Is not consistent with the applicable General Plan, Zoning Code and any applicable specific plan, other than minimum parcel size or density standards.
3. Subparagraph E. 2., above, shall not apply if any of the conditions specified in Government Code Sections 66451.11(A), (B), (C), (D) or (E) exist.

F. Proceedings for Notice of Intention to Determine Status

1. Whenever the Director has knowledge that real property has merged in compliance with this Section, the Director shall mail, by certified mail, to the current record owner(s) of the property a notice of intention to determine status.
 - a. The notice of intention shall state that the affected parcels may be merged in compliance with this Subsection; that the owner may request, within 30 days from the date the notice of intention was recorded, a hearing before the Planning Commission to present evidence that the property does not meet the standards for merger; and that the notice of intention was recorded with the County Recorder on the date the notice of intention was mailed to the property owner(s).

- b. Upon receipt of a request for a hearing, the Director shall set the hearing for a date not less than 30 days but not more than 60 days from the date of receipt of the request.
 - c. The property owner shall be notified of the hearing by certified mail.
 - d. After the hearing, the Planning Commission shall determine whether the affected property has merged in compliance with this Section.
 - e. A determination of non-merger may be made whether or not the affected property meets the standards for merger specified in Subsection E., above.
 - f. The determination shall be made and notification of the determination shall be mailed to the property owner(s) within five (5) working days following the date of the hearing.
2. If the parcels have merged, the Director shall file a notice of merger with the County Recorder within 30 days following the date of the hearing, unless the determination has been appealed in compliance with Subparagraph 3., below.
- a. The notice of merger shall specify the name(s) of the record owner(s) and shall particularly describe the real property.
 - b. If the parcels have not merged, the Director shall record a release of the notice of intention within 30 days following the date of the determination and shall mail a copy of the release to the owner(s).
 - c. If no hearing is requested, the determination shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing.
3. If the owner(s) requested a hearing, the determination of the Planning Commission may be appealed to the Council within 30 days following the date of mailing the notice of determination by filing a written appeal with the City Clerk.
- a. A fee in compliance with the Planning Fee Schedule shall be paid at the time of filing the appeal.
 - b. Upon receipt of an appeal and payment of the fee, the City Clerk shall place the matter on the Council agenda not less than 30, but not more than 60, days following the date the appeal was filed.
 - c. If, after a hearing, the Council grants the appeal, the City Clerk shall, within 30 days, record a release of the notice of intention with the County Recorder.

- d. If the appeal is denied, the City Clerk shall, within 30 days, record a notice of merger with the County Recorder.
 - e. A copy of either the release or the notice of merger shall be sent to the property owner(s).
- G. Unmerged
 - 1. Deemed Unmerged. Any parcel or unit of land which merged in compliance with the provisions of any law before January 1, 1984, but for which a notice of merger was not recorded on or before that date are deemed unmerged, if on January 1, 1984, all of the criteria established by Government Code Section 66451.30(a) are met, and if none of the conditions specified in Government Code Section 66451.30(b) exist.
 - 2. Filing of a Certificate of Compliance. Upon request of an owner, the Director shall file a certificate of compliance whenever the Director determines that a parcel is unmerged in compliance with this Subsection.
- H. Request for Determination of Merger
 - 1. Director's Determination of Merged or Unmerged
 - a. A property owner may request that the Director determine whether property has merged in compliance with Subsection E. (Mandatory Merger of Nonconforming Contiguous Parcels under Single Ownership), above, or is deemed unmerged in compliance with Subsection G. (Unmerged), above.
 - b. A request for determination shall be made in writing and shall be accompanied by a fee in compliance with the Planning Fee Schedule.
 - 2. Determination of Merged. Upon determination that property has merged, the Director shall issue to the owner(s) and record with the County Recorder a notice of merger.
 - 3. Determination of Unmerged. Upon determination that property is deemed unmerged, the Director shall issue to the owner(s) and record with the County Recorder a certificate of compliance showing each parcel as a separate parcel.

17.10.050 – Reversions to Acreage

- A. Filing Provisions
 - 1. A reversion to acreage shall be initiated, processed, reviewed and approved or denied in compliance with Government Code Chapter 6, Article 1.

2. An application for reversion submitted by a property owner(s) shall include all information required by the Director, and shall include the fee, as established by City Council resolution.
 3. A parcel map may be filed to revert to acreage land previously subdivided that consists of four (4) or less contiguous parcels, in compliance with Government Code Section 66499.20.1.
- B. Review Authority. The City Council shall be the review authority for reviewing and either approving or denying reversions to acreage.
- C. Procedures
1. Public Hearing Required
 - a. The Planning Commission shall hold a public hearing on all petitions for, and Council initiations of, reversions to acreage.
 - b. The Planning Commission shall render its decision in the form of a written recommendation to the Council.
 - c. The recommendation shall include the reasons for the recommendation and shall be transmitted to the Council.
 - d. Upon receipt of the recommendation of the Planning Commission, the Council shall hold a public hearing and the hearing shall be conducted in compliance with Government Code Sections 66410 et seq.
 - e. The Council may approve a reversion to acreage only if it first makes all of the findings required by Subsection C. (Required Findings), below.
- D. Required Findings. The review authority shall approve a reversion to acreage only after first making all of the following findings, as required by Government Code Sections 66499.16:
1. Dedications or offers of dedication to be abandoned or vacated by the reversion to acreage are unnecessary for present or prospective public purposes; and
 2. Either:
 - a. All owners of an interest in the real property within the subdivision have consented to the reversion;
 - b. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

- c. No parcels shown on the final or parcel map have been sold within five (5) years from the date the map was filed for record.
- E. Recordation Procedures
 - 1. After the hearing before the Planning Commission and the Council and approval of the reversion to acreage, the final or parcel map, as applicable, shall be delivered to the City Engineer.
 - 2. The reversion to acreage shall be effective upon the final or parcel map being filed for recordation by the County Recorder.
 - 3. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force or effect.
- F. Effect of Reversion. The filing of a final or parcel map, as applicable, to complete a reversion to acreage shall also constitute the merger of the separate parcels into one parcel, in compliance with Government Code Section 66499.20.2

Chapter 17.12 – SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS

17.12.010 – Purpose

- A. This Chapter establishes standards for the design and layout of subdivisions, and the design, construction and installation of public improvements within subdivisions.
- B. These standards ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable specific plan.

17.12.020 – Standards

Whenever improvements are required to be constructed, pursuant to the Act or this title, the construction of such improvements shall be accomplished in compliance with the City's standards therefor, which have been adopted by the City Council. Copies of the standards are on file with the City Engineer and are available for public inspection.

17.12.030 – Street Naming

All public and private streets located within a proposed subdivision shall have names in compliance with the following established procedures.

- A. Procedure.
 - 1. Naming a street either created by a proposed subdivision or naming an existing unnamed street contained within a proposed subdivision shall be shown on an exhibit that reflects the approved tentative map. The exhibit shall be reviewed

and approved by the Building Official, in consultation with the City Engineer, Police Department, and the Los Angeles County Fire Department as needed.

2. The approved names shall be shown on the Final Map or Parcel Map as submitted for City approval and recordation.
3. Appeal. The decision of the review authority is final subject to an appeal to the City Manager within ten (10) days. The City Manager's decision can be appealed to the City Council within ten (10) days. The City Council decision shall be final.

B. Standards. Each selected street name shall comply with the following standards.

1. A proposed street name should be pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to community pride.
2. Each street name shall comply with the following criteria:
 - a. The duplication of an existing street name within the same area shall not be allowed in a new subdivision unless the street is an obvious extension of and contiguous to an existing street.
 - b. A street shall not be named after a living person, except that a street may be named with a family surname prominently documented in local, regional, State or National history, even if a family member still resides in the area.
 - c. A street name shall be easy to pronounce. All names shall be of the commonly acceptable spelling, as appearing in a standard dictionary or are the traditionally accepted spellings.
 - d. A street name shall be grammatically correct.
 - e. All new street names within a new subdivision shall be thematically related.
 - f. A street name shall include the appropriate street classification (e.g., lane, street, and way).
 - g. No slang, racist, or otherwise derogatory street names will be approved.
 - h. Unnecessary words shall be avoided. Words that may be used are limited to the following: " East," "North," "South," and "West," indicating direction for a numbering base line and "Lane," "Place," "Road," "Street," "Way," indicating the street classification.

C. Continuity.

1. A street created by a proposed subdivision that continues an existing named street shall bear the name of the existing street.

2. A continuous street, or one proposed to be continuous, shall have the same name throughout its complete length.
3. If an otherwise continuous street is interrupted by a drainage channel, trail, railroad and etc. with no planned connection, the interrupted segments shall have different names.
4. Where streets intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.

17.12.040 – Development Review Required

No grading or building permit for development of any lot resulting from the subdivision of any property located within any zone shall be issued except in accordance with a development plan approved in accordance with the requirements of Chapter 18.56 of the municipal code.

17.12.050 – Site Preparation and Grading

- A. Grading. Before the issuance of a building permit for development of any lots resulting from the subdivision of a property, a grading plan prepared and signed by a registered civil engineer shall be submitted to and approved by the City Engineer. Grading plans shall show the elevations of the natural ground at all parcel corners, the finished grade at corners, the finished pad elevation, finished floor elevations, rates and directions of all drainage swales, elevation height of all retaining or perimeter walls and finished sidewalk elevations at all front lot lines, and existing topographic elevations and drainage direction a minimum of 50 feet outside the boundary of proposed project area and/or map or as required by the City Engineer.
 1. Hillside Residential Development Standards. Specific grading standards regulating hillside development in Zone H-R are located in Chapter 18.14.
 2. Minimum Slopes. The minimum grade of all drainage swales on parcels shall be one-half of one percent unless approved differently by the City Engineer.
 3. Pad Elevation. All building pad elevations shall be established in compliance with Title 15 (Buildings and Construction).
 4. Drainage Plan
 - a. No inter-parcel or "cross lot drainage" shall be allowed.
 - b. Each parcel shall drain its own water to a public street, approved public or private drainage facility, or natural drainage course without passing

through or across an adjacent parcel, except where a legal right exists (e.g., a drainage easement), and is authorized by the City Engineer.

- c. No parcel shall drain water over the bank of a flood control channel.
5. Grading Practices
 - a. All grading shall also meet the requirements identified in Chapter 12.28 (Excavations and Grade Changes)
 - b. All grading within the City shall employ the best available management practices, as determined by the City Engineer, to minimize airborne dust, erosion, sedimentation, stormwater and pollution runoff (in compliance with Chapter 8.36 - Stormwater and Pollution Runoff Control) and unnecessary grading.
 - c. Each building site on sloping parcels shall be individually prepared.
 6. Grading Exceptions. Specific exceptions to the above grading requirements may be authorized at the discretion of the City Engineer.
 7. As-Built Grading Plan. Upon completion of grading operations, the subdivider or individual parcel owner shall furnish to the City Engineer two (2) prints of an as-built grading plan prepared by the subdivider's or owner's engineer.
 8. Erosion and Sediment Control. A proposed subdivision shall be designed so that all grading incorporates appropriate erosion and sediment control measures. Every map approved in compliance with the provisions of this Chapter shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damages to off-site property, in compliance with California Building Code Appendix Chapter 70, as adopted and amended from time to time by the City.
 9. Retaining Walls
 - a. Retaining walls shall be required at grade differences of one foot or more unless a recorded slope easement is obtained.
 - b. Retaining walls shall be constructed in a manner that is consistent with all applicable City standards.

17.12.060 – Improvements Plan

Prior to the construction of any improvements required by the approval of the tentative map or recording of the final map, the subdivider shall submit plans to the City in the following manner.

- A. Preparation and Content. Improvement plans shall be prepared by a California registered professional engineer and shall include all of the following information:
1. All calculations, design reports, drawings, specifications, and other information required by the City Engineer;
 2. Grading, drainage, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision; and
 3. The improvement plan/specification checking and construction inspection fees, established by City Council resolution.
- B. Submittal of Plans. Improvement plans shall be submitted to the City Engineer and other appropriate reviewing agencies for review and approval. Upon the approval of improvement plans in compliance with Subsection C. (Review and Approval), below, the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements, based on guidelines provided by the City.
1. Street and Drainage Plans and Profiles. Plans, profiles, and specifications of proposed street and drainage improvements shall be submitted to the City Engineer, checked and approved before presentation of the final map to the Council for acceptance. These plans and profiles shall show full details of the proposed improvements in compliance with City standards.
 2. Water Systems Plans. Plans, specifications, and all necessary details of the proposed water system shall be submitted to the City Engineer for review; provided, the water purveyor has certified that it has reviewed and approved all of the plans, specifications, and all necessary details of the proposed water system and is willing and able to supply water upon request.
 - a. Connections. The subdivider shall install an approved water connection to the property line of each parcel within the subdivided area and pay the applicable water connection fees as established by City resolution or ordinance.
 - b. Mains. Water mains and house services shall be constructed to serve each parcel within the subdivided area and shall be of a size and design as designated by the City Engineer or the private water company.
 3. Sanitary Sewer Plans. Plans, profiles, specifications, and all necessary details of the sanitary sewers to be installed shall be submitted to the City Engineer for review; provided, that before submitting the plans, they shall have been approved by the entity that will serve the subdivision, or if a private sewage disposal company is to provide service, the plans shall have been approved by the City Engineer.

- C. Review and Approval. Improvement plans shall be reviewed and approved by the applicable agency within the time limits specified by Government Code Section 66456.2.
- D. Effect of Approval
 - 1. The final approval of improvement plans shall be required before approval of a parcel or final map.
 - 2. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

17.12.070 – Improvements—Required

- A. No subdivision or other division of land contemplated by the Act and/or this title shall be approved unless the following improvements are constructed, or required to be constructed, in order to service the lots being created in addition to the requirements identified in Sections 17.12.120:
 - 1. An adequate distribution system designed and constructed for the purpose of supplying water for domestic and firefighting purposes for each lot proposed to be created;
 - 2. Any adequate sewage system designed and constructed to serve each lot being created;
 - 3. An adequate stormwater drainage system designed and constructed so as to serve each of the lots proposed to be created;
 - 4. An adequate public and/or private street and/or alley system designed and constructed to serve each lot proposed to be created;
 - 5. An adequate underground system designed and constructed so as to provide all necessary utilities to each lot proposed to be created, including, but not limited to, facilities for water, natural gas, electricity, telephone services; and
 - 6. Any and all other public improvements necessary to provide all services to each lot proposed to be created.
- B. Each tentative map shall be reviewed by the staff, the Advisory Agency and/or the City Council, and thereafter steps shall be taken to ensure that all of the improvements reasonably required to service all of the lots proposed to be created are specifically required as conditions of approval on such tentative maps.

17.12.080 – Improvements—Existing lots

Notwithstanding the provisions of Sections 17.12.060 and 17.14.020, no improvements and/or dedications shall be required of any subdivision proposing to create four (4) or less lots, where the lots proposed to be so created are already serviced by adequately existing improvements and/or dedications.

17.12.090 – Improvements—Limitations

Improvements and/or dedications required pursuant to Sections 17.12.060 and 17.14.020, with reference to a subdivision or other division of land contemplated by the Act and/or this title, may be so required whether the same are included within the boundaries of the tentative map for such subdivision or other division of land contemplated by the Act or this title, provided that such improvements and/or dedications are reasonably required to service the lots proposed to be created by such land division.

17.12.100 – Improvement Agreement Required

If all required improvements, engineering, and inspections are not satisfactorily completed before a parcel or final map is approved, the subdivider shall, before the approval of the parcel or final map, enter into an improvement agreement with the City whereby in consideration of the acceptance by the Council of the streets, easements, and any other land offered for dedication, the subdivider and the subdivider's contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement in compliance with Government Code Section 66499.3.

17.12.110 – Improvements—Security

- A. Security Required. To ensure that the work covered by the improvement agreement specified in Section 17.12.100 (Improvement Agreement Required), above, will be completed, improvement security shall be furnished, in an amount, form and manner consistent with the Act and/or as approved by the Council based on a recommendation(s) of the City Engineer, to guarantee the performance of any act or agreement.
- B. Forfeiture on Failure to Complete. Upon the failure of a subdivider to complete any improvements and work within two (2) years from the date the agreement is executed, the Council may, upon notice in writing served by registered mail addressed to the last known address of the person, firm, or corporation signing the contract, determine that the improvement work or any part of the work is uncompleted and may cause to be forfeited to the City, the sum of money or bond(s) given for the faithful performance of the work as may be necessary to complete the work. The subdivider may apply to the Director for a one-year extension at any time before the initial time period based on the findings contained in Section 17.06.080 (Tentative Map Expiration and Extensions).
- C. Exoneration of Improvement Security
 1. With the exception of flood control or drainage works inspected by the Los Angeles County Department of Public Works or water facilities under the control of entities other than the City, it shall be the duty of the City Engineer to inspect

or receive certificates of completion of all improvements installed as to their compliance with this Chapter and City standards.

2. The security furnished by the subdivider may be released in the following manner.
 - a. Security given for faithful performance of any act or agreement shall be released upon the performance of the act subject to a ten (10) percent withholding until final completion and acceptance of the required work.
 - b. Security guaranteeing the payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment shall, after passage of the time within which claims of lien are required to be recorded in compliance with Civil Code Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 and other acceptance of the work, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice of the claims given in writing to the Council, and if no claims have been recorded, the security shall be released in full.
 - c. The release shall not apply to any required guarantee and warranty period, nor to the amount of the security deemed necessary by the City for the guarantee and warranty period, nor to cost and reasonable expenses and fees, including reasonable attorney's fees.
 - d. Maintenance security necessary for guarantee and warranty of the work for a period of twelve (12) months following completion and acceptance of the work against any defective work or labor completed, or defective materials furnished, as specified in Subparagraph A.4., above, shall be released if no claims of defective work have been filed with the Council.
 - e. In the event of defective work, the security shall be held until all work is considered satisfactory and acceptable by the City.

17.12.120 – Improvements—Installation

Subdivision improvements required as conditions of approval of a tentative map approved in compliance with this Article, see Chapter 17.06 (Tentative Map Filing Procedures), shall be installed as specified in this Section.

- A. Timing of Improvements. Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Section 17.12.050, above, and before the approval of a parcel or final map in compliance with Chapter 17.08 (Final Tract Maps and Parcel Maps), except where:
 1. Improvements are deferred in compliance with Section 17.12.080 (Improvement Agreement Required); or

2. To avoid breaking up street paving, underground utility or service lines required to be installed as part of a subdivision and which are planned to run across or underneath a street or alley right-of-way shall be installed before the preparation of subgrade and before the surfacing of any streets or alleys.
 3. In the event that the development of the subdivision requires the utility company to perform utility construction work, the subdivider shall pay a deposit satisfactory to the utility company within sufficient time to allow construction work to be performed before subgrade preparation.
 4. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.
- B. Inspection of Improvements. The inspection of the construction and installation of required subdivision improvements shall occur in the following manner.
1. Supervision
 - a. Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the City.
 - b. The designated representative shall be present at the work site at all times while work is in progress.
 - c. At times when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required.
 2. Inspection Procedures
 - a. Inspections Required
 - (1) The agency that has required a specific action shall make any inspections as it deems necessary to ensure that all construction complies with the approved improvement plans.
 - (2) Where required by the agency, the subdivider shall enter into an agreement with the City to pay the full cost of any contract inspection services determined to be necessary by that agency.
 - b. Access to Site and Materials. The agency that has required a specific action shall have access to the work site at all times during construction and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in compliance with the approved improvement plans.
 - c. Authority for Approval

- (1) The work done and all materials furnished shall be subject to the inspection and approval of the agency that has required a specific action.
- (2) The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.

d. Improper Work or Materials

- (1) Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the agency that has required a specific action.
- (2) In the event that the agency determines that subdivision improvements are not being constructed as required by the approved plans and specifications, it shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume the work.
- (3) Any work done after issuance of a stop work order shall be a violation of this Chapter.

3. Notification

- a. The subdivider shall notify the City Engineer as part of condition compliance upon the completion of each stage of construction before recordation as specified in this Chapter.
- b. Further construction may only be completed if all required actions included in the conditions of approval have been accomplished and signed off by the agency that has required the action(s).

17.12.130 – Improvements—Reimbursement for Extra-Capacity

Pursuant to Section 66485 of the Act, where the City Council finds that the public interest so requires, it shall be a requirement of this chapter that in any subdivision or other division of land contemplated by the Act or this title, the subdivider shall supplement the size, capacity or number of any improvements otherwise required for the benefit of the lots proposed to be created, which supplemental size, capacity and/or number is for the benefit of property not included within such subdivision or other division of land contemplated by the Act or this title. Where such supplemental improvements are so required, reimbursement agreements shall be executed, as is provided in Section 66486 et seq. of the Act.

17.12.140 – Temporary Real Estate Offices

With respect to the amount of security required to assure the removal of a temporary real estate subdivision office, the amount shall be one hundred (100) percent of the total estimated cost of removal and/or storage of such structure, as determined by the Director. Such security shall be in the form of a cash or equivalent deposit.

17.12.150 – Monuments

The location, number and type of monuments shall be as specified in the Government Code Chapter 4, Article 9 in compliance with the standards prescribed in the California Business & Professions Code Section 8771.

17.12.160 – Geotechnical Report Required

- A. A geotechnical report, as contemplated by Section 66490 of the Act, shall be required for each subdivision or other division of land contemplated by the Act or this title. Notwithstanding the provisions of this section, the City Council may waive the requirement of a preliminary soils report if it finds that due to staff knowledge concerning the quality of soils included within the subdivision or other division of land no such preliminary analysis is necessary.
- B. Where geotechnical reports are required, and the same disclose an unstable condition, the city shall require appropriate steps to be taken to correct such condition; or if such unstable condition cannot be eliminated, the subdivision or other division of land shall be disapproved.

Chapter 17.14 – DEDICATIONS AND RESERVATIONS

17.14.010 – Purpose

This Chapter establishes requirements for the subdivider for dedications of land or payment of fees, in conjunction with subdivision approval.

17.14.020 – Dedication—Real Property Interests.

- A. No subdivision or other division of land contemplated by the Act or this title shall be approved, unless the subdivider and/or the owner dedicates to the City, or at the option of the City, makes irrevocable offers of dedication to the City of sufficient interests in real property, located within the boundaries of the subdivision or other division of land, to accommodate all streets, alleys, drainage facilities, sewage facilities, public utility easements and such other easements as may be deemed necessary to properly service the lots proposed to be created, including but not limited to dedication, or irrevocable offers of dedication, of access rights and/or abutter's rights of whatever kind or nature. Where

appropriate on a particular subdivision or other division of land contemplated by the Act or this title, the waiver of direct access rights, as contemplated by Section 66476 of the Act, may be required if the public interest necessitates such waiver, as determined by the City Council.

- B. The areas proposed for such dedication or offers of dedication shall be established as conditions of approval on the tentative map proposed for such subdivision or other division of land.

17.14.030 – Dedication—Certificate Required for Map.

Where dedication of property is required, with reference to a parcel map, such dedication shall be accomplished by a certificate placed upon the face of the parcel map, in the same manner as required of a final map pursuant to the Act.

17.14.040 – Reservation of Land for Public Use.

Where the City Council finds that the public interest so requires, it may, as a condition of approval on a subdivision or other division of land contemplated by the Act or this title, require that there be a reservation of land made for parks, recreational facilities, fire stations, libraries or other public uses, as contemplated by Section 66479 of the Act. No such reservation shall be so imposed except in compliance with the provisions of the Act.

Chapter 17.16 – PARK LAND AND FEES DEDICATION

17.16.010 – Purpose.

This Chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code of the state of California. The open space, park and recreational facilities for which dedication of land and/or payment of a fee is required by this section are in accordance with the Environmental Resource Management Element of the General Plan of the City of Whittier, adopted by the City of Whittier on March 19, 1974, as amended.

17.16.020 – Requirements.

At the time of the approval of the tentative map or parcel map, the land required for dedication or in-lieu fee payment shall be determined pursuant to Section 17.16.040 (Formula for Dedication of Land) and a condition of approval of a final subdivision map or parcel map shall require the subdivider dedicate land, pay a fee in-lieu thereof, or both, at the option of the City, for neighborhood and community park or recreational purposes at the time and according to the standards and formulas contained in this Chapter.

17.16.030 – General Standards.

It is found and determined that the public interest, convenience, health, welfare and safety required that four and eight-tenths acres of property for each one thousand persons residing within this City be devoted

to local park and recreational purposes.

17.16.040 – Formula for Dedication of Land.

- A. Where a park or recreation facility has been designated in the environmental resource management element of the general plan of the City, and is to be located in whole or in part within the proposed subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision, based on an adopted ratio of four and eight–tenths acres of park per one thousand persons (0.0048 per 1,000 people). The actual amount of land dedication required per development, per dwelling unit shall be as periodically set by resolution of the City Council and according to Section 66477(a) (Quimby Act) of the Government Code.
- B. Dedication of land shall be made in accordance with the procedures contained in Section 17.16.100 (Procedure).
- C. The subdivider shall, without credit:
 - 1. Provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, street trees and sidewalks to land which is dedicated pursuant to this section;
 - 2. Provide for fencing, as determined necessary by the City, along the property line of that portion of the subdivision contiguous to the dedicated land;
 - 3. Provide improved drainage through the site;
 - 4. Provide other minimal improvements, including rough grading, which the City Council determines to be essential to the acceptance of the land for recreational purposes.
- D. The land to be dedicated and the improvements to be made pursuant to this section shall be approved by the Director of Parks, Recreation and Community Services.

17.16.050 – Formula for Fees in-lieu of Land.

- A. General Formula. Where the proposed development is in close proximity to an already existing neighborhood park, as described in the Resource Management Element of the General Plan and shown on the Parks Master Plan and if the already existing park is outside the proposed limits of the development, the developer will be required to make a cash payment, in-lieu of dedication, equal to the value of that land and in an amount determined in accordance with the provisions of Section 17.16.070 (Amount of Fee in-lieu of Land Dedication). Such fee to be used for a local park which bears a reasonable relationship to serve the present and future residents of the area being subdivided.
- B. Fees in-lieu of Land—Fifty Parcels or Less.

1. If the proposed subdivision contains 50 parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of residents of the proposed subdivision, and in an amount determined in accordance with the provisions of Section 17.16.070 (Amount of Fee in-lieu of Land Dedication).
 2. However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreational purposes in subdivisions of 50 parcels or less, where the subdivider proposes such dedication voluntarily, the park is depicted on the final map, and the land is acceptable to the City Council.
- C. Use of Money. The money collected under this section shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park and recreational facilities reasonably related to serving the subdivision.
- D. Sample Computation of Quimby Act Fee
1. 2.97 (Estimated Average Persons per Unit in the City) x 0.0048 (Acreage per Person per 1,000 People) =
0.014 acres (Park dedication per Person)
 2. 0.014 acres (Total Park Dedication per Person) x 100 (Total Units within Subdivision) =
1.42 acres (Total Park Dedication)
 3. 1.42 acres (Total Park Dedication) x $\$2,000,000$ (Appraised Land Value per Acre) =
\\$2,851,200 (Total Land Value of Dedication)
 4. $\$2,851,200$ (Total Land Value of Dedication) / 100 (Total Units) =
\\$28,512 per Unit in Park Fees

17.16.060 – Criteria for Requiring Both Dedication and Fee.

In subdivisions of more than 50 parcels, the subdivider shall dedicate land and/or pay a fee in-lieu thereof in accordance with one or more of the appropriate provisions contained in this chapter.

17.16.070 – Amount of Fee in-lieu of Land Dedication.

When a fee is to be paid in-lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication pursuant to Section 17.16.040 (Formula for Dedication of Land), plus corresponding fees as periodically set by resolution of the City Council; or

In the alternative, the amount of such fee shall be an amount equal to the fee established by City Council resolution and assessed pursuant to subsections A(4) of Section 3.48.080 (Imposition and Payment of Fees) of Chapter 3.48 (Development Impact Fees) of Title 3 (Revenue and Finance).

17.16.075 – Determination of Fair Market Value.

The fair market value shall be determined by the City with a written professional appraisal report prepared and signed by a licensed appraiser acceptable to the City. The appraisal shall be made within 30 days immediately prior to the filing of the final map to the City Engineer.

17.16.080 – Appeal of in-lieu Fee Calculation.

The decision of the Director of Parks, Recreation and Community Services with regard to the appropriate amount of the fee in-lieu of land dedication, pursuant to Section 17.16.070 (Amount of Fee in-lieu of Land Dedication) may be appealed in writing to the City Manager within fifteen (15) calendar days of the decision. The decision of the City Manager shall be final, unless appealed in writing to the City Council within fifteen (15) calendar days of the City Manager's decision. All decisions of the City Council shall be final.

17.16.090 – Credit for Common Open Space.

- A. No credit shall be given for common open space in the subdivision except as hereinafter provided. Where common open space usable for active recreational purposes is provided in a proposed planned development or real estate development as defined in Sections 11003 and 11003.1 of the Business and Professions Code, partial credit, not to exceed twenty-five (25) percent may be given against the requirement of land dedication or payment of fees in-lieu thereof if the City Council finds that it is in the public interest to do so.

- B. The following standards will be utilized to determine the amount of credit given:
 - 1. Yards, court areas, setbacks and other open space areas required by the zoning and building ordinances and regulations shall not be included in the computation of such common open space; and
 - 2. Facilities proposed for open space are in substantial accordance with the provisions of the Environmental Resource Management Element of the General Plan of the City;
 - 3. Proposed common open space shall be usable and accessible by the general public.

17.16.100 – Procedure.

- A. At the time of approval of the tentative map or parcel map, the Director of Parks, Recreation and Community Services shall determine, pursuant to Section 17.16.040 (Formula for Dedication of Land), the land required for dedication or for in-lieu fee payment

- B. At the time of the filing of the final subdivision map or parcel map, the subdivider shall dedicate the land as required. Where fees shall be paid in-lieu of or in addition to the dedication of land, the City Council shall set the in-lieu fees based on the land dedication requirements as established at the time of tentative map approval using current land values at the time of final map approval. The subdivider shall pay said fees in accordance with the following schedule:
 - 1. For any subdivision consisting of nine (9) or less lots, fees shall be paid, in their entirety, prior to the issuance of any building permit for any building or structure to be located upon any lot in the subdivision.
 - 2. For any subdivision consisting of ten (10) or more lots, fees shall be paid on a lot-by-lot basis prior to the issuance of any building permit for any building or structure to be located upon any one of the lots in the subdivision.
- C. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map or parcel map.

17.16.110 – Disposition of Fees.

- A. Fees determined pursuant to Section 17.16.070 (Amount of Fee in-lieu of Land Dedication) shall be paid to the City’s Finance Department and shall be deposited into the subdivision park trust fund, or its successor. Money in said fund, including accrued interest, shall be expended solely for acquisition or development of park land, or improvements thereto.
- B. Collected fees shall be appropriated by the local agency to which the land or fees are conveyed within five (5) years upon receipt of payment or within five (5) years after the issuance of building permits on one-half of the lots created by the subdivision.
- C. The Director of Finance shall report to the City Council at least annually on income expenditures, and status of the subdivision park trust fund.

17.16.120 – Exemptions.

- A. Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this Chapter; provided, however, that a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.
- B. The provisions of this Chapter do not apply to a strictly commercial or industrial subdivision; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

17.16.130 – Subdivider–Provided Park and Recreation Improvements.

The value of park and recreation improvements provided by the subdivider to the dedicated land shall be credited against the fees or dedication of land required by this Chapter. The City Council reserves the right to approve such improvements prior to agreeing to accept the dedication of land and to require in-lieu fee payments should the land improvements be unacceptable.

17.16.140 – Agency to Accept Land or Fee.

Land or fees required under this chapter shall be conveyed or paid directly to the local public agency which provides park and recreational services on a community-wide level and to the area within which the proposed development will be located if such agency elects to accept the land or fee. At the time of final map approval, the City Council shall determine whether the City is the appropriate local agency. The City shall develop a schedule pursuant to Section 66477 of the Government Code specifying how, when and where it will use the land and/or fees to develop park or recreational facilities to serve residents of the subdivision.

Chapter 17.18 – OBSTRUCTION OF PUBLIC RIGHT-OF-WAY AND PUBLIC PROPERTY

17.18.010 – Purpose

The purpose of this Chapter is to promote the health, safety and general welfare of persons and property within the City by preventing the encroachment which prevents and/or interferes with the use of any public right-of-way and public property by the public.

17.18.020 – Authority to Remove Encroachments

- A. The City Engineer, or his/her designee, may immediately and summarily abate, remove, or by notice may require the removal of any of the following encroachments:
 - 1. Any encroachment which prevents and/or interferes with the use of any public right-of-way by the public;
 - 2. Any encroachment which consists of refuse, trash, garbage, construction debris, or containers for refuse, trash, garbage, or construction debris (except for garbage receptacles on designated trash pick-up days or in connection with official trash collection);
 - 3. Any encroachment which presents a potential traffic hazard;
 - 4. Any encroachment of public property.

- B. The City Engineer may return such encroachment to its owner, or otherwise dispose of it at his/her discretion, except that if the City Engineer determines in good faith that the encroachment is of more than nominal value or is of significant personal value, he/she shall not effect such other disposition until he/she has made a reasonable attempt to identify and notify the owner of the encroachment and provide a reasonable time, but not less than ten (10) days, for the owner to retrieve it under provisions of this chapter. The return of such encroachment may be conditioned upon payment of an amount sufficient to reimburse the City for the expenses of removal, storage and any damage caused by the encroachment. If the encroachment is not claimed or the costs paid within said reasonable time, the encroachment shall be deemed to be abandoned and may be sold, destroyed, or transferred to the City for public use.

17.18.030 – Notice to Remove Encroachment

The City Engineer may, by notice, require the removal of any encroachment not specified in Section 17.18.020 (Authority to Remove Encroachments) of this Chapter from any public right-of-way or public property.

17.18.040 – Service of Notice—Contents

The notice referred to in Sections 17.18.020 (Authority to Remove Encroachments), 17.18.030 (Notice to Remove Encroachment) and 17.18.070 (Notice of Seizure and Hearing) of this Chapter shall be served upon the occupant or owner of the land, or the person causing, controlling or owning the encroachment, or shall be left at the place of residence or business of such occupant, owner or person if such place is in the City. If the person upon whom notice is to be served does not reside or do business in the City, the notice shall be prominently posted on the encroachment. The notice shall specify the breadth of the public right-of-way or public property, the place and extent of the encroachment, and shall require the removal of such encroachment within forty-eight hours or such longer period of time as the City Engineer deems appropriate.

17.18.050 – Removal of Encroachment at Owner's Expense

- A. If the property owner (or person responsible for the encroachment) admits or fails to deny, within the time provided in Section 17.18.020(B) of this Chapter, that an encroachment exists under Section 17.18.020 (Authority to Remove Encroachments) or 17.18.030 (Notice to Remove Encroachment) of this Chapter, and if the encroachment is not removed within the time period set forth on the notice from and after service or posting of the notice, the City may remove the encroachment at the expense of the owner of the encroachment, the owner of the land, or any other person causing or allowing the encroachment to exist.
- B. The City at its discretion may pursue any and all legal and equitable remedies, to which the City may be entitled, for the collection of unpaid costs for the abatement of the encroachment. Pursuit of one remedy does not preclude the pursuit of any other remedies. All remedies provided herein shall be cumulative and not exclusive.

- C. The cost of abatement of an encroachment of public property, after its final confirmation by the City, may constitute a special assessment against any private real property to which it relates, and, after the recording of the order of confirmation in the official records of the county recorder's office as thus made and confirmed, it shall constitute a lien on the property in the amount of the assessment. A copy of the order and report shall be transmitted to the assessor and tax collector for the City, whereupon it shall be the duty of the assessor and tax collector to add the amounts of the assessment, or assessments, to the next regular bills of ad valorem taxes levied against the respective lot and parcels of land, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary ad valorem property taxes are collected.
- D. Any responsible person who has unpaid and/or delinquent abatement costs, may be refused the issuance of a land use approval, or other City approval pertaining to the property, real or personal, that is the subject of the abatement costs pursuant to this chapter.
- E. Any abatement costs required by the provisions of this Chapter shall be paid or deposited with the City Clerk-Treasurer.

17.18.060 – Action for Abatement of Encroachment

If the property owner (or person responsible for the encroachment) denies, within the time provided for under Section 17.18.020(B) of this Chapter, that an encroachment exists under Section 17.18.020 (Authority to Remove Encroachments) or 17.18.030 (Notice to Remove Encroachment) of this Chapter, and the owner or occupant of the land, or the person causing, owning or controlling the alleged encroachment refuses either to remove it or permit its removal, the City may commence, in any court of competent jurisdiction, an action for abatement. Costs of the abatement shall be recovered by the City pursuant to the provisions of this chapter.

17.18.070 – Notice of Seizure and Hearing

- A. Whenever the City Engineer, or his/her designee summarily abates an encroachment, as specified in Section 17.18.020 (Authority to Remove Encroachments) of this Chapter, and the ownership of that encroachment is known or can be readily determined from identification on the encroachment, then the City Engineer shall provide the owner of the encroachment with post-abatement notice and an opportunity for a hearing to determine the validity of the seizure. The owner of the encroachment and/or real property associated with the encroachment, or any person in possession or claiming any legal or equitable interest in any property which is the subject of a summary abatement pursuant to this chapter, may challenge the City Engineer's determination to abate and/or the imposition of fees at a post-abatement hearing. A challenge shall be timely only if filed in writing to the City Engineer within ten (10) calendar days from and after the abatement, setting forth the grounds for the challenge.
- B. Notice of such abatement shall be mailed or personally delivered to the registered and legal owners of the property and/or the encroachment within forty-eight (48) hours of

the abatement, excluding weekends and holidays, and shall include the following information:

1. The name, address and telephone number of the City Engineer;
 2. The location of the place from which the encroachment was seized and a description of the encroachment;
 3. The authority and purpose for the removal of the encroachment; and
 4. Specify that, in order to receive a post–seizure hearing, such owner or other interested person, or his/her agent, must request the hearing in writing, or by telephone to the City Engineer within ten (10) calendar days of the date appearing on the notice.
- C. Failure of either the owner or other interested party, or his/her agent, to request or to attend a hearing as scheduled shall satisfy the post–storage validity hearing requirement of this section.
- D. The City shall be responsible for the cost incurred for abating the encroachment if it is determined at the hearing that probable cause for the abatement cannot be established. Any part of the encroachment that the City Engineer determined in good faith is of more than nominal value, or of significant personal value, shall be returned to the owner in the event the abatement is found not to have been supported by probable cause.

17.18.080 – Abatement and Costs—Post–Abatement Hearing

- A. Upon receipt of a timely written challenge, the City Engineer shall set a date for a post–abatement hearing, but in any event no later than twenty calendar days from the date the City Engineer receives the request, unless waived by the party requesting the hearing. A filing and processing fee, if required by resolution of the City Council, shall be paid contemporaneously by the requesting party with the filing of the request. The City Engineer may authorize a City officer or employee, independent contractor, or other designated individual to conduct the hearing, so long as the hearing officer is not the same person who directed the storage of the encroachment. The City Engineer shall issue a determination on the challenge within ten (10) calendar days of the hearing and shall notify the party requesting the hearing in writing.
- B. The decision of the City Engineer following the hearing may be appealed to the City Manager. Within five (5) calendar days after the giving of the notice, any person aggrieved by the City Engineer's determination may appeal it to the City Manager in the time and in the manner prescribed in this section. Any such appeal shall be in writing and shall be filed with the City Clerk–Treasurer within the time permitted by this section. At the time of the filing, the appealing party shall deposit with the City Clerk–Treasurer a filing and processing fee if required by resolution of the City Council. Thereafter, the City Clerk–Treasurer shall transmit to the City Manager the City Engineer's determination, a summary of the evidence presented to the City Engineer at the post–abatement hearing, and copies of any written material submitted at the hearing held by the hearing officer.

The City Manager shall set a time and place for hearing upon the appeal, and at the time and place shall consider the documents transmitted from the City Clerk–Treasurer, as well as any documents or argument presented at the hearing by any interested party. The City Manager shall, thereafter, uphold, or modify the determination of the City Engineer; and issue a determination on the appeal, in writing to the appellant, within five (5) calendar days of the hearing on the appeal and shall include citation to California Code of Civil Procedure Section 1094.6. The determination of the City Manager shall be final and conclusive. Any action to review the decision of the City Manager shall be commenced no later than the time period set forth in the California Code of Civil Procedure Section 1094.6.

17.18.090 – Violation—Penalty

No person shall place or authorize the placement of an encroachment in the street or on public property. Any person violating any of the provisions of this chapter shall be subject to the penalties specified in Chapter 17.20 (Enforcement, Violations and Penalties).

Chapter 17.20 – ENFORCEMENT, VIOLATIONS AND PENALTIES

17.20.010 – Enforcement Authority

It shall be the duty of the City and all officers of the City to enforce this Subdivision Code. Any condition imposed as part of an approved subdivision case shall also be enforceable by the appropriate City officials.

17.20.020 – Compliance

No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map or parcel map is required by this Title or the Subdivision Map Act, until said final map or parcel map in full compliance with this Title and the Subdivision Map Act has been filed with the Los Angeles County Recorder.

17.20.030 – Withholding of Permit or Approval for property divided in violation of the Subdivision Map Act

- A. Pursuant to Section 66499.34 of the Subdivision Map Act, no permit shall be issued or approval granted necessary to develop any real property which has been divided, or which has resulted from a division in violation of the Subdivision Map Act or provisions of this Title 17, if it is determined that development of such real property is contrary to public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant was the owner of the real property at the time of such violation or whether the applicant is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of said applicant's interest in such real property.

- B. If a permit or approval is granted, such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property may be imposed.

17.20.040 – Notice of Violation

- A. Notice of Intention. Upon determination that real property has been divided in violation of the provisions of the Subdivision Map Act or this Title and an application is not pending for a Certificate of Compliance pursuant to Section 17.10.020 Certificates of Compliance, the Director shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date and place for a meeting of the Planning Commission at which the owner may present evidence to the Planning Commission why the notice should not be recorded. The notice shall also contain a description of the violations and the explanation as to why the subject parcel is not lawful. The date set for the meeting before the Planning Commission shall be no sooner than 30 days and no later than 60 days from the date of mailing of the notice of intention.
- B. Planning Commission Meeting; Notice of Violation. If at the scheduled hearing, the owner of the real property fails to object to recording the notice of violation, the Planning Commission shall direct the recording of the notice of violation with the County Recorder. If, after the owner has presented evidence, it is determined that there has been no violation, the Director shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the Planning Commission determines that the property has in fact been illegally divided, the Planning Commission shall direct the recording of the notice of violation with the Los Angeles County Recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

17.20.050 – Penalties

Each violation of this Title and the Subdivision Map Act by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable by imprisonment in the county jail not exceeding one year or in the State prison, by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment. Every other violation of this Title and the Subdivision Map Act is a misdemeanor (California Government Code § 66499.31).

Chapter 18.04 – GENERAL PROVISIONS

18.04.110 Period of validity—Extensions—Permits and other approvals.

- A. Any zone variance, conditional use permit, development review approval, zoning administrator approval, and historic resource commission approval shall be null and void if the use or approval granted thereby is not commenced within the time specified in the resolution granting such use or approval or, if no time is so specified, if commencement does not occur within two years from the effective date of the approval except as provided for in this section. A one-year time extension of the period of validity may be granted by the approval authority subject to the specific findings outlined in Section 18.04.130, which must be made prior to any time extension(s) granted by any approval authority. Any other time extensions shall be approved by the city council, the commission or other approval authority as required elsewhere in this code applicable to the specific use or approval. In no case, however, shall any initial approval and/or combination of extensions exceed a cumulative total of three years, except as provided for in this section. The director, commission, city council or other approval authority may impose additional conditions, modify existing conditions, or delete existing conditions for the original approval in connection with any extension as may be necessary. These provisions shall apply to all valid land-use entitlements and development review applications in effect upon and subsequent to the adoption of this ordinance.
- B. Entitlement permits approved in conjunction with subdivision maps shall expire on the same expiration date as the tentative map so long as the entitlement is necessary for the approval of the subdivision. Approval of a time extension for such maps shall constitute the approval of a time extension of the entitlement(s) which were (if any) filed in conjunction with it. The approval authority may impose additional conditions, modify existing conditions, or delete existing conditions for the original approval of the entitlement approved in connection with any time extension for a tentative map as may be necessary. Should a final subdivision map be recorded prior to the implementation of the entitlement permit, the provisions under Section 18.04.110(A) shall apply.

(Ord. 2909 § 1, 2008)

(Ord. No. 2930, § 2, 7-28-09; Ord. No. 2955, § 3, 6-27-10; Ord. No. 2977, § 3, 7-26-11)

18.04.120 Modification of conditions—Permits and other approvals.

- A. Any condition imposed upon the granting of a zone variance, conditional use permit, certificate of appropriateness approval, development review approval, or zoning administrator approval, including any zoning entitlement granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions added, provided that the approval authority, which shall be the planning commission absent specific requirements in this code otherwise, shall first conduct a noticed public hearing thereon, unless the city council granted or modified such use approval upon the specific condition that it be subject only to city council modification, in which case the lower approval authority or authorities may, but need not, make a recommendation concerning the revocation and the city council shall conduct the required public hearing. No such modification shall be granted or imposed unless the approval authority, or such approval authority may consider modifications on appeal as such appeal procedures may be elsewhere provided in this code, finds that such modification is necessary to protect the public peace, health and safety, or that such action is necessary to permit reasonable operation under the use or approval as granted. Any modification

hearing conducted by an approval authority other than the city council pursuant to this section shall be subject to review on appeal as may be specifically provided in this code.

- B. Notwithstanding the provisions contained within Section 18.04.120(A), the director of community development may approve minor modifications to approved plans from higher approval authorities without the benefit of a new public hearing if the changes can be found to be in substantial conformance with the conditions of approval authorized by the approval authority. Any such modification may not significantly alter the general nature, intent, or findings of the project, nor circumvent any adopted conditions of approval.

(Ord. 2909 § 2, 2008)

(Ord. No. 2927, § 1, 8-25-09)

Chapter 18.06 DEFINITIONS

18.06.001 Abandon.

"Abandon" and "abandoned" with respect to any individual structure, site, leased area or use means the discontinuance of its use or occupancy, as evidenced by, but not limited to, any of the following: (1) its vacancy or cessation of use for more than one hundred eighty days; (2) disconnection of necessary public utilities to the structure, site, leased area or use for more than one hundred eighty days; or (3) removal of improvements, equipment, parts, or components necessary for the use of buildings or structures on the site or property or for the operation of a business or other activity or specific use of property. As to any proposed development, structure, alteration, addition, expansion or new use, allowing permits or approved development review applications specific to the nonconformity to expire, shall be deemed an abandonment.

(Ord. 2806 § 1, 2002)

18.06.003 Abut, adjoining or contiguous.

"Abut, adjoining or contiguous" means, in reference to real property, two or more lots sharing a common lot line. With reference to two or more objects, the same means in immediate contact with each other.

(Prior code § 9111(A)(1))

18.06.006 Access.

"Access" means the place or way by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a lot from a public or private street or alley.

(Prior code § 9111(A)(2))

18.06.007 Accessory dwelling unit.

"Accessory Dwelling Unit" shall have the same meaning as stated in Government Code 65852.2 as that section may be amended from time to time. For the sake of convenience only, currently Government Code 65852.2 defines "accessory dwelling unit as, "an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (A) An efficiency unit. (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(Ord. No. 3068 , § 2, 6-13-17; Ord. No. 3116 , § 2, 5-26-20)

18.06.008 Accessory living area.

"Accessory living area" means habitable space within an accessory building limited to not more than three rooms, including a bathroom, with facilities for living, sleeping, or recreation, but excluding facilities for preparation of food, for use by guests of the occupants of the dwelling located upon such lot or domestic help employed by the occupants of the dwelling, and may not be rented, leased, or otherwise used as a permanent residence or separate dwelling unit. Accessory living areas include, but are not limited to, cabanas, recreation rooms, rumpus rooms, enclosed covered patios, guesthouses, and hobby

rooms. Guest rooms with an outside entrance but which have access from within a dwelling unit through a common wall is considered attached and not defined as accessory living area. A separate shower and/or bathroom of less than fifty square feet of floor area used in conjunction with a swimming pool is not considered accessory living area.

(Ord. 2619 § 1 (part), 1994; Ord. 2539 § 1, 1991)

18.06.009 Accessory use.

"Accessory use" means a use which is directly related, but clearly subordinate, to a permitted principal use. All accessory uses shall be established and maintained on the same lot as the principal use which they serve, except as otherwise expressly provided in this title.

(Prior code § 9111(A)(3))

18.06.010 Accessory building.

"Accessory building" means any building or structure which is detached from, but related to, the building containing the permitted principal use of the property on which said accessory building is located.

(Ord. 2619 § 1 (part), 1994)

18.06.012 Adjacent.

"Adjacent" means two or more objects which are located in close proximity to each other.

(Prior code § 9111(A)(4))

18.06.015 Adult day care center.

"Adult day care center" means any facility where service is rendered, by trained and experienced personnel, to adults who require care during a portion of the day, as provided by Section 80001 of Title 22 of the Administrative Code of the state.

(Ord. 2869 § 53, 2006; prior code § 9111(A)(13)) 18.06.021 Alley.

"Alley" means a public or private way designated as an alley by the city, other than a street, permanently reserved as a means of secondary vehicular access to adjoining properties.

(Prior code § 9111(A)(6))

18.06.022 Antique mall.

"Antique mall" means a building or buildings wherein the interior thereof has been partitioned into individual spaces or stalls leased or rented to individuals for the sale and display of antiques, replicas, collectibles and new or secondhand goods, and wherein the management provides sales staff and security.

(Ord. 2553 § 5 (part), 1991)

18.06.024 Apartment.

"Apartment" means an individual dwelling unit containing living, bathing, and dining facilities.

(Prior code § 9111(A)(7))

18.06.030 Arcade games.

"Arcade games" means any establishment where five or more amusement machines, defined as such in this code, or any combination of five or more such machines and/or billiard or pool tables, are located.

(Prior code § 9111(A)(12))

18.06.033 Assessed value.

"Assessed value" means the then-assessed value of the land, building or structure, as is shown on the current assessment roll, in effect as of the time of the making of the determination of such assessed value.

(Prior code § 9111(A)(10))

18.06.036 Assessor.

"Assessor" means the tax assessor of the county of Los Angeles.

(Prior code § 9111(A)(10))

18.06.039 Automobile repair and service garage.

"Automobile repair and service garage" means a facility which provides for the repair and maintenance of motor vehicles, including but not limited to the repair and/or installation of tail pipes, mufflers, brakes, radiators and electrical systems; provided, that such facilities shall not include the painting of motor vehicles, nor body and fender repair.

(Prior code § 9111(A)(11))

18.06.042 Basement.

"Basement" means a portion of a building which is totally or partially below the level of the finished grade of the lot upon which it is located.

(Prior code § 9111(B)(1))

18.06.044 Bedroom/Sleeping area.

A habitable space that is a minimum of seventy square feet and includes an egress window or door to the exterior for the purpose of developing a room in which people sleep.

(Ord. No. 2940, § 1, 12-8-09)

18.06.045 Billiard or pool hall.

"Billiard or pool hall" means any establishment where five or more tables for the playing of billiards, pool, snooker, or similar games, or any combination of five or more such tables and amusement machines as defined in this code are located.

(Prior code § 9111(B)(7))

18.06.051 Building.

"Building" means any structure having a roof supported by columns or walls, or combination thereof, and intended for the shelter, housing or enclosure of persons or property of any kind.

(Ord. 2806 § 2, 2002)

18.06.054 Building, accessory.

"Accessory building" means a separate detached building, housing a permitted accessory use, located on the same lot as the main building or principal use, and clearly subordinate to said building or use.

(Ord. 2787 § 11, 2001: prior code § 9111(B)(4))

18.06.057 Building height.

See "height."

(Prior code § 9111(B)(5))

18.06.060 Building, main.

"Main building" means a building in which is conducted one or more principal uses permitted upon the lot which it is situated.

(Prior code § 9111(A)(6))

18.06.063 Carport.

"Carport" means a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and storage.

(Prior code § 9111(c)(1))

18.06.066 Cellar.

"Cellar" means the same as "basement."

(Prior code § 9111(c)(2))

18.06.069 Centerline.

"Centerline" means the centerline, as determined by the city engineer, on any street, highway or alley.

(Prior code § 9111(C)(3))

18.06.072 Child day care facility.

"Child day care facility" means a state-licensed facility which provides nonmedical care, protection, and supervision to children under eighteen 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 facility includes day care centers and family day care homes.

(Ord. 2573 § 2(b) (part), 1992: prior code § 9111(C)(4))

18.06.078 City.

"City" means the city of Whittier.

(Prior code § 9111(C)(6))

18.06.081 City manager.

"City manager" means the city manager of the city.

(Prior code § 9111(C)(8))

18.06.084 Clerk.

"Clerk" means the city clerk of the city.

(Prior code § 9111(C)(7))

18.06.087 Club, private.

"Private club" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a commercial enterprise.

(Prior code § 9111(C)(9))

18.06.090 Code.

"Code" means the Whittier Municipal Code.

(Prior code § 9111(C)(10))

18.06.091 Collection facility.

A collection facility is a center for the acceptance, by donation, redemption or purchase, of recyclable materials from the public. Such a facility does not use power-driven processing equipment except a trash compactor. A collection facility may include any or all of the following:

- A. Reverse vending machine(s);
- B. A small collection facility which occupies an area of not more than five hundred square feet, and may include:
 - 1. A mobile unit, and/or
 - 2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet, and/or
 - 3. Kiosk type units, which may include permanent structures, and/or
 - 4. Unattended container placed for the donation of recyclable materials;
- C. A large collection facility which may occupy an area of more than five hundred square feet and may include permanent structures.

(Ord. 2423 § 1, 1987)

(Ord. No. 3103 , § 4, 6-11-19)

18.06.093 Commercial recreation facility.

"Commercial recreation facility" means a privately owned and operated establishment open to the public, with or without charge, where the public may participate in games of chance or skill, or a sport or

other recreation activity. "Commercial recreation facilities" includes but is not limited to parks, playgrounds, pool or billiard halls, game arcades, skating rinks, bowling alleys, swimming pools and miniature golf courses.

(Prior code § 9111(C)(17))

18.06.096 Commission.

"Commission" means the planning commission of the city.

(Prior code § 9111(C)(11))

18.06.099 Communications equipment buildings.

"Communications equipment buildings" means buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

(Prior code § 9111(c)(12))

18.06.102 Condominium.

"Condominium" means an individually owned dwelling unit in an attached or detached structure with an undivided interest in common shared area."

(Prior code § 9111(C)(13))

18.06.105 Convalescent facilities.

"Convalescent home" means the same as "nursing and convalescent hospital."

(Prior code § 9111(C)(14))

18.06.108 Convenience market.

"Convenience market" means a market with a limited line of grocery, notion and beverage items in a building not exceeding six thousand square feet in gross floor area.

(Prior code § 9111(C)(18))

18.06.111 Council.

"Council" means the city council of the city.

(Prior code § 9111(C)(15))

18.06.114 Court.

"Court" means an area which is open and unoccupied by any building or structure, bounded on three or more sides by the exterior walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

(Prior code § 9111(C)(16))

18.06.117 Dairy.

"Dairy" means any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.

(Prior code § 9111(D)(1))

18.06.119 Day care center.

"Day care center" means an establishment providing non-medical care for persons on a less than 24-hour basis other than Family Day Care, including nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

(Ord. 2573 § 2(b) (part), 1992)

18.06.125 Destroyed.

"Destroyed" means demolished or damaged structures or other improvements to property, by any cause, to an extent of greater than fifty percent of the total cost estimate to reconstruct, repair, or rehabilitate the damaged structure or other improvements on the property, as determined in accordance with Section 18.62.160 of this Title.

(Ord. 2806 § 3, 2002)

18.06.129 Director.

"Director" means the director of community development for the city.

(Ord. 2897 § 4, 2008)

18.06.132 Director of building and safety.

"Director of building and safety" means the director of building and safety of the city.

(Prior code § 9111(S)(13))

18.06.136 Driveway.

"Driveway" means the vehicular access from the street or alley to a legal parking space, which serves the lot upon which the parking space is located. A driveway shall not lose its status as a "driveway" if the parking space that it was serving was removed in conjunction with the creation of an accessory dwelling unit.

(Ord. 2610 § 1(A)(1), 1993)

(Ord. No. 3116 , § 3, 5-26-20)

18.06.138 Dump, inert-solid.

"Inert-solid dump" means an area devoted to the disposal of non-water soluble, non-decomposable inert solids such as natural earth, rock, sand and gravel, paving fragments, concrete brick, plaster and plaster products, steel mill slag, glass, asbestos fiber and products therefrom.

(Prior code § 9111(D)(12))

18.06.141 Dump, rubbish and refuse.

"Rubbish and refuse dump" means an area devoted to the disposal of inert solid and/or decomposable organic refuse and scrap metal.

(Prior code § 9111(D)(13))

18.06.144 Duplex.

"Duplex" means the same as "two-family dwelling."

(Prior code § 9111(D)(7))

18.06.147 Dwelling, single-family.

"Single-family dwelling" means a building containing one dwelling unit.

(Prior code § 9111(D)(8))

18.06.148 Reserved.

Editor's note(s)—Ord. No. 3068 , § 2, adopted June 13, 2017, repealed § 18.06.148, which pertained to second dwelling and derived from prior code § 9111(D)(10); Ord. 2318, § 1(a), adopted in 1984; and Ord. 2824, § 2, adopted in 2003.

18.06.150 Dwelling, two-family.

"Two-family dwelling" means a building containing two dwelling units.

(Prior code § 9111(D)(9))

18.06.153 Dwelling unit.

"Dwelling unit" means one or more habitable rooms in a building which are designed to be occupied by any one person or one family, with facilities for living, sleeping, cooking, eating and sanitation.

(Prior code § 9111(D)(11))

18.06.156 Educational institution.

"Educational institution" means any public, private or parochial, elementary, junior high, high school, university or other school giving general academic instruction in the several branches of learning.

(Prior code § 9111(E)(1))

18.06.159 Engineer.

"Engineer" means the city engineer of the city.

(Prior code § 9111(E)(2))

18.06.162 Explosives.

"Explosives" mean any explosive substance as defined in Section 12000 of the Health and Safety Code of the state.

(Prior code § 9111(E)(3))

18.06.170 Family day care home.

"Family day care home" means a day care facility licensed by the State of California, located in a residential unit where the resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

(Ord. 2864 §§ 1—2, 2005; Ord. 2573 § 2 (b) (part), 1992)

18.06.177 Fence.

"Fence" means a structure made of wood, metal (i.e. iron, steel, or other similar alloy), or other pre-manufactured material, like vinyl, or other composite that mimics the look of a wood fence, with substantially wider columns set at regular intervals and comprised of concrete block, masonry, wood, metal or pre-manufactured material, like vinyl, or other composite that mimics the look of wood; fence can include a base comprised of block, masonry, wood, metal or pre-manufactured material, like vinyl, or other composite that mimics the look of wood; built to industry standards.

(Ord. 2839 § 3, 2004)

18.06.180 Floor area, net.

"Net floor area" means the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts, elevators, stairways and similar facilities.

(Prior code § 9111(F)(6))

18.06.182 Fortunetelling.

"Fortunetelling" means the telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to, clairvoyance, clairaudience, cartomancy, psychology, psychometry, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, oriental mysteries or magic of any kind or nature.

(Ord. 2371 § 1, 1986)

18.06.183 Fraternity.

"Fraternity" means the same as "private club."

(Prior code § 9111(F)(7))

18.06.186 Frontage, street.

"Street frontage" means the length of a lot line of a lot which abuts a street.

(Prior code § 9111(F)(8))

18.06.189 Garage.

"Garage" means any building with three enclosed sides, provided with a closeable access door or doors, which is used or intended to be used for automobile shelter or storage.

(Prior code § 9111(G)(1))

18.06.192 Gender.

When consistent with context, words in the masculine gender include the feminine and neuter genders.

(Prior code § 9111(G)(2))

18.06.199 Habitable space.

"Habitable space", as used in this title means space within a structure for living, sleeping, recreation, eating or cooking, bathing and sanitation, halls, closets, storage and utility space. Storage and utility space located within a garage is not considered habitable space.

(Ord. 2619 § 1 (part), 1994)

18.06.201 Height.

"Height" means the vertical distance measured from the grade of the lot immediately beneath the portion of the building or structure being measured, to the highest point of such building or structure, based on a topographic survey.

(Ord. 2610 § 1 (A)(2), 1993: prior code § 9111(H)(1))

18.06.204 Highway.

"Highway" means the same as "street."

(Prior code § 9111(H)(2))

18.06.207 Hillside area.

"Hillside area" means those properties included within the area described in Section 18.14.020.

(Prior code § 9111(H)(3))

18.06.210 Hillside plan.

"Hillside plan" means a plan described in Chapter 18.14.

(Prior code § 9111(H)(4))

18.06.212 Historic resource.

"Historic resource" means a building, structure or collection of buildings or structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local, state or federal agency or organization. This shall include designated structures on official inventories such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, the Whittier Local Official Register of Historic Resources and resources eligible for listing on such inventories by reason of their age, association with people or events important to the history of the area, or unique design or architecture.

(Ord. 2489 § 2, 1990)

18.06.216 Home based business.

"Home based business" means an occupation, calling or profession carried on by a resident of a building located on an R-zoned lot, as an accessory use. The home-based business shall not change the integrity and residential character of a neighborhood.

(Ord. 2707 § 2(B), 1997: prior code § 9111(H)(6))

18.06.222 Hospitality houses/Low Barrier Navigation Center

"Hospitality houses/low barrier navigation center" means any buildings used to provide housing-first, low-barrier, service-enriched emergency housing on a temporary basis focused on moving people into permanent housing that provides living facilities where case managers connect individuals experiencing homelessness to income, public benefit, health services, shelter and housing. Low barrier includes best practices to entry such as allowing partners, pets, storage of personal items and privacy.

(Prior code § 9111(H)(7)(a))

18.06.225 Hotel.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guestrooms, which have no cooking facilities, and which are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

(Prior code § 9111(H)(8))

18.06.228 Household pets.

"Household pets" means and is limited to the following pets, maintained principally within a dwelling unit:

- A. Domesticated cats;
- B. Domesticated dogs;
- C. Fish, without a limit on number;
- D. 1. Any bird which is:
 - a. Customarily kept in residence of people;
 - b. Kept, at all times, within a dwelling unit;
- 2. Specifically, "bird" shall not include, among others, for the purpose of these regulations, chickens, hens, roosters, geese or ducks.

(Prior code § 9111(H)(9))

18.06.229 Housing, senior citizen.

"Senior citizen housing" means a housing development that can be authorized on property within the C-O zone subject to approval of a development plan as described in Chapter 18.42, which consists of individual dwelling units designed for and/or restricted to occupancy by one person or a group of two or more persons who will live regularly together in the same dwelling unit, whose head, spouse, or sole member is:

- A. Sixty-two years of age or older;

- B. Under a disability as defined in Section 223 of the Social Security Act; or
- C. Handicapped within the meaning of the Housing Act of 1959.

(Ord. 2343 § 1 (part), 1985: prior code § 9111(H)(10))

18.06.230 Internet cafe.

"Internet cafe" means an establishment with five or more computers or gaming devices, wherein computers, having online capabilities, are available to customers to rent for a fee.

(Ord. 2808 § 1 (part); 2002)

18.06.231 Kennel.

"Kennel" means a place where four or more adult dogs and/or cats are kept, whether by the owner of such dogs and cats or by other persons, providing facilities and care, whether or not for compensation. An "adult" dog or cat, for the purpose of these regulations, is one that has reached the age of four months.

(Prior code § 9111(K)(1))

18.06.234 Kitchen.

"Kitchen" means any room or space within a building designed and intended to be used for the storage and preparation or cooking of food, and which includes or provides space for full-size refrigerators, stoves and sinks. An undercounter refrigerator of not more than three cubic feet and/or a wet bar do not constitute a kitchen.

(Ord. 2539 § 2, 1991: prior code § 9111(K)(2))

18.06.237 Landscaping and landscaped areas.

- A. "Landscaping" means the planting and maintenance of natural and/or artificial trees, shrubs, vines, ground covers, flowers and lawns. In addition, the same may include natural features such as rock and stone; and structural features, including, but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches.
- B. "Landscaped area" means an area upon which landscaping is required, by these regulations, to be continuously maintained.

(Prior code § 9111(L)(1))

18.06.238 Landscaping, appropriate.

"Appropriate landscaping" means maintaining a variety of plants, including a variety of species and a mixture of sizes (i.e. trees, hedges, vines), within a yard, planter, or other "landscaping area" that is consistent with the type of planting found onsite and compatible with the neighborhood, with a priority placed on drought tolerant, native plants.

(Ord. 2839 § 4, 2004: Ord. 2838 § 4, 2004)

18.06.240 Livestock.

"Livestock" means a use involving the grazing, care and maintenance of cattle and/or horses for commercial or noncommercial purposes.

(Prior code § 9111(L)(2))

18.06.246 Lot or parcel of land.

"Lot or parcel of land" means:

- A. A parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act (Government Code Section 66410 et seq.); or
- B. A parcel of real property, the dimensions and boundaries of which are designated as a single lot by a lawfully recorded record of survey map; or
- C. A parcel of real property shown on a parcel map as a single lot, lawfully recorded pursuant to the provisions of the Subdivision Map Act; or
- D. Any parcel of real property otherwise lawfully created and dimensioned prior to the adoption of these regulations; or
- E. Two or more lots which are combined, by an appropriate recorded written instrument, or two or more lots which are combined by a common usage, shall be deemed, for all purposes, a single lot.

(Prior code § 9111(L)(4))

(Ord. No. 3121 , § 1, 8-25-20)

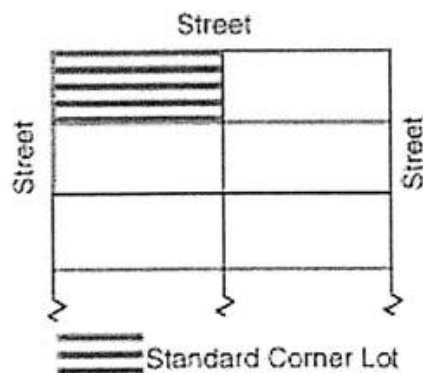
18.06.249 Lot area.

"Lot area" means the total area, measured by a horizontal plane, included within the lot lines of a lot.

(Prior code § 9111(L)(5))

18.06.252 Lot, standard corner.

"Standard corner lot" means a lot situated at the intersection of two or more streets. (See figure below.)



(Ord. 2839 § 5, 2004)

18.06.255 Lot depth.

"Lot depth" means the horizontal distance measured between the midpoints of the front and rear lot lines.

(Prior code § 9111(L)(7))

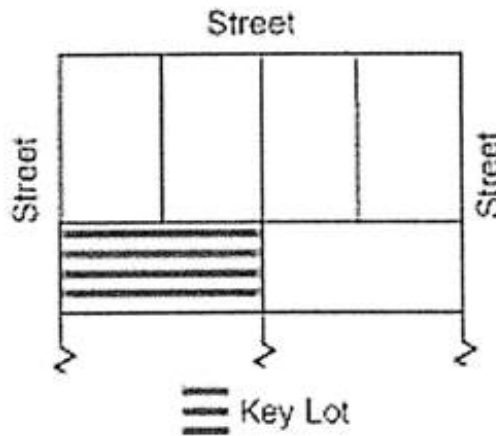
18.06.258 Lot, interior.

"Interior lot" means a lot, other than a corner or reversed corner, or through lot.

(Prior code § 9111(L)(8))

18.06.261 Lot, key.

"Key lot" means a lot which has a side lot line which is a common lot line with the rear lot line of a reversed corner lot. (See figure below.)



(Ord. 2839 § 6, 2004)

18.06.264 Lot line, front.

"Front lot line" means a lot line separating an interior lot from a street; in the case of a corner or reversed corner, the lot line separating the narrowest street frontage of the same shall mean the narrowest lot line parallel and closest to the nearest street or highway, as determined by the director.

(Prior code § 9111(L)(10))

18.06.267 Lot line, rear.

"Rear lot line" means the lot line which is approximately parallel to, and most distant from, the front lot line.

(Prior code § 9111(L)(11))

18.06.270 Lot line, side.

"Side lot line" means any lot line which is not a front or rear lot line.

(Prior code § 9111(L)(12))

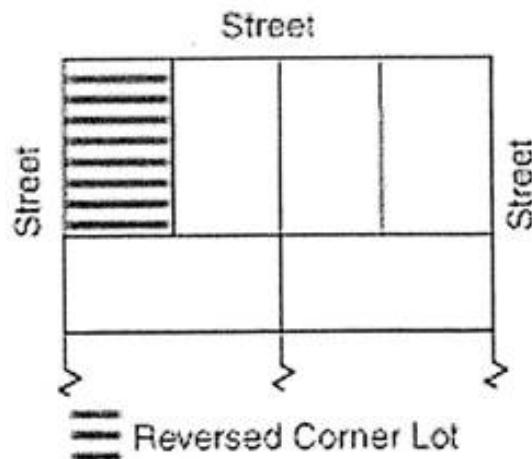
18.06.273 Lot, minimum-width.

"Minimum-width lot" means the horizontal distance between the side lot lines measured along the line constituting the rear of the required front yard area, or between two points each located on the side lot lines at a distance midway between the front and rear lot lines, whichever is lesser.

(Prior code § 9111(L)(15))

18.06.276 Lot, reversed corner.

"Reversed corner lot" means a corner lot, the side lot line of which is substantially a continuation of the front lot line of an adjacent key lot. (See figure below.)



(Ord. 2839 § 7, 2004)

18.06.279 Lot, through.

"Through lot" means a lot having frontage on two approximately parallel streets.

(Prior code § 9111(L)(14))

18.06.280 Low impact recreational use.

Nonconsumptive uses which have little or no adverse effect on native habitat and wildlands.

(Ord. 2694 § 2 (part), 1996)

18.06.282 Manufacturing.

"Manufacturing" means the creation of finished parts or products either from raw materials or previously prepared materials. Includes processing, fabrication, assembly, treatment, testing (e.g. laboratories), and incidental office storage, sales, and distribution.

(Prior code § 9111(M)(3))

18.06.285 Map.

"Map" means the zoning map of the city, referred to in Section 18.08.020.

(Prior code § 9111(M)(2))

18.06.288 May.

"May" is permissive.

(Prior code § 9111(M)(1))

18.06.291 Medical and/or dental clinic.

"Medical and/or dental clinic" means any facility providing health service, or medical, surgical or dental care of the sick or injured, but does not include inpatient or overnight accommodations. "Medical and/or dental clinic" includes health centers, health clinics, doctors' and dentists' offices.

(Prior code § 9111(M)(4))

18.06.294 Mobilehome.

"Mobilehome" means a building which is transportable in one or more sections, built on a permanent chassis and designed and equipped to contain not more than one dwelling unit, to be used without a foundation.

(Prior code § 9111(M)(5))

18.06.297 Mobilehome, foundational.

"Foundational mobilehome" means a mobilehome home which is:

- A. Installed on a permanent foundation system; and
- B. Manufactured and certified under the National Mobilehome Construction and Safety Standards Act of 1974.

(Prior code § 9111(M)(5.1))

18.06.300 Mobilehome park.

"Mobilehome park" means a lot where two or more mobilehomes and/or mobilehome sites are rented or leased or held out for rent or lease.

(Prior code § 9111(M)(6))

18.06.303 Mobilehome site.

"Mobilehome site" means that portion of a mobilehome park designated for use or occupancy of one mobilehome, and including all appurtenant facilities thereon.

(Prior code § 9111(M)(7))

18.06.304 Mobile recycling unit.

A mobile recycling unit means a motor vehicle, as defined in the Vehicle Code, which is used for the collection of recyclable materials. A mobile recycling unit includes the bins, boxes or containers located on a motor vehicle and used for the collection of recyclable materials. Mobile recycling units shall provide an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

(Ord. 2423 § 2, 1987)

18.06.306 Motel.

"Motel" means one or more buildings containing rooms without kitchen facilities, each having a separate entrance leading directly from the outside of the building or from an inner court, which rooms are designed for rental for temporary or overnight accommodations for guests and are offered primarily to automobile tourists or transients by signs or other advertising media. One unit, for use by a resident manager, may have kitchen facilities. "Motel" includes auto courts, motor lodges and tourists' courts.

(Prior code § 9111(M)(8))

18.06.308 Moving and storage.

"Moving and storage" means the business of transferring household and business goods from one location to another and including the temporary storage of such goods while in transit and awaiting delivery.

(Ord. 2375 § 1(a), 1986)

18.06.309 Nonconforming site.

"Nonconforming site" means a lot or parcel of land which was lawfully developed in accordance with zoning regulations in effect at the time of development but which does not comply with current regulations with respect to, but not limited to: density; coverage; yards; setbacks; parking layout and paving; site orientation; fencing and walls; landscaping; refuse storage; outdoor storage, or any other provision specific to site development, regardless of whether or not the site was previously deemed conforming.

(Ord. 2806 § 4, 2002)

18.06.310 Nonconforming structure.

"Nonconforming structure" means a structure, or portion thereof, which was lawfully constructed or altered in accordance with zoning regulations in effect at the time of the construction or alteration but which does not comply with current regulations with respect to, but not limited to: size; height; width; materials; massing; equipment screening, or any other provision specific to the structure's physical form, regardless of whether or not the structure was previously deemed conforming.

(Ord. 2806 § 5, 2002)

18.06.312 Nonconforming use.

"Nonconforming use" means the use of any lot, structures or any combination thereof, which use conformed to the zoning regulations in effect at the time use was established, but which does not comply with current zoning regulations. Nonconforming use shall also include uses established prior to the establishment of zoning on such lots or uses that were granted as exceptions to applicable zoning regulations in effect at such time as said exception was granted, regardless of whether or not the use was previously deemed a conforming use.

(Ord. 2806 § 6, 2002)

18.06.313 Non-view obscuring.

"Non-view obscuring" relative to fences, means that at least fifty percent of the fence area between the columns is open with no visual barriers.

(Ord. 2839 § 8, 2004: Ord. 2838 § 8, 2004)

18.06.315 Notice.

Whenever written notice is required to be given under this title, the same shall be given by personal service thereof upon the person or persons to be notified, or by United States mail, postage prepaid, addressed to such person or persons, at his/her last known address; such notice shall be conclusively deemed to have been given as of the time of personal service, or as of the time the same is deposited in the course of postal transmission.

(Prior code § 9111(N)(2))

18.06.321 Nursery school. "Nursery school" means the same as "child care center."

(Prior code § 9111(N)(4))

18.06.324 Nursing and convalescent hospital.

"Nursing and convalescent hospital" means any place or institution which provides bed accommodations for one or more chronic or convalescent patients who, by reason of illness or physical infirmity, are unable to properly care for themselves.

(Prior code § 9111(N)(5))

18.06.327 Oath.

"Oath" means and includes affirmation.

(Prior code § 9111(O)(1))

18.06.330 Open space.

"Open space" means an area, other than a required yard area, driveway or off-street parking facility, which has no building or structure located therein except for those used exclusively for recreational purposes. To meet the requirement of open space, such area, referred to as usable open space, shall meet the following:

- A. If the same is located upon the ground, or upon the roof of a subterranean garage, such contiguous area shall not be less than five hundred square feet in area; and
- B. If the roof of such subterranean garage is utilized for such open space, all such roof areas may be utilized provided that the same is not in excess of two feet above the grade of the lot immediately adjacent thereto; and
- C. That where such open space is located on any roof area, other than a subterranean garage, not to exceed twenty-five percent of such roof area may be utilized to meet the open space requirement; and
- D. Notwithstanding subsection A, any partially or totally enclosed patio or balcony located immediately adjacent to a dwelling unit may be utilized to meet the open space requirement.

(Prior code § 9111(O)(2)(a—d))

18.06.333 Open space, private.

"Private open space" means open space on a residential lot which is enclosed by a fence or wall, or consists of a balcony which is designed and intended for the exclusive use of the occupant of the immediately adjacent dwelling unit, located on the lot, having direct access to such area.

(Ord. 9111(O)(2)(e))

18.06.334 Owner.

"Owner" means any or all of the following:

- A. The owner or owners of the fee interest in real property;
- B. The owner or owners of any beneficial interest under a trust deed relating to real property;
- C. The purchaser and vendor under a land-sale contract relating to such property; or

A tenant under a written and recorded lease, easement, or other legal document as such interests are shown by a title search conducted by a qualified title company.

(Ord. 2806 § 7, 2002)

18.06.336 Parking space, off-street.

"Off-street parking space" means a readily accessible area on a lot not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

(Prior code § 9111(P)(1))

18.06.337 Parolee.

"Parolee" means an individual who has been released from a prison term prior to its expiration and who is subject to regular monitoring by a law enforcement officer for a set period of time, during such monitoring time period. This term shall include all of the following:

- A. An individual who was convicted of a federal crime, was sentenced to a United States federal prison, and received conditional and revocable release in the community under the supervision of a federal parole officer;
- B. An individual who is serving a period of supervised community custody, as defined in California Penal Code Section 3000, following a term of imprisonment in a state prison, and is under the jurisdiction of the California Department of Correction, Parole and Community Services Division;
- C. An adult or juvenile individual who was sentenced to a term in the California Youth Authority and received conditional and revocable release in the community under the supervision of a youth authority parole officer; and
- D. An individual who meets the above equivalent criteria in another state.

This term shall only include those individuals who are subject to parole relating to a serious felony, as that term defined in California Penal Code Section 1192.7(c) or any successor provision thereto.

(Ord. 2897 § 7, 2008)

18.06.339 Person.

"Person" means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, public agency, public utility, or any group or combination acting as a unit. "Person" does not include the city.

(Prior code § 9111(P)(2))

18.06.342 Plural.

When consistent with the context, words in plural include the singular.

(Prior code § 9111(P)(3))

18.06.345 Precision engine rebuilding.

"Precision engine rebuilding" means the disassembly, cleaning, inspection, machining and reassembly of engines or engine parts, but shall not include the removal of engines from vehicles or the running or bench testing of reassembled engines.

(Prior code § 9111(P)(4)(2))

18.06.348 Principal use.

"Principal use" means a use specifically allowed of right, in any one or more of the zones set forth in this chapter.

(Prior code § 9111(P)(4))

18.06.351 Processing.

"Processing" means, when used in reference to commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

(Prior code § 9111(P)(5))

18.06.357 Quarry.

"Quarry" means any place on a lot where dirt, soil and gravel, rock or other similar material is removed by excavation or otherwise. "Quarry" does not include the excavation and removal of materials from a lot preparatory to construction of a building for which a building permit has been issued, and remains in full force and effect, provided that such excavation is confined to that necessary for such building construction.

(Prior code § 9111(Q)(1))

18.06.360 Real estate subdivision sales office, temporary.

"Temporary real estate subdivision sales office" means a temporary structure or building, including a foundational mobile home, intended to be used for the sale of lots within a recorded residential subdivision.

(Ord. 2296 § 1(c), 1983; prior code § 9111(T))

18.06.363 Recorder.

"Recorder" means the county recorder of the county of Los Angeles.

(Prior code § 9111(R)(1))

18.06.364 Recyclable material.

Recyclable material is reusable material, including, but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse as defined in this code, nor hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Section 25250.11 of the California Health and Safety Code.

(Ord. 2423 § 4, 1987)

(Ord. No. 3121 , § 2, 8-25-20)

18.06.365 Recycling facility.

A recycling facility is a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 (Public Resources Code Section 14500 et seq.). A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include collection facilities and processing facilities.

(Ord. 2423 § 5, 1987)

(Ord. No. 3121 , § 3, 8-25-20)

18.06.365A Refuse storage area.

"Refuse storage area" means an exterior area, not including a driveway, ramp, loading area, parking space or required open space, that is permanently reserved and exclusively used for the storage of refuse containers.

(Ord. 2755 § 2 (part), 1999)

18.06.366 Regulations.

"Regulations" means the provisions of this title.

(Prior code § 9111(R)(2))

18.06.369 Residential care facility.

"Residential care facility" means facilities that are licensed by the State pursuant to the provisions of the California Community Care Facilities Act, (Health and Safety Code Section 1500-1518) to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those

operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors and persons with disabilities, including alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to Health and Safety Code section 11834.01.

18.06.370 Residential development.

"Residential development" means the construction of, addition to, or exterior remodeling of, a single-family dwelling, foundational mobilehome, or multiple-family development which requires the issuance of a building permit, and including accessory structures, reroofing, changing of windows, or changing of exterior siding materials.

(Ord. 2580 § 4, 1992)

18.06.385 Reverse vending machine.

- A. A reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine sorts and processes containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be permitted.
- B. A bulk reverse vending machine is a reverse vending machine that is larger than fifty square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

(Ord. 2423 § 6, 1987)

18.06.387 Secretary.

"Secretary" means the secretary of the commission.

(Prior code § 9111(S)(1))

18.06.389 Self-storage.

"Self-storage" means a controlled-access building or group of buildings which contain varying sizes of individual, compartmentalized, and user-securable stalls or lockers for the storage of the user's goods, wares or records.

(Ord. 2375 § 1(b), 1986)

18.06.390 Service station.

- A. "Service station" means a retail place of business engaged primarily in the sale of motor fuels, but also engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include:
 - 1. Sale of petroleum products;
 - 2. Sale and servicing of tires, batteries and automotive accessories;
 - 3. Washing and lubrication services;
 - 4. The performance of minor automotive maintenance and repair; and

5. The supplying of other incidental customer services and products.
- B. Major automotive repairs, painting, body and fender work, and automobile or truck rental or storage shall not be deemed permitted as a part of such service station usage.

(Prior code § 9111(S)(3))

18.06.391 Setback.

"Setback" means the area which defines the depth of the required yard. Said setbacks are to be measured from the ultimate right-of-way of a street or a distance perpendicular from the property line for the required yard.

(Ord. 2515 § 8, 1990)

18.06.393 Shall.

"Shall" is mandatory.

(Prior code § 9111(S)(2))

18.06.XXX Single Room Occupancy (SRO) Development

"Single Room Occupancy Development" mean a dwelling unit or portion thereof, other than a hotel, which is used to accommodate with or without individual or group cooking facilities, for compensation, three or more individuals under separate rental, lease, or sublease agreements, either written or oral, whether or not the owner resides therein. The word "compensation" includes compensation in money, services or other things of value. This term shall not include a residential care facility, as defined in this chapter; shall not include a "family," as defined in this chapter, regardless of any number of rental agreements between members of a "family"; and shall not include dormitories owned and operated by colleges or private schools for student housing or shelters and transitional housing intended to and actually serving the homeless or other stranded or dislocated person(s).

18.06.396 Singular.

When consistent with the context, words in the singular number shall include the plural.

(Prior code § 9111(S)(4))

18.06.399 Solid fill.

"Solid fill" means any noncombustible materials insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

(Prior code § 9111(S)(5))

18.06.402 Solid-fill project.

"Solid-fill project" means any operation which involves the importation and deposit of one thousand or more cubic yards of solid fill material on a lot, for the purpose of reclaiming such lot or portion thereof.

(Prior code § 9111(S)(6))

18.06.405 Sorority.

"Sorority" means the same as "club, private."

(Prior code § 9111(S)(7))

18.06.408 State.

"State" means the state of California.

(Prior code § 9111(S)(8))

18.06.411 Story.

"Story" means that portion of 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. "Story" includes a basement.

(Prior code § 9111(S)(9))

18.06.414 Street.

"Street" means a public or private way permanently reserved as a primary means of vehicular access to adjoining property. "Street" does not include an alley.

(Prior code § 9111(S)(10))

18.06.417 Street frontage.

"Street frontage," see "frontage, street."

(Prior code § 9111(S)(11))

18.06.420 Structure.

"Structure" means a building or anything constructed or erected which has a fixed location on the ground, or is attached to a building or other object having a fixed location on the ground. A fixed location shall include, but not be limited to, the following: a concrete foundation, footing, foundation system, concrete floor; or elements buried in, or adhered to, the ground.

(Ord. 2806 § 8, 2002)

18.06.XXX Substance Use Recovery Facility.

"Substance Use Recovery Facility" means an institution intended solely for the admission, diagnostic and intensive short-term treatment of patients addicted to excessive use of substances, and related conditions.

18.06.422 Swap meet.

"Swap meet" means a building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by unrelated individuals to sell, trade, exchange or swap articles that are either new, homemade, homegrown, old, obsolete or antique and includes the selling of goods and or services at retail by business or individuals who are generally engaged in retail trade.

(Ord. 2553 § 5 (part), 1991)

18.06.423 Tenses.

When consistent with the context, words used in the present tense include the past and future tenses and words in the future tense include the present tense.

(Prior code § 9111(T)(1))

18.06.XXX Theater.

"Theater" means indoor facilities for group entertainment, other than sporting events (e.g., civic theaters, facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities. This use does not include Adult Entertainment Establishments as defined in Chapter 18.44.

18.06.425 Temporary.

"Temporary," unless otherwise specified, shall mean not to exceed thirty days.

(Ord. 2619 § 1 (part), 1994)

18.06.426 Transfer station.

"Transfer station" means an area, including any necessary buildings or structures, for the temporary storage and salvage of rubbish, garbage or industrial waste.

(Prior code § 9111(T)(2))

18.06.429 Triplex.

"Triplex" means the same as "dwelling, three-family."

(Prior code § 9111(T)(3))

18.06.430 Tattoo shop/business.

Any establishment where principal activity is the indelible marking or coloring of the skin with a needle injecting ink, dye or other coloring material upon or under the skin so as to leave permanent marks or designs on the skin. Tattoo parlor does not include tattooing performed by a licensed dermatologist on premises licensed as a dermatology office, hospital, or similarly state-licensed institution.

(Ord. 2691 § 3 (part), 1996)

18.06.432 Unclassified use permit.

"Unclassified use permit" means the same as "conditional use permit."

(Prior code § 9111(U)(3))

18.06.435 Underlying zone classification.

"Underlying zone classification" means, when used in reference to an overlay zone, the zone classification of the lot or lots established as such by Section 18.08.010 of this code.

(Prior code § 9111(U)(1))

18.06.438 Use.

"Use" means the utilization of a lot, building, structure or any combination thereof.

(Prior code § 9111(U)(2))

18.06.439 View-obscuring.

"View-obscuring," relative to fences and walls, means constructed in such a manner as to substantially obstruct a person's ability to see through the fence or wall.

(Ord. 2632 § 1 (G), 1994)

18.06.441 Wall.

"Wall" means a view-obscuring structure comprised of concrete block, cement or masonry; with a footing, columns set at regular intervals and a trim cap or other similar treatment denoting the top of the wall; which is built to industry standards.

(Ord. 2839 § 9, 2004)

18.06.442 Wall, Crib

"A crib wall" is a retaining wall system that does not exceed a three to one slope and that provides for landscape pockets with a minimum dimension of four inches wide by four inches tall.

(Ord. 2839 § 10, 2004: Ord. 2838 § 10, 2004)

18.06.444 Writing.

"Writing" means and includes any form of message recorded in English and capable of visual comprehension.

(Prior code § 9111(W)(2))

18.06.447 Yard.

"Yard" means an area upon a lot, other than a court or open space, required as a front, side or rear yard, which shall be maintained unoccupied and unobstructed from the ground upward without any encroachments therein, except as expressly authorized in this title.

(Prior code § 9111(Y)(1))

18.06.448 Yard, above grade.

"Yard above grade" means a lot, which has a yard setback that slopes up away from the street or alley a minimum slope of ten percent.

(Ord. 2839 § 11, 2004: Ord. 2838 § 11, 2004)

18.06.449 Yard, below grade.

"Yard below grade" means a lot, which has a yard setback that slopes down away from the street or alley with a minimum slope of ten percent.

(Ord. 2839 § 12, 2004: Ord. 2838 § 12, 2004)

18.06.450 Yard, front.

"Front yard" means a yard extending across the full width of a lot, immediately adjacent to the front lot line thereof. The depth of a required front yard shall be the specified horizontal distance measured between the front lot line and a line parallel thereto on the lot.

(Prior code § 9111(Y)(2))

18.06.453 Yard, rear.

"Rear yard" means a yard extending across the full width of a lot, immediately adjacent to the rear lot line thereof. The depth of a required rear yard shall be the specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.

(Prior code § 9111(Y)(3))

18.06.456 Yard, side.

"Side yard" means a yard extending from the rear line of a required front yard, or the front lot line where no front yard is required, to the front line of the required rear yard, or the rear lot line where no rear yard is required. The width of the required side yard shall be the specified horizontal distance measured between each side lot line and the line parallel thereto on the lot.

(Prior code § 9111(Y)(4))

18.06.459 Zones.

"Zones" means those zones established pursuant to Chapter 18.08. of this code.

(Ord. 2694 § 2 (part), 1996: prior code § 9111(Z)(1))

18.06.462 Zoning map, map.

"Zoning map or map" means the official zoning map of the city, referred to in Chapter 18.08 of this code.

(Prior code § 9111(Z)(2))

CHAPTER 18.10 – RESIDENTIAL ZONES GENERALLY

18.10.020 Accessory uses.

Except as otherwise stated, for all zones where the municipal code allows residential uses, the following are the only accessory uses which are allowed based upon the residential use on I such lot:

A. Household Pets.

1. R-E, H-R and R-1 zones: dogs and/or cats, not to exceed three per lot,

2. All other zones which allow for residential uses: dogs and/or cats, not to exceed two per dwelling unit, and
 3. All zones which allow for residential uses: any number of fish or birds, if allowed by, and subject to, the provisions of Section 18.06.228;
- B. Building Materials. The outdoor storage of building materials is permitted during the construction of any building or structure on that lot, and for a period of thirty days after such construction is completed;
- C. Home Based Business. Home based businesses, other than cottage food operations governed by Subsection (L) below, are permitted, provided that:
1. No display or storage of goods, materials or products connected with a home occupation shall be allowed in a garage or carport, attached or detached, except that such storage may be kept in cabinets, shelves or as specified in this section. Such cabinets or shelves must not obstruct the required parking area. Trailers used in conjunction with the home-based business must comply with the following:
 - a. That such trailers shall not exceed twelve feet in length, nor six feet in height, and
 - b. That such trailers shall not be parked or stored within required front or side yards, including driveways, and
 - c. That such trailers shall be parked or stored only in a legal parking space or vehicle storage area, and
 - d. That no part of the required parking shall be used to store such trailers, and
 - e. That parking or storage of such trailers shall be screened from view of the public street by a six-foot-high fence or wall,
 2. No one other than persons residing on the lot where the home occupation is located is regularly employed in such occupation,
 3. No equipment is used in conjunction with such occupation which emits dust, fumes, noise or odor, which would or could interfere with the peaceful use and enjoyment of adjacent properties,
 4. The area to be used for business may encompass not more than one room of the main dwelling or accessory structure, and not exceed twenty-five percent of the floor area or two hundred square feet, whichever is the lesser. No portion of the required parking may be used for the conduct of the business,
 5. No appreciable increase of traffic, pedestrian or vehicular, results from such occupation,
 6. There is no structural alteration of any building or structure,
 7. There is no use of any sign not otherwise permitted in the zone in which the occupation is located; and
 8. That green waste resulting from gardening business shall not be stored at the residence.
- D. Parking. Off-street parking facilities;
- E. Open Space. Open spaces;
- F. Customary Accessory Uses. Those uses found to be customarily utilized as accessory uses pursuant to Section 18.50.030;
- G. Garage Sales. Garage sales involving only the sale of personal property owned by the owner or occupant of the lot upon which conducted shall be permitted if conducted in accordance with the following:
1. That not more than one such sale shall be permitted on a lot during any three-month period, and permitted on a lot during any three-month period, and

2. That no portion of any required front or side yard area shall be utilized for such purposes, and
3. That such sales shall be conducted only during the hours of nine a.m. and six p.m. of any day, and
4. That no such sale period shall exceed two days.
- H. Accessory Living Area. One accessory living area may be permitted on lots in the H-R, R-E, and R-1 zones with not more than one dwelling unit, located on any portion of a lot where a main building can be placed provided the lot will not have an accessory dwelling unit, subject to the following:
 1. Each lot, for which an application for an accessory living area in excess of four hundred square feet is submitted, shall have a lot area equal to the minimum lot area plus twenty square feet of lot area for each one square foot of floor area in excess of four hundred square feet, provided that in the R-1 zones with minimum-lot-area of twelve thousand square feet or larger, an accessory living area in excess of six hundred square feet shall have a lot area equal to the minimum lot area plus twenty square feet of lot area for each one square foot of floor area in excess of six hundred square feet,
 2. No accessory living area shall have a floor area in excess of one thousand square feet, unless a conditional use permit has first been approved therefor,
 3. Accessory living areas shall have no kitchen facilities,
 4. No accessory living area shall be in excess of one story in height and shall be prohibited on the second floor, unless a minor conditional use permit has first been approved therefor,
 5. An accessory living area may have no more than four plumbing fixtures, including one bar sink,
 6. The applicant for approval of a permit for an accessory living area shall record a restrictive covenant approved as to form and content by the city attorney, which clearly states the restrictions (not to be used as a rental and/or permanent residence) on the use of the structure. The covenant shall require that the planning director be notified prior to removing the deed restriction,
 7. Accessory living areas shall be designed in the same style and of the similar materials, where appropriate, as the main structure.
- I. Accessory Dwelling Units. Accessory dwelling units shall be permitted in the single-family residential, multi-family residential and mixed-use zones in accordance with the following regulations:
 1. Intent and Findings.
 - A. Intent. The intent of this subsection (I) is to ensure that accessory dwelling units and junior accessory dwelling units remain as an accessory use to the residence(s) on site, that structures on parcels are organized to accommodate an accessory dwelling unit and/or junior accessory dwelling unit, and that such dwelling units will not adversely impact surrounding residents or the community. Notwithstanding any wording within this subsection (I), this subsection (I) should be interpreted to affect the requirements of Government Code sections 65852.2 and 65852.22, but to not authorize more than is legally required.
 - B. 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 allowed under state planning and zoning law applicable to accessory dwelling units and junior accessory dwelling units, and that the amendment furthers the goals, objectives, and policies of the general plan housing element.
 - C. Denial. If the city denies an application for an accessory dwelling unit or junior accessory dwelling unit, the city shall, within sixty days from the date the city receives a complete

- application, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
- D. Any additional changes to a primary dwelling unit (single-family, multi-family or mixed-use) that do not relate to the creation of an accessory dwelling unit or junior accessory dwelling unit must comply with the requirements of Title 18, as applicable.
 2. Occupancy and Rental. Except as otherwise authorized by law, accessory dwelling units and junior accessory dwelling units may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence. Rental periods shall not be less than thirty-one days.
 3. Definitions. For purposes of this subsection (I) only:
 - A. The terms "accessory dwelling unit", "passageway", "public transit", and "tandem parking" each have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time. For the sake of convenience only, currently Government Code 65852.2 defines these terms as follows:
 - i. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
 - ii. "Efficiency kitchen" means a kitchen that includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of a junior accessory dwelling unit.
 - iii. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
 - iv. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - v. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
 - B. "Junior accessory dwelling unit" shall have same meaning as that stated in Government Code section 65852.22(h)(1) as that section may be amended from time to time. For the sake of convenience only, currently Government Code 65852.22(h)(1) provides:
 - i. "'Junior accessory dwelling unit' means a unit that is no more than five hundred square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure."
 - C. "Existing structure" shall mean a structure (primary residence, multi-family residence or accessory structure) that has proper permits issued and finalized for at least one year or the structure has been in existence at least fifty years prior to the submittal of the application.
 4. Accessory dwelling units—Development standards. Except for dwelling units approved pursuant to subsection 6 of this subsection (I), below, all accessory dwelling units shall comply with the requirements of this subsection 4. Except as otherwise provided in this subsection 4 or subsection 6, accessory dwelling units shall conform to the development standards of the

underlying zone. Accessory dwelling units are only allowed in zones which allow residential uses.

- A. Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the city that contains or will be developed with a legal, single-family or multiple-family residence.
- B. Distance. The distance between any detached accessory dwelling unit and the primary dwelling unit shall not be less than ten feet unless it would prohibit the construction of an up to eight hundred square foot accessory dwelling unit. The distance separation does not apply to existing structures converted to an accessory dwelling unit.
- C. Floor Area. Accessory dwelling units shall not exceed the size standards listed below:
 - i. Attached accessory dwelling units: The maximum floor area of an attached accessory dwelling unit shall be the greater of:
 - a. For new construction of a primary single-family dwelling, eight hundred fifty square feet for an accessory dwelling unit with zero to one bedroom or one thousand square feet for an accessory dwelling unit with two or more bedrooms; or
 - b. If there is an existing primary single-family dwelling, fifty percent of the square footage of the existing primary single-family dwelling.
 - ii. Detached accessory dwelling units: For new construction, the size shall be limited to one thousand two hundred square feet. On lots of twenty thousand square feet and greater, the maximum floor area of the accessory dwelling unit shall not exceed one thousand five hundred square feet. Notwithstanding the above, if a detached accessory dwelling unit is constructed in an existing accessory structure, the new detached accessory structure shall be constructed in the same footprint as the existing detached structure. If the existing detached accessory structure is less than one thousand two hundred square feet, the accessory dwelling unit may be increased up to one thousand two hundred square feet. If existing detached accessory structure is over one thousand two hundred square feet, it may only be expanded by one hundred and fifty square feet to accommodate ingress and egress.
- D. Zones of Insufficient Sewer or Water. New accessory dwelling units are prohibited if the director determines the area has insufficient water or sewer service. The director shall maintain a map showing the known areas in the city with insufficient water or sewer service; such map shall be promptly made available to the public upon request. The director shall update the map periodically and shall do so only after consulting with the relevant water or sewer service provider if such service is not provided by the city.
- E. Parking.
 - i. One parking space shall be provided for the accessory dwelling unit The required parking space may be provided as:
 - a. 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
 - b. 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 it is not permitted anywhere else in the city.

- ii. Notwithstanding the foregoing, no parking space shall be required for an accessory dwelling unit if:
 - a. It is located within one-half mile of public transit (purposes of this subsection, "public transit" has the same meaning as in Government Code 65852.2 as it may be amended from time to time);
 - b. It is located within an architecturally and historically significant district;
 - c. It is part of a proposed or existing primary residence or accessory building;
 - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - e. Where there is a car share vehicle located within one block of the accessory dwelling unit.
 - f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this section.
- iii. 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. However, all portions of any existing driveway shall remain except to the extent that the driveway becomes blocked by a new habitable structure. Any subsequent additional development in the primary dwelling shall comply with the single-family, multi-family, or mixed-use as applicable, parking standards set forth in this code.
- F. Conversion of existing primary unit. An existing single-family dwelling may be converted to an accessory dwelling unit if it complies with all applicable requirements of this chapter when a new, larger primary residence is proposed to be constructed.
- G. Creation of an accessory dwelling unit. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- H. Demolition. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time. If the property is located within a historic district or is a designated historic landmark subject to the certificate of appropriateness provisions of Chapter 18.84, the requirements of Chapter 18.84 must be followed.
- 5. Accessory dwelling and junior accessory units — Universal Standards. All accessory dwelling units shall comply with the requirements of this subsection 5, plus either the requirements of subsection 4 or 6. Junior accessory dwelling units shall comply with the requirements of this subsection 5 in addition all other applicable requirements, including those listed in subsection 7.
 - A. Maximum Number of Dwelling Units.
 - i. Single-Family. For lots with a proposed or existing single-family residence, no more than one accessory dwelling unit and no more than one junior accessory dwelling unit may be

on the lot. No new accessory living area may be constructed if an accessory dwelling unit or junior accessory dwelling unit will be on the property.

- ii. Multi-family. For lots with existing multi-family residential dwellings:
 - a. Accessory dwelling units may be constructed within enclosed/attached portions of multifamily "dwellings" structures that are not used as livable space (i.e., 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 percent of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed.;
 - b. If the existing multifamily dwelling has a rear or side setback of less than four feet, the City shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subparagraph.

For lots with existing or proposed multi-family residential dwellings

- c. Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limitation set forth in subsection H below, as applicable, and rear yard and side setbacks of no more than four feet.
 - iii. Notwithstanding anything else in this section to the contrary, if the lot was previously involved in a subdivision pursuant to municipal code Section 17.06.100 et seq. (Urban Lot Split - Approval Process), then an ADU or JADU is allowed if, after construction, there would be no more than two housing units on the lot, including, but not limited to units otherwise allowed pursuant to density bonus provisions, ADUs, and JADUs.
- B. Setback requirements.
 - i. Consistent with subsection 6.A.ii, below, no setbacks are required for:
 - a. Those portions of accessory dwelling units that are created by converting existing living area or existing accessory buildings to new accessory dwelling units; or
 - b. Construction of a new accessory dwelling unit in the same location and to the same dimensions as an existing lawful structure.
 - ii. For all other accessory dwelling units (including accessory dwelling units listed in subsections 6.A.ii, 6.B.i, 6.B.ii. and 6.B.iii, below), there must be a minimum four feet setbacks from interior side and rear lot lines and the accessory dwelling unit must comply with all applicable front and street side yard setbacks, unless doing so would prohibit the construction of at least an eight hundred square foot accessory dwelling unit. The first priority placement shall be in the rear of a property, developed in compliance with the above required setbacks. If proposed at the front of a property, the front setback shall be maximized to the extent allowed within these requirements.
- C. Building Code Compliance. All new accessory dwelling units must comply with Title 15 of the Municipal Code ("Buildings and Construction") and any other applicable provisions of the California Building Standards Code, including all applicable sewer, utility, and water

- connection requirements, unless the requirements of the California State Historic Building Code apply, in which case those requirements shall apply. (See Municipal Code Chapter 18.84, Historic Resources). Notwithstanding the forgoing, in either instance, fire sprinklers shall not be required if sprinklers would not be required if the accessory dwelling unit or junior accessory dwelling unit were instead an addition to the primary residence, are not required for the primary unit, nor shall fire sprinklers be required in an existing multi-family dwelling.
- D. Easements. No accessory dwelling unit or junior accessory dwelling unit may be constructed in a location that would violate any easement unless approved in writing by the holder of the easement.
 - E. Separate Utility Connections. In general, the city may require a new or separate utility connection between the utility on the one hand and any accessory dwelling unit(s) or junior accessory dwelling unit on the other. If, however, the accessory dwelling unit is constructed pursuant to subsection 6.A.i of this subsection (l) (i.e., constructed within an existing single-family structure), then the city cannot require a separate utility connection unless the accessory dwelling unit is constructed with a new single-family home.
 - F. Architectural Standards. The accessory dwelling unit shall be compatible with or compliment the exterior appearance of the primary unit, and the existing dwellings in the vicinity of the lot or parcel on which it is proposed to be constructed, in accordance with code design standards and guidelines applicable to the zone, and as determined by the Director. Junior accessory dwelling units may only be allowed in a primary dwelling and attached garages that meets all requirements applicable to the primary dwelling.
 - G. Historic Preservation. A proposed accessory dwelling or junior accessory dwelling unit shall comply with any applicable requirements of Chapter 18.84 ("Historic Resources"). For example, if an accessory dwelling unit is to be constructed on a parcel identified on any federal, state or local list of historic or eligible historic resources, the accessory dwelling unit shall not adversely impact the property's integrity to convey its historic significance through the seven aspects of integrity consisting of: setting, location, design, materials, workmanship, feeling and association, as described in National Register Bulletin 15. Likewise, the dwelling unit shall not be placed or constructed so as to result in a modification to any existing historic resource on the parcel or to a designated historic district, unless alterations to the existing historic resource(s) on the property or within a designated historic district conform to the United States Secretary of Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating Restoring and Reconstructing historic buildings. In addition, any detached garages and structures that contribute to the historic significance of an on-site resource shall retain its exterior integrity and comply with the United States Secretary of the Interior's Standards with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. Certain accessory dwelling units and junior accessory dwelling units may be eligible for a waiver pursuant to the procedures of Chapter 18.84.
 - H. Height. In general, except as set forth below, an accessory dwelling unit shall not exceed one level and shall comply with the height requirements set forth herein; the height shall be measured from the top of the first-floor top plate.
 - i. A height of sixteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multifamily dwelling unit.
 - ii. A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in

height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit shall be allowed.

- iii. A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
- iv. A height of twenty-five feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. If the existing primary dwelling is a two-story structure, the attached accessory dwelling unit may also be two-stories, subject to the height limitations herein.

An accessory dwelling unit may be built on a second floor if the accessory dwelling unit is solely to be above a garage or accessory building, and the following requirements are met:

- i. Accessory buildings with "habitable space", as defined by the California Building Code, or which have bathing facilities, are considered accessory area and therefore must comply with the requirements of Section 18.10.030(H).
 - ii. If an accessory dwelling unit will be within an existing accessory building which is two stories, then the floor area of the second floor shall not exceed the footprint of the existing second floor.
 - iii. If an accessory dwelling unit will be constructed above an existing accessory building, then the floor area of the second floor shall not exceed seventy-five percent of the footprint of the first floor of the accessory building.
 - iv. The stairway access to a second floor shall be interior. However, exterior stairway access to the second floor may be permitted when it is not readily visible from the street. The location and the design of the stairway shall be architecturally integrated into the design of the accessory dwelling unit.
- I. Conversion of existing primary unit. An existing single-family dwelling may be converted to an accessory dwelling unit when all requirements of this section are met and a new, larger single-family dwelling will be constructed in compliance with all requirements of this code.
 - J. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
 - K. Nonconforming. Accessory dwelling units and junior accessory dwelling units shall not be required to correct legal nonconforming zoning conditions (e.g., physical development upon the property) as a pre-condition to obtaining authorization to construct an accessory dwelling unit or junior accessory dwelling unit. However, this authorization shall not be interpreted as allowing non-conforming use on a property (e.g., a single-family dwelling in a commercial zone) to be expanded or intensified by allowing either a new accessory dwelling unit or new junior accessory dwelling unit on the property. Further, the city may deny the application upon a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure and/or a building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.
 - L. Driveway Maintenance/Removal. If an existing garage for a single-family dwelling is demolished or converted to allow an accessory dwelling unit, after creation of the accessory

- dwelling unit, either (1) the driveway must continue to operate in a manner that one or more cars can lawfully park on the driveway; or (2) at the applicant's sole cost, the driveway shall be removed, the curb cut and driveway apron removed, a replacement curb and gutter installed, and a parkway installed in a manner consistent with the immediate surroundings.
6. Accessory Dwelling Unit and Junior Accessory Dwelling Unit Exceptions. The following types of accessory dwelling units shall be approved regardless of whether the proposed accessory dwelling unit meet the requirements of subsection 4. However, accessory dwelling units approved via this subsection 6 must meet all other applicable requirements of this code, including those listed in subsection 5 above.
- A. On lot with a proposed or existing single-family dwelling within a zone that allows residential uses, either:
- i. One accessory dwelling unit and/or one junior accessory dwelling unit per lot may be constructed within an existing or proposed single-family or attached accessory building, including the construction of up to a one hundred fifty square foot expansion beyond the same physical dimensions as the existing accessory building to accommodate ingress and egress. Any accessory dwelling unit and any junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of subsection 7 below ("Junior Accessory Dwelling Units"); or
 - ii. One detached, new construction, accessory dwelling unit with setbacks of at least four feet from side and rear yards, no more than eight hundred square feet floor area, with a height as set forth in 5H above. A junior accessory dwelling unit may also be built within the existing or proposed single-family dwelling of such residence in connection with the accessory dwelling unit.
- B. On a lot with an existing multifamily dwelling within a zone that allows residential uses, one (and only one) of the following:
- i. Accessory dwelling units may be constructed within enclosed/attached portions of multifamily dwellings structures that are not used as livable space (i.e., 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 percent of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed.
 - ii. Up to two (2) detached accessory dwelling units may be newly constructed, or converted from an existing accessory structure, provided they comply with the height requirements under 5H, and they have at least four feet of side and rear yard setbacks not to exceed eight hundred square feet in floor area. If the lot is entirely within a multifamily zone, as an alternative to one or both of the detached accessory dwelling units allowed under this subsection (ii), the detached accessory dwelling unit(s) may be two stories, (if located on top of each other), provided that the height does not exceed twenty-five feet.
 - iii. One accessory dwelling unit that meets the requirements of subsection (i) of this subsection B and up to two accessory dwelling units that meets the requirements of subsection (ii) of this subsection B, for a total maximum number of accessory dwelling units of three.
7. Junior Accessory Dwelling Units.
- A. Purposes: 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, and will be constructed within the walls of an existing or proposed single-family residence.

- B. Size: A junior accessory dwelling unit shall not exceed five hundred 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 independent of the primary dwelling on the parcel.
- E. Short term rentals: The junior accessory dwelling unit shall not be rented for periods of less than thirty-one days.
- F. Location of Junior Accessory Dwelling Unit: A junior accessory dwelling unit shall be entirely within a legally established single-family residence, including an attached garage. As such, the structure in which the junior accessory dwelling unit is located (i.e., the primary dwelling) must be in a zone that allows single-family dwellings, and must comply with all development requirements (e.g., architectural, historic preservation) otherwise applicable to the primary dwelling.
- G. Kitchen Requirements: The junior accessory dwelling unit shall include an efficiency kitchen as defined in this Section.
- 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 finalization of the 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 and restricts the size and attributes of the junior dwelling unit to those that conform with this section.
- J. Antennas and Flagpoles. Flagpoles, satellite television receiving antennas, and amateur radio receiving and transmitting antenna, utilized for the private noncommercial use by the occupant of a residence located upon the lot, subject to the provisions of Section 18.10.030 (I)
- K. Family Day Care Facilities. Family day care facilities shall be permitted in all zones where required by and in accordance with state law and shall be licensed as required by law and shall be operated according to all applicable state and local regulations.
- L. Cottage Food Operation. A "cottage food operation," as that term is defined in California Health & Safety Code 113758(a), as may be amended from time to time, is permitted provided that:
 - 1. Permit Required. An application for a permit to engage in a cottage food operation shall be filed with the Director of Community Development on a form prescribed by the city and shall include the following:
 - a. The name and address of the applicant. The applicant must be the "cottage food operator," as that term is defined in California Health & Safety Code 113758(b) as may be amended from time to time;

- b. A statement of whether the applicant is the owner or a tenant of the property on which the use is proposed to be located; and if a tenant, the name and contact information for the property owner, landlord, or management company; as well as the signature of the property owner, landlord or management company consenting to the use;
 - c. The address or legal description of the property on which the cottage food operation is proposed to be located;
 - d. A copy of the permit issued by or the application submitted or to be submitted to the Los Angeles County Department of Public Health Environmental Health Division for the proposed use;
 - e. Identification of the name of each individual involved and/or employed in the proposed use and whether they are a family member or household member of the cottage food operator;
 - f. A statement of whether the proposed use will involve "direct sales" or "indirect sales" of cottage food products at the subject residence as those terms are defined in California Health and Safety Code 113758(b) as may be amended;
 - g. A description, explanation, and amount of projected impacts on traffic, including but not limited to the number of deliveries to be received or sent from the subject residence, frequency of loading of products for sale elsewhere, and anticipated consumer or third party retailer visits to the subject residence;
 - h. An accurate floor plan drawing(s) of the subject residence showing:
 - (i) Areas proposed to be registered and/or permitted by or areas shown on application submitted to the Los Angeles County Department of Public Health Environmental Health Division for cottage food preparation, packaging and related exclusive storage;
 - (ii) All doors and exits;
 - (iii) All vehicle parking spaces;
 - (iv) All delivery and/or loading areas; and,
 - (v) The location(s) of streets, property lines, uses, structures, driveways, pedestrian walks.
 - i. Any additional information, plans, or drawings the Director may require to determine whether the proposed use will comply with all of the applicable provisions of this Subsection (L). The Director may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.
 - j. An Application Processing Fee for a cottage food operation permit as established by Resolution of the City Council. The applicant has the right to request a fee verification for any fee paid pursuant to this chapter.
2. Action of Director. After submittal of a complete application and fee as required by this section the Director shall approve, approve in modified form, or deny the application in compliance with the authority and requirements set forth in California Government Code § 51035, as may be amended from time to time. The Director shall grant the permit if the proposed cottage food operation, as applied for or as modified, complies with the standards set forth in this section. Notwithstanding the foregoing, the Director, in his/her discretion may condition approval of the use upon the cottage food operations compliance with any additional reasonable standards related to spacing and concentration, traffic control, or noise which the Director, in his/her sole discretion, deems necessary to mitigate the impact of the

proposed use on the surrounding residential neighborhood. Any action of the Director may be appealed to the Planning Commission pursuant to Section 18.58.050.

3. Standards. Cottage food operations must meet the following requirements:
 - a. Spacing and Concentration. No cottage food operation shall be approved if the site of the proposed use is located within three hundred feet of the property line of another cottage food operation; and,
 - b. Traffic Control.
 - (i) Parking.
 - (a) On-site parking for the residential unit in which the cottage food operation is located shall be maintained free and clear and available for parking and/or deliveries at all times to the extent such parking is necessary to mitigate the cottage food operations impact upon the traffic circulation; and,
 - (b) The cottage food operation shall not result in any appreciable increase in traffic, pedestrian or vehicular.
- (2) Deliveries and Loading. The cottage food operator shall only allow vehicular delivery or loading related to the cottage food operation between the hours of eight a.m. and seven p.m., Monday through Saturday.
- (3) The cottage food operator shall not allow any vehicle making a delivery, being loaded, or being used by consumers or third-party retailers in relation to the cottage food operation to block or impede the public right-of-way, a vehicular drive aisle, encroach into any required on-site parking space, or idle at any time.
- (4) Sales at the Subject Residence. Cottage food operations engaging in sales to consumers or third-party retailers at the residence containing the cottage food operation shall also be subject to the following traffic control standards:
 - (a) Visitation to the residence containing the cottage food operation for the purpose of direct or indirect sales is limited to the hours of eight a.m. to five p.m., Monday through Saturday.
 - (b) Visitors shall not be allowed to queue outside of the residence containing the cottage food operation at any time, either on foot or in vehicles.
 - (c) There shall be no outdoor sales at any time at the residence containing the cottage food operation.
 - c. Noise Control. Cottage food operations shall not create noise levels in excess of those allowed in the applicable residential areas in the noise element of the general plan or in excess of those allowed in residential property pursuant to Chapter 8.32 of the Whittier Municipal Code.
 - d. Zoning Standards. The cottage food operation shall conform to all applicable federal, state, and municipal laws and regulations applicable to the residential area in which the cottage food operation is located, including but not limited to setbacks, signage, etc.
4. Permit Revocable. A permit to operate a cottage food operation obtained under this section is revocable at any time by the final approving authority if the business is found to be in non-compliance with any condition of approval or applicable local or state law or regulation governing cottage food operations.
5. Appeals. Any final action of the Director made under this section may be appealed pursuant to Chapter 18.56 of the Whittier Municipal Code.

6. Penalty. Any violation of the provisions of this section shall be enforced pursuant to Chapter 1.08 and Chapter 1.09 of the Whittier Municipal Code.

M. building.

(Ord. 2887 §§ 1, 2, 2007; Ord. 2864 § 3, 2005; Ord. 2824 §§ 1, 3—6, 8—18 (part), 2003; Ord. 2619 § 1 (part), 1994; Ord. 2539 § 3, 1991; Ord. 2345 § 1, 1985; Ord. 2318 § 1(b), 1983; prior code § 9121)

(Ord. No. 2938, § 1, 10-27-09; Ord. No. 2950, § 1, 2-23-10; Ord. No. 2998, §§ 1, 2, 4-23-13; Ord. No. 3018, § 2, 3-25-14; Ord. No. 3068, §§ 3, 4, 6-13-17; Ord. No. 3116, §§ 8, 9, 5-26-20; Ord. No. 3117, § 5, 6-23-20; Ord. No. 3132, § 1, 12-14-21; Ord. No. 3147, § 2(Exh. A), 4-11-23)

18.10.030 Limitations on use.

The regulations set out in this section shall be limitations on, and be applicable to, all uses on R-zoned lots.

A. Dismantling or Storage of Vehicles. The dismantling or storage of vehicles is prohibited.

1. Definitions. The following words, for the purpose of this section, shall be defined as follows:
 - a. "Disabled vehicle" means a vehicle which is not operable, by reason of the removal of or damage to integral component parts.
 - b. "Disassemble" means the same as dismantle.
 - c. "Dismantle" means the removal or stripping of one or more component parts from a vehicle.
 - d. "Park" means the standing of a motor vehicle, other than for the purpose of loading or unloading merchandise or passengers.
 - e. "Repair" means the work necessary to restore a vehicle to a usable condition.
 - f. "Store" means to keep or locate for future use.
 - g. "Vehicle" means and includes motorcycle, motor-driven cycle, motor truck, passenger vehicle, station wagon, truck tractor and vehicle, as these phrases are defined in the State Vehicle Code, and all similar types of vehicles.
2. Parking of Vehicles. No person shall park any vehicle or any component thereof, for any purpose, in any front or side yard area on any R-zoned lot, except in a permitted driveway or in a parking facility.
3. Repair, Dismantling or Storage of Vehicles. No person shall assemble, repair, dismantle or store any vehicle on any part of an R-zoned lot, other than as provided in this section, unless such work is done:
 - a. Within an enclosed building; or
 - b. In an area which is completely enclosed by view-obscuring walls not less than six feet in height, or by the exterior walls of a building or buildings, or combination thereof.
4. Exception. The prohibition imposed by subsection (A)(3) of this section shall not apply to the occasional and incidental repair of vehicles owned or leased by the person in possession of the lot on which such takes place, provided that a disabled vehicle which is being repaired or assembled shall not be stored except as provided in subsection (A)(3) of this section for a period longer than seven consecutive days within any thirty-day period.

B. Storage of Boats and/or Trailers. No person shall store or park any boat or trailer in any required front or side yard area on any R-zoned lot.

C. Location of Buildings. Location of buildings or structures on any R-zoned lots shall conform to the following:

1. No building or structure may be located on any portion of a required yard area, except as expressly provided in this section; and
 2. Detached non-dwelling accessory buildings, not including accessory living areas, when located entirely in the rear one-third of the lot, may be constructed as follows provided that the eaves of any structure do not project over any property line and there is no roof drainage to adjacent property:
 - a. On interior lots, to each side lot line and to the rear lot line,
 - b. On corner lots, to the interior sideline and the rear line,
 - c. On reversed corner lots, to the interior side lot line only,
 - d. On any lot served by an alley, no such building shall be located within five feet of the rear lot line, nor within five feet of one side lot line,
 - e. Except, along property lines abutting a less restrictive zone, notwithstanding the provisions of paragraphs 3a through 3c of this subsection, on R-E-zoned lots, non-dwelling accessory buildings in the rear one-third of the lot shall not be placed closer than five feet to a side lot line, nor closer than ten feet to a rear lot line.
 - f. Structures less than one hundred twenty square feet (ie storage sheds) shall not exceed twelve feet in height.
 3. Dwelling units constructed above garages shall observe all yard requirements;
 4. Nonconforming Yards. Additions to main dwellings with nonconforming setbacks may be permitted only as follows:
 - a. The length of the addition shall be limited to seventy-five percent of the length of the existing encroachment dwelling wall,
 - b. Additions to main dwellings, resulting in the attachment to non-dwelling accessory structure having existing nonconforming yards, only in compliance with the following:
 - i. A minimum side yard of five feet must be maintained on one side of the structure,
 - ii. The architectural changes necessary to meet the building code must be found consistent with the architectural character of the existing residence.
- D. Walls, Fences and Retaining Walls. Walls, fences or retaining walls may be built on any part of a lot provided that the structure, within the front yard, street side yard, interior side yard and rear yard, complies with the provisions listed below, including Table 18.10.030(D) and Section 18.64.050.

Table 18.10.030(D)
Wall, Fences and Retaining Walls in Residential Zones

Structure	Maximum Height See footnotes below	Setback (i.e. from property line, from another wall, etc.)
Front Yard Setback		
Lots 60 Feet Wide or Less: Non-view Obscuring Fence	36 inches	No setback from property line.
Lots 61—99 Feet Wide: Non-view Obscuring Fence	42 inches	No setback from property line.
Lots 100 Feet Wide or Larger: Non-view Obscuring Fence	5 feet 6 inches	No setback from property line.

Retaining Wall	36 inches	No setback from property line.
Lot Above Street Grade: Singular and Additional Retaining Walls	42 inches	Set back 4 feet from the retaining wall below.
Lot Above Street Grade: Non-view Obscuring Fence above a Retaining Wall	Varies. See above for maximum fence height based on lot width and Section 18.10.030.(D)(2)(b)	Setback 4 feet from the retaining wall below.
Lot Below Street Grade: Retaining Wall	6 feet is the maximum height within four feet of the front property line, if not visible from the street. All subsequent retaining walls within the front yard may not exceed 42-inches high.	4-foot setback from the front property line, with a minimum 36-inch high, non-view obscuring, safety fence placed on top. All subsequent retaining walls within the front yard shall be setback from each other a minimum of four feet.
Street Side, Side Yard Setback		
Fence, Wall or Retaining Wall	36 inches	No setback from property the line.
Standard Corner Lot: Fence or Retaining Wall	6 feet	4-foot setback from the property line.
Reversed Corner Lot: Fence or Wall	6 feet	5-foot setback from the property line.
Adjacent to a Driveway: Fence or Wall	42 inches	5-foot cut-off for vision clearance where the driveway intersects the property line (refer to Figure 6).
Adjacent to an Alley: Fence or Wall	42 inches	5-foot cut-off for vision clearance where the driveway intersects the property line (refer to Figure 6).
Freestanding Perimeter Wall or Fence at Street Grade that is Adjacent to n alley under certain circumstances., or to a Collector Arterial Street,	8 feet	No setback from property line. Requires design review approval by the Director of Community Development
Interior Side Yard Setback		
Fence, Wall or Retaining Wall	6 feet, except as provided for under Section 18.10.030(D)(5)	No setback from property line.
Fence or Wall set above a Retaining Wall on the same parcel	N/A	4-foot setback from the wall below.
Swimming Pool Enclosure: Non-view Obscuring Fence	6 feet	No setback from property line.
Adjacent to a Driveway: Non-view Obscuring Fence above a Retaining Wall	6 feet	No setback from property line.

Adjacent Perimeter Walls Constructed on Different Parcels	N/A	No setback required between walls on different parcels that abut a common property line.
Freestanding Perimeter Wall at Street Grade that is Adjacent to a Collector or Arterial Street	8 feet	No setback from property line. Requires design review approval by the Director of Community Development.
Rear Yard Setback		
Fence, Wall, or Retaining Wall	6 feet, except as provided for under Section 18.10.030(D)(4)	No setback from property line.
Fence or Wall set above a Retaining Wall on the same parcel	N/A	4-foot setback from the wall below.
Swimming Pool Enclosure: Non-view Obscuring Fence	6 feet	No setback from property line.
Adjacent to a Driveway: Non-view Obscuring Fence above a Retaining Wall	6 feet	No setback from property line.
Adjacent to an alley or to a Commercial or Manufacturing Zone/Use: Fence, Wall or Retaining Wall	8 feet	No setback from property line. Requires design review approval by the Director of Community Development
Adjacent Perimeter Walls Constructed on Different Parcels	N/A	No setback required between walls on different parcels that abut a common property line.
Freestanding Perimeter Wall at Street Grade that is Adjacent to a Collector or Arterial Street	8 feet	No setback from property line. Requires design review approval by the Director of Community Development.
Adjacent to Greenway Trail: Fence, Wall or Retaining Wall	8 feet. When the grade of the residential property line at any location abutting the Greenway Trail is a minimum of one-foot lower than the highest finished grade of the Trail, the total height of any fence, wall or retaining wall adjacent to the Greenway Trail may be proportionately increased in height, above eight feet, to compensate for every one-foot of grade difference, up to two feet, for a maximum height of 10 feet, as measured perpendicularly to the Greenway Trail's finished grade adjacent to the common	

	<p>property line. All new or modified perimeter walls/fences constructed, immediately adjacent (facing) to the Greenway Trail, shall be constructed of decorative concrete block or as a stucco block wall and shall be earth tone in color with the decorative portion of the wall facing the Greenway Trail. Such walls/fencing (when over eight feet in height) may include a combination two-foot, high (maximum) wall extension consisting of a decorative material such as painted or stained wood, a framed solid or lattice material consisting of wood, vinyl or any other durable material deemed aesthetically acceptable to the Director of Community Development. All such walls/fencing shall require an engineered design prior to the issuance of building permits. In addition, all private fencing immediately abutting the Greenway Trail shall be maintained entirely by the property owner, including the removal of any graffiti on the perimeter wall/fencing facing the Greenway Trail.</p>	
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Footnotes:

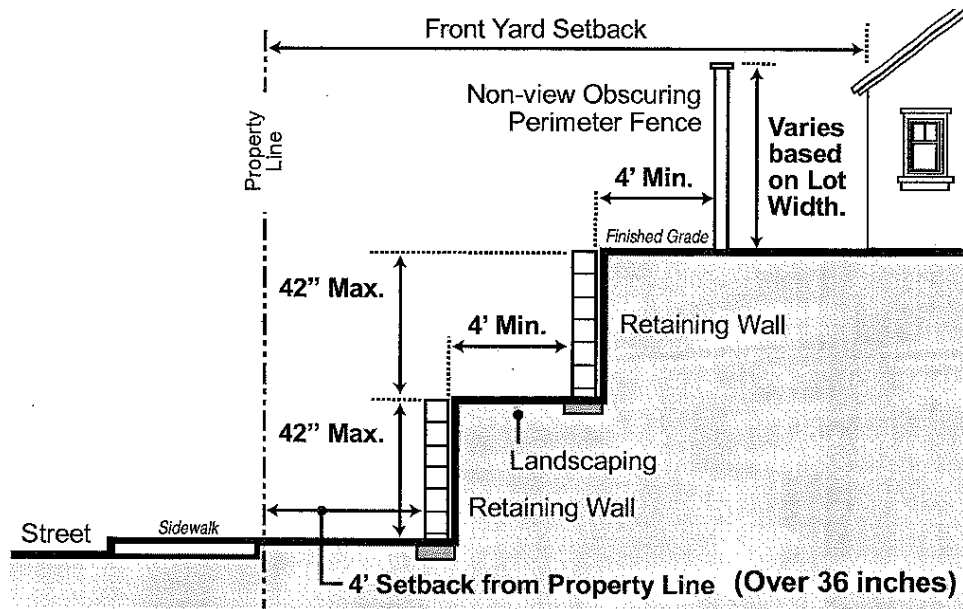
- a. Gates and decorative pilasters may exceed maximum height by up to 6” if in scale with fence/wall design
- b. The maximum height of fence/wall or retaining wall restrictions may be increased to provide a required 5’ pool safety enclosure
- c. The Director may waive compliance with the requirements of Table 18.10.030 (D) (including footnotes a and b, above) if the Director determines compliance will create a significant inconsistency with abutting properties.

1. Development Review Required. Walls, fences and retaining walls in residential zone front or street side, side yards require submittal of a development review application, in conformance with Chapter 18.56, and the information submitted shall be subject to Section 18.56.030(1 and 10). Any other fence or wall that requires a variance, including a minor variance, shall also be subject to

development review. These fences, walls and retaining wall within the front yard setback, street side, side yard setback shall be consistent with the city council approved fence palette. Fence or wall design exceptions to the approved fence palette shall be reviewed and approved by the design review board.

2. Front Yard Setback. The front yard setback is provided under "front yards" in the underlying zone classification as described in Sections 18.64.120, 18.64.140, 18.64.160, 18.64.180, 18.64.200, 18.64.220.
 - a. Non-View Obscuring Walls or Fences in Front Yard Setback. Except for permitted retaining walls, all other walls and fences in the front yard setback shall be non-view obscuring.
 - b. Maximum Fence Height. The maximum height of a non-view obscuring fence in the front yard setback of residential properties sixty feet or less in width is thirty-six inches. The maximum height of a non-view obscuring fence in the front yard setback of residential properties on lots sixty feet to one hundred feet in width is forty-two inches. The maximum height of a non-view obscuring fence in the front yard setback of residential properties on lots one hundred and one feet or larger is five feet six inches.
 - c. Fences Between Driveways. Non-view obscuring fences should not be permitted between the driveways, when adjacent driveways within the front yard are less than ten feet in width for a single-family residence, or less than twelve feet in width for two units, or less than eighteen feet in width for three or more units, or less than fifteen feet in width when the driveway is over one hundred feet in length, or construction of a fence would create a nonconforming driveway width.
 - d. Retaining Wall.
 - i. Lot Above Street Grade.
 - (A) Maximum Height. The maximum height of a retaining wall on an above grade lot is forty-two inches within the front yard setback; however, retaining walls over three feet in height within the front yard setback shall be set back from the right-of-way line a minimum of four feet and the setback space appropriately landscaped.
 - (B) Additional Retaining Walls. If more than one retaining wall is necessary within the required front yard setback, then additional retaining walls (up to forty-two inches) may be constructed above the lower retaining wall when set back a minimum of four feet from the preceding (lower) retaining wall, with appropriate landscaping planted between each retaining wall (see Figure 1).
 - (C) Fence Set Above a Retaining Wall. A non-view obscuring fence (as permitted under Section 18.10.030(D)(2)(b)) may be built above a retaining wall on an above street grade lot, if the fence is setback four feet from the lower retaining wall and that setback is appropriately landscaped (see Figure No. 1).

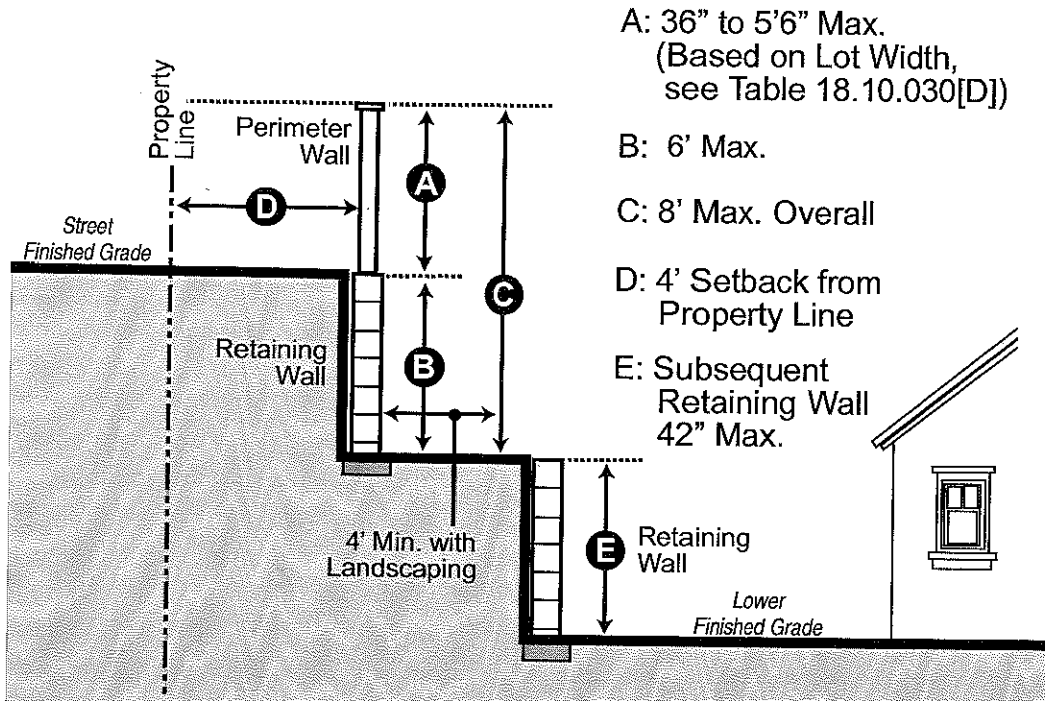
Figure 1. Front Yard Fence Height on Above Street Grade Lots



ii. Lot Below Street Grade

- (A) Maximum Height. Retaining walls, or crib type retaining wall systems, within the front yard setback on below street grade lots may be constructed up to six feet in height when not visible from the street, and setback a minimum of four feet from the front property line with a (non-view obscuring) safety fence at a minimum height determined by the California Building Code constructed on top of the retaining wall. In no case shall the overall height of the combination fence and retaining wall exceed eight feet high, as measured from the lowest contiguous finished grade of the wall. Likewise, the non-view obscuring fence on top of the retaining wall may not exceed the maximum height permitted within the front yard setback, as specified under Section 18.10.030(D)(2)(b). The non-view obscuring fence shall be measured from the highest finished grade it is contiguous to, to the top of the fence (see Figure 2).
- (B) Fence or Wall. The maximum height of a fence or wall along the street side, side yard right-of-way line is forty-two inches.

Figure 2. Front Yard Combination Walls/Fence Heights on Below Street Grade Lots



3. Street Side, Side Yard Setback. The street side, side yard setback is provided under "Side Yards" in the underlying zone classification as described in Sections 18.64.120, 18.64.140, 18.64.160, 18.64.180, 18.64.200, [and] 18.64.220.

Figure 3. Illustration of Various Lot Configurations

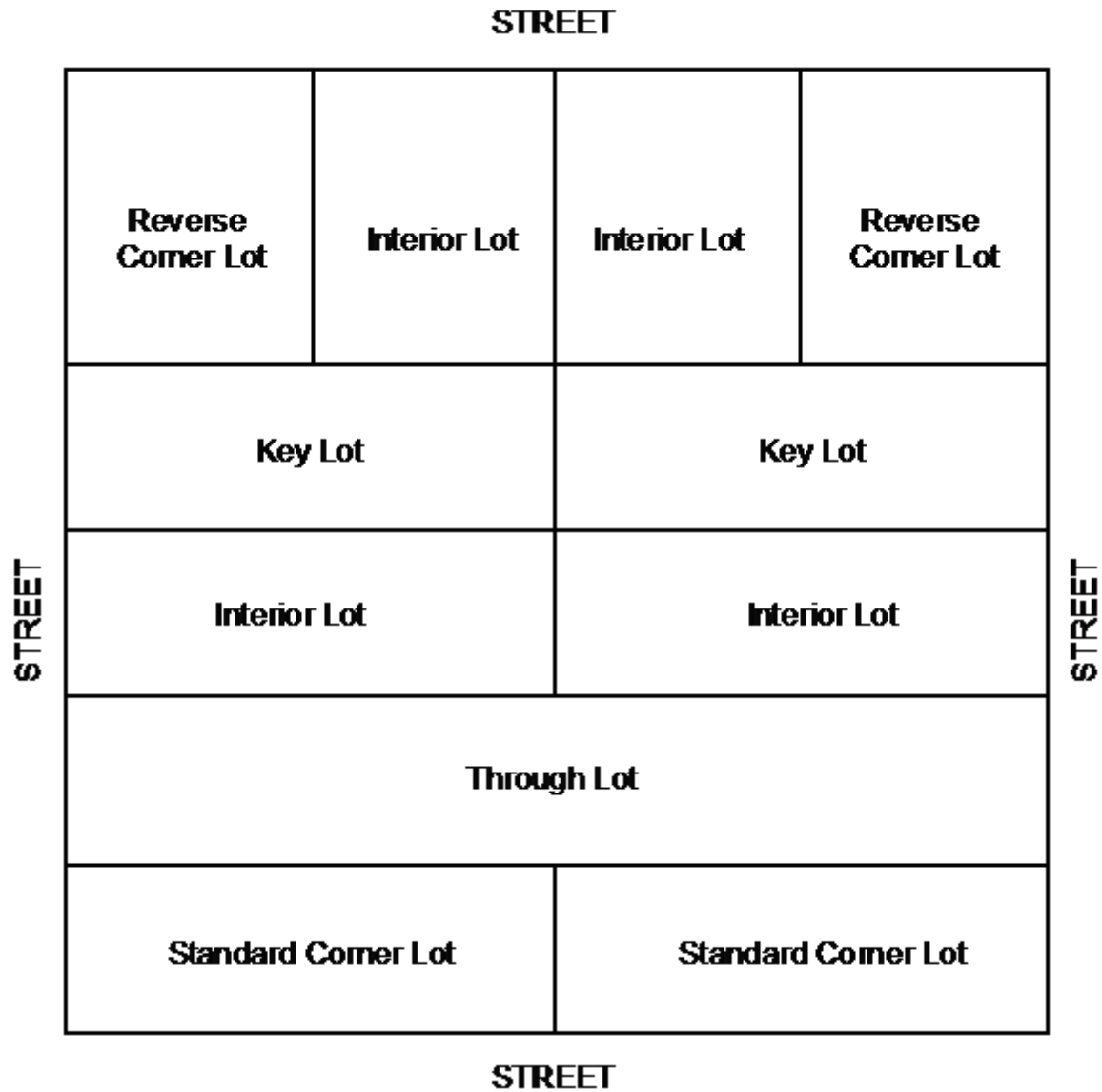


Figure 4. Standard Corner Lot

Standard Corner Lot. A six-foot fence or wall, within the street side, side yard setback on standard corner (see Figure 4) lots may be built if a landscaped setback consisting of a minimum of four feet in width between the right-of-way and the wall is maintained along the entire length of the wall (see Figure 4).

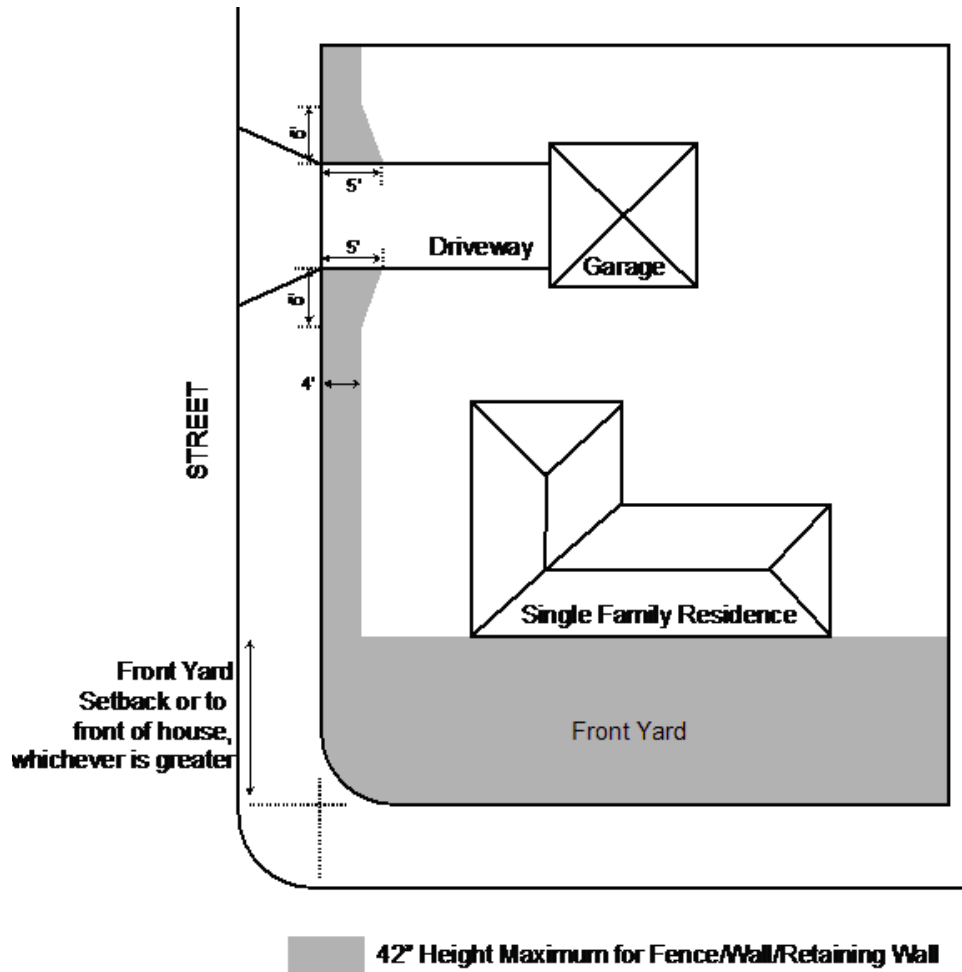


Figure 5. Reversed Corner Lots

Reversed Corner Lots. A six-foot fence or wall within the street side, side yard setback on a reversed corner (see Figure 5) lot may be constructed, if such fence or wall is set back at least five feet from the right-of-way and the five-foot setback is appropriately landscaped.

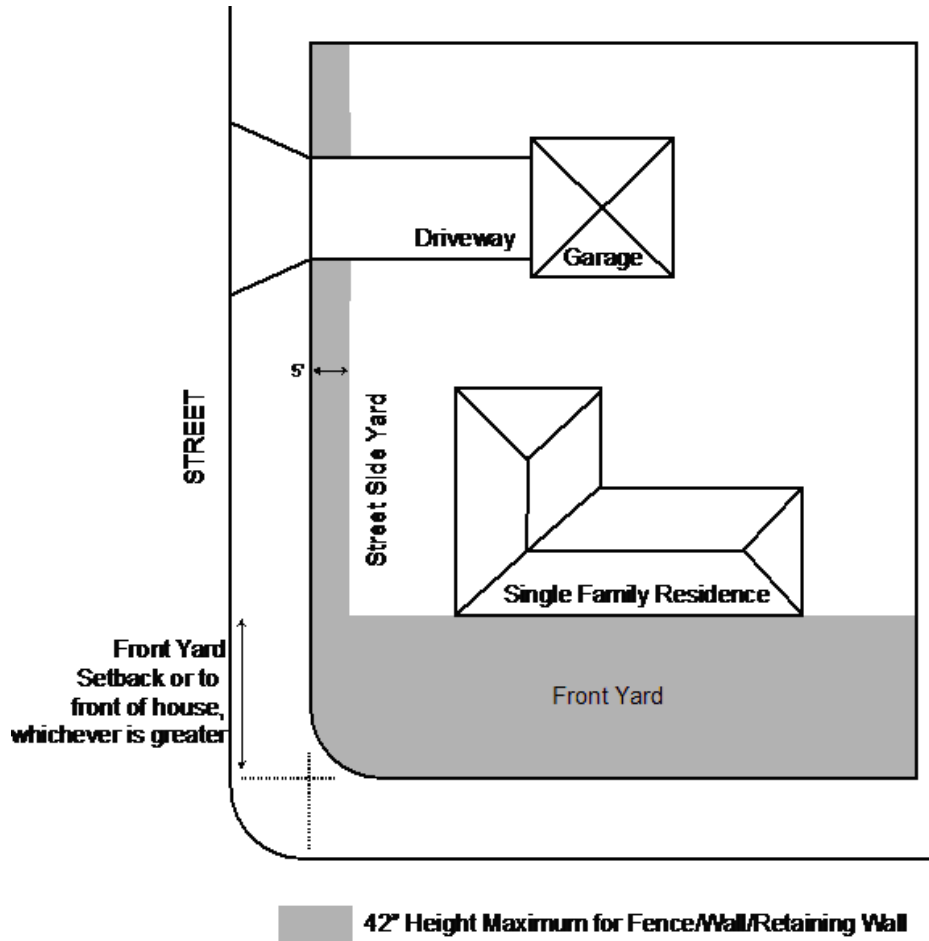
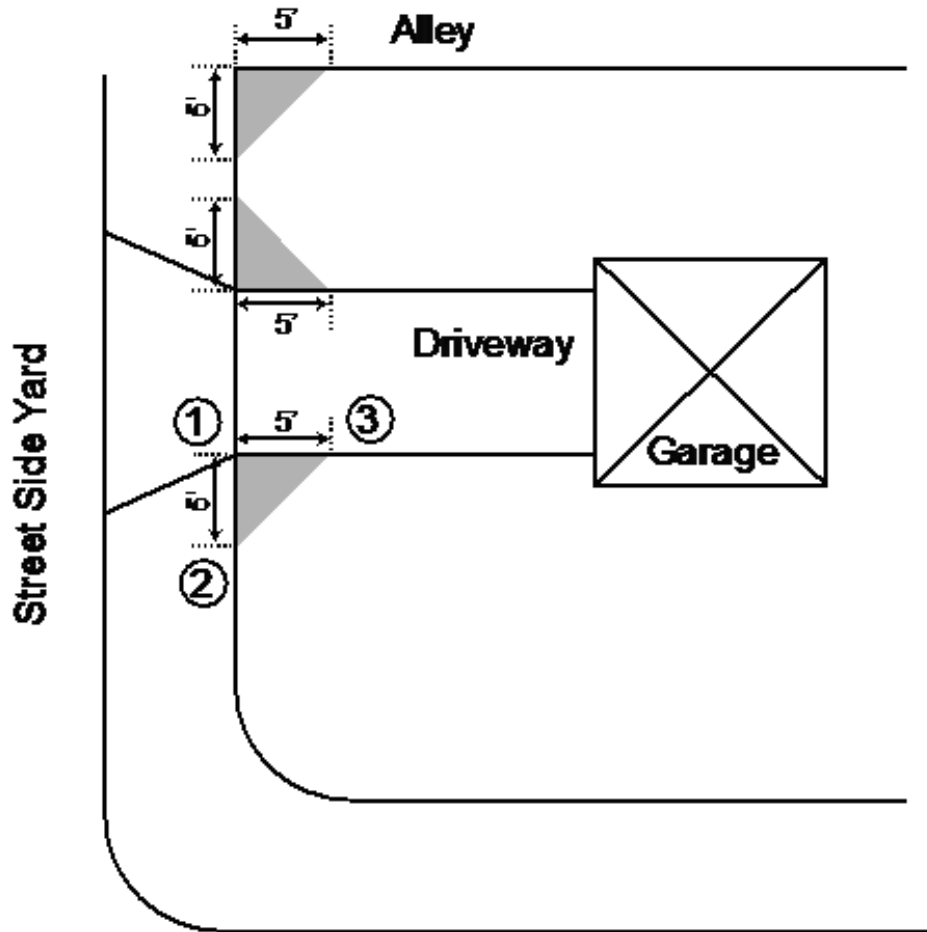


Figure 6. Driveway Cut-off Vision Clearance

Driveway View Clearance. No fence, wall, retaining wall, other structure, or landscaping shall exceed forty-two inches in height within the cut-off area along the driveway and the street right-of-way line. The cut-off area is a triangular area beginning at the intersection of a driveway and the street right-of-way (Point 1), five feet from that point along the street right-of-way (Point 2) and the other point five feet up the driveway (Point 3) (see Figure 6).

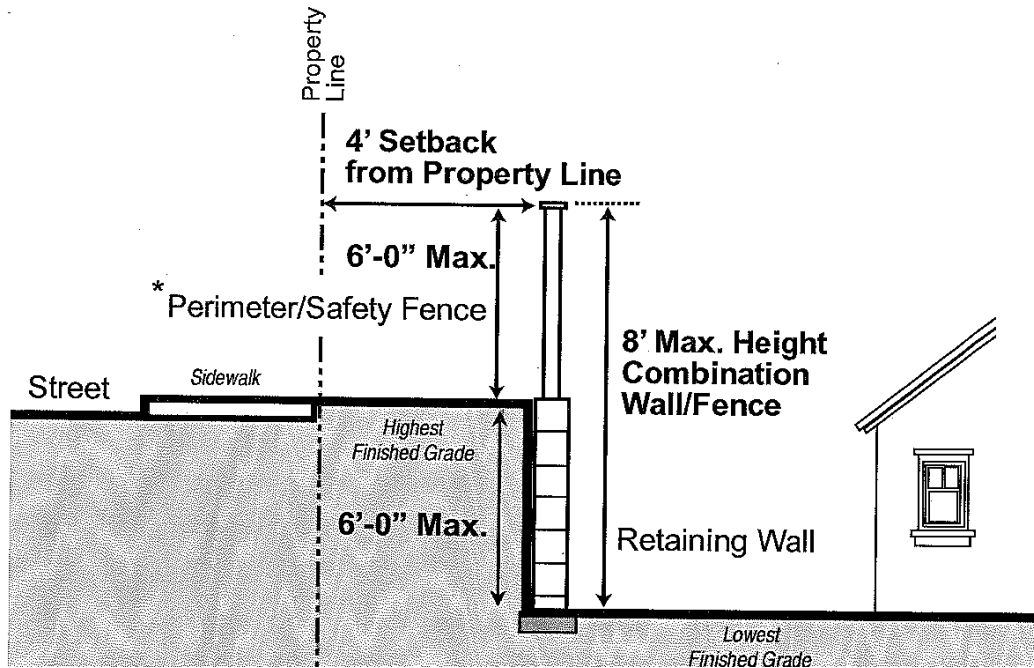
Alley View Clearance. No fence, wall, retaining wall, landscaping or other structure shall exceed forty-two inches in height within the cut-off area along the driveway and the alley. The cut-off area is a triangular area beginning at the intersection of a driveway and the alley, five feet from that point along the alley (see Figure 6).



- b. Retaining Wall.
 - i. Maximum Height.
 - ii. Lot Above Street Grade. The maximum height of a retaining wall within the street side, side yard on standard corner lots or reversed corner lots is forty-two inches.
 - iii. Lot Below Grade. Retaining walls in the street side, side yard, setback may be constructed up to six feet in height when not visible from the street.
 - iv. Number of Retaining Walls. Additional retaining walls are permitted in the street side, side yard setback on standard and reversed corner lots. If additional retaining walls are necessary in the street side, side yard setback, then additional retaining walls may be constructed above the retaining wall below it, if it is set back a minimum of four feet from the lower retaining wall, with appropriate landscaping in between each retaining wall.
 - v. Fence or Wall Set Above a Retaining Wall.
 - (A) Lot Above Street Grade. A fence or wall in the street side, side yard, setback above a retaining wall may be up to forty-two inches in height, if the fence or wall is setback four feet from the wall below and the setback is appropriately landscaped.
 - (B) Lot Below Street Grade Combination Wall. Any combination of a retaining wall with a perimeter fence on top within the street side, side yard, setback on below street grade lots may be constructed if setback four feet from the street side property line and the overall combination retaining wall and fence does not exceed eight feet high when measured from the

lowest finished grade on the property on which the wall is built and no more than six feet high, as measured from the highest finished grade for the perimeter fencing on top of the retaining wall. (see Figure 7)

Figure 7. Combination Wall Below Adjacent Street Grade

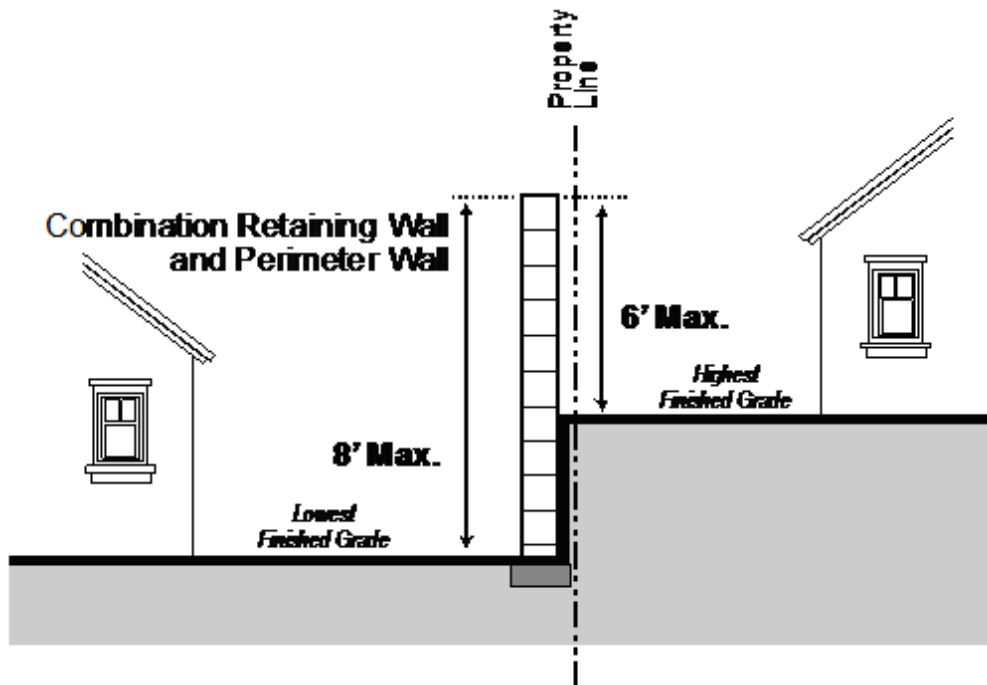


* If a swimming pool is located on the below grade property, refer to Building Code for safety fence minimum height requirement.

4. Interior Side Yards.

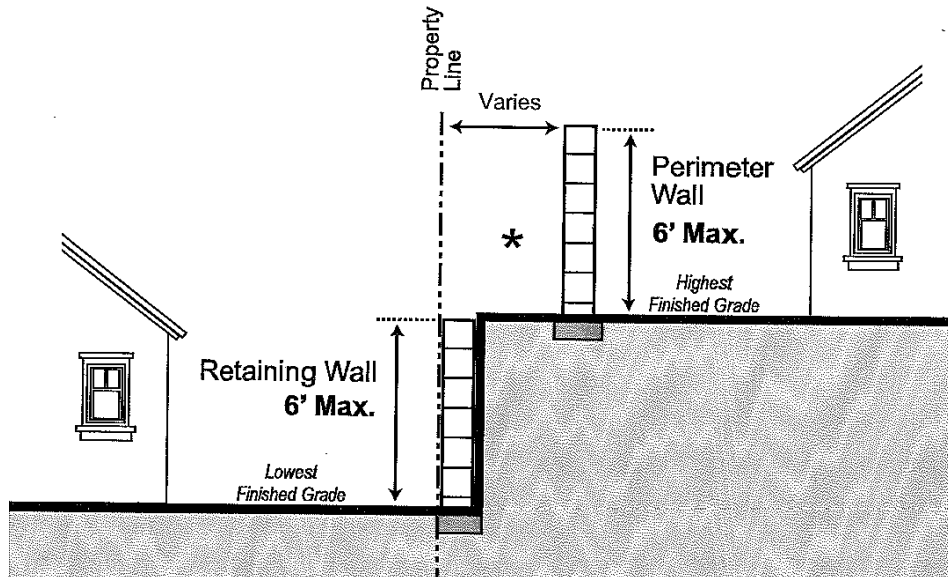
- a. Wall, Fence and Retaining Wall. The maximum height of any freestanding wall, fence or retaining wall within the interior side yard setback is six feet, except as provided below for combination walls. In addition, no setback shall be required between walls on different lots that share a common property line.
- b. Below Grade Combination Walls. When the finished grade of a lot is situated below the finished grade of a contiguous parcel at a higher elevation (and both lots share the same common interior property line), the property owner of the lot with the lower finished grade may construct a single retaining wall or combination retaining and perimeter wall/fence up to a maximum of eight-foot high adjacent to the property line (as measured from the lowest finished grade) if:
 - i. The area of work is located behind the required front yard setback;
 - ii. Any perimeter wall or fence located on top of the retaining wall does not exceed six feet high, as measured from the finished grade of the contiguous lot located at the higher finished grade (see Figure 8).

Figure 8. Construction of Below Grade Combination Walls



- c. Above Grade Combination Walls. When the finished grade of a lot is situated above the finished grade of a contiguous parcel at a lower elevation and both lots share the same common interior property line, the property owner of the lot with the higher finished grade may construct a maximum six-foot high retaining wall facing the adjoining property at the lower finished grade, as measured from the pad elevation of the lower adjoining property grade. However, the retaining wall shall be constructed with a decorative material consistent with the city-approved retaining wall palette or any other building material(s) deemed acceptable by the director of community development or other applicable approval authority. If desired, a maximum six-foot high perimeter wall or fence may also be constructed immediately behind the retaining wall (at the higher finished grade), without setbacks from the retaining wall (see Figure 9), subject to the other applicable provisions contained within this ordinance.
- d. Where a perimeter wall/fence is within four feet of a property line where a proposed or existing retaining wall is also placed on the same property, and both walls/fences exceed a combined vertical height of eight feet from the lowest finished grade, the walls/fences shall require design review approval by the approval authority to mitigate any adverse impacts to the lower adjacent property owner related to aesthetics, massing and height.

Figure 9. Construction of Above Grade Combination Walls



* No separation/setback required between walls on separate parcels. However, if a freestanding perimeter wall/fence is within four feet of the property line that includes an intervening retaining wall built on the same parcel as the freestanding wall and the combined vertical height (face) of the retaining wall and freestanding fence on the same parcel is over eight feet in height as measured from the lowest finished grade or the adjacent parcel, design review approval is required and appropriate mitigation measures applied, as deemed necessary by the approval authority.

- e. Fences and Walls between Driveways. When adjacent driveways are less than ten feet in width for a single-family residence, or less than twelve feet in width for two units, or less than eighteen feet in width for three or more units, or less than fifteen feet in width when the driveway is over one hundred feet in length or construction of a wall or fence would create a nonconforming driveway width, then fences and walls are not permitted between the driveways, except when located behind the back side of the house where a driveway can be expanded to a conforming width. A six-foot fence or wall between adjacent driveways is permitted, only if the area between each driveway and the interior property line is a minimum of three feet wide, from the front yard setback line to the back wall plane of the house, and those areas between the driveway and the interior property line are appropriately landscaped.
5. Rear Yard Setback.
- a. Wall and Fence.
 - i. Maximum Height. The maximum height of a wall or fence in the rear yard setback is six feet, except as provided below for combination walls.
 - ii. Exception. The maximum height of a wall or fence in the rear yard setback is eight feet, when the adjacent property to the rear is a commercial zone, manufacturing zone, an alley or the Greenway Trail.
 - iii. Minimum Height. Rear yard walls and fences along the Greenway Trail must be a minimum of six feet in height.
 - iv. Setbacks. No setback shall be required between walls on different lots that share a common property line.
 - b. Retaining Wall.

- i. **Maximum Height.** The maximum height of a retaining wall within the rear yard setback is six feet, except as provided below for combination walls.
 - ii. **Exception.** The maximum height of a retaining wall in the rear yard setback is eight feet, when the adjacent property is a commercial zone, manufacturing zone, or the Greenway Trail.
 - c. **Combination Walls.**
 - i. Except as provided elsewhere within this chapter, above and below grade combination walls may be constructed in the rear yard setback as described above (in Section 18.10.030(D)(4)) for above and below grade combination walls located along interior side yards (see Figure 8 and 9).
- 6. **Outside of Yard Setbacks.** A fence, wall or retaining wall may be built outside of yard setbacks within the interior of a lot up to six feet in height. If greater than six feet, the approval of a minor conditional use permit shall be required.
- 7. **Other.**
 - a. **Swimming pool fences.** Where a fence above a retaining wall is required per Building Code in order to comply with a fence enclosure for a swimming pool, a non-view obscuring fence may be placed on top of the retaining wall at such a height as to comply with pool enclosure requirements, as long as, that portion of retaining wall and fence that exceeds six feet is non-view obscuring.
 - b. **Prohibitions.** Except as provided for under the City's Vacant Lot Ordinance, chain-link fences are not permitted within the front or street side, side yard on any residentially zoned lot, provided that educational institutions, churches, and other similar non-profit uses, which have outdoor athletic facilities in such zones may be exempt from such prohibitions and from required height limits provided a conditional use permit is first obtained. The exemption pertains to those areas immediately around the outdoor athletic facility and does not include single-family or multi-family residences with outdoor athletic facilities.
 - c. **Exceptions:**
 - i. Fences, walls or retaining walls may vary from the sections listed above when a minor variance or variance has been granted in compliance with Sections 18.58.060(D) and 18.52.020, respectively.
 - ii. Landscape planters constructed up to eighteen inches in height are exempt from this section.
 - iii. When a residential parcel is contiguous to any arterial or collector street, the abutting rear and/or street side yard property line may have a wall constructed on it up to of six feet high. A maximum height of eight feet may be permitted if the wall is setback two feet from the property line and the setback space is appropriately landscaped and irrigated, subject to design review approval. Based on the lot grade and wall location, the approval authority shall consider the physical and visual impact of the wall along the street and its compatibility with the neighborhood. The street facing side of the wall shall to be constructed with a decorative material consistent with the city council approved fence palette or any other building material(s) deemed acceptable by the director of community development or other applicable approval authority.
 - d. **Temporary fences constructed on vacant lots.** Refer to Section 8.08.026 (Vacant lots) for applicable vacant lot fencing regulations.
- E. **Refuse Storage Areas.** Each R-zoned lot shall be provided with facilities for the storage of refuse containers, as follows:

1. Location. A refuse storage area shall be provided on the same lot as the dwelling unit(s) it serves. Such area may be located on any portion of a lot where a building or accessory building may be placed; provided that, on properties served by an alley the refuse storage area shall be located within a distance not to exceed five feet of the right-of-way line of the alley. The director of public works or his/her designated representative, may waive the requirement for an on-site refuse storage area when a property is located in an automated refuse collection area and is served by off-site containers.
 2. Size. Refuse storage areas shall comply with the following size requirements:
 - a. For R-E, H-R and R-1 lots: Refuse storage areas shall be of adequate size for the temporary storage of refuse originating on the lot.
 - b. For all other zones which permit residential uses: Refuse storage areas shall have a minimum area of thirty square feet, with minimum interior dimensions of five feet by six feet. The public works director or his/her designated representative, may require greater or lesser dimensions, where it is determined that such adjustments will increase the efficiency of solid waste disposal operations.
 3. Design. Refuse storage areas shall be completely enclosed by a view-obscuring wall, not less than six feet in height. The enclosure shall include a closeable, view-obscuring gate, with a minimum five-foot wide unobstructed access point. On properties served by an alley, the gate shall be located adjacent to the alley to accommodate refuse collection. Such walled enclosure shall be finished to match the color and facade material of the building it serves and shall incorporate landscape screening when possible.
 4. Maintenance. The property owner shall ensure that all refuse storage areas are regularly cleaned and maintained in a safe and sanitary condition.
 5. Director. The locations of refuse storage areas shall be conveniently adjacent to the units served and placed to facilitate efficient collection of refuse. When located in an automated refuse collection area, removal, modification or relocation of existing refuse storage areas that do not meet the minimum location, size, and/or design requirements may be necessary for automated service.
- F. Use of Dwellings. No single-family dwelling nor any dwelling unit shall be used or occupied except by a family, and not to exceed:
1. Two domestic workers, employed as such in dwelling units; or
 2. Two paying boarders; however boarding or rooming houses shall not be permitted in residential zones, except as may be permitted and provided for in Chapter 18.52 of this code.
- G. Design Standards. In order to preserve the architectural integrity of the city's residential neighborhoods and the integrity of individual structures, prevent deterioration of older neighborhoods, ensure that residential design is based on the general architectural character of the neighborhood, and to accomplish the city's objectives of quality development; each residential development shall comply with the design standards set forth in this subsection, the community design ordinance and any applicable guidelines.
1. General. To accomplish the city's objective of quality development, each development project must be of a good project design and the following factors must be considered in the context of the neighborhood character:
 - Height

- Mass
- Architectural style
- Setbacks
- Site and setting
- Density and intensity
- Roof shapes
- Scale
- Material
- Landscaping
- Proportion of openings
- Location of parking
- Porches and entryways
- Accessory structures

- a. The following standards shall apply to all residential development:
 - i. Exterior Siding. Each residential development and additions thereto shall have exterior sidings of wood, stucco, masonry, or other approved materials which are formed and finished to give the appearance of such materials, provided;
 - (A) Metal siding shall be prohibited unless incorporated as part of a defined architectural style; and
 - (B) New Construction. New residential developments shall have an architectural style and siding material which is appropriate to and compatible with the character of the structures on the street which make up the block within which such dwellings are proposed to be constructed.
 - (C) Accessory Structures. Exterior siding on accessory structures shall be the same or complimentary to the siding used on the structure to which the accessory structure is related.
 - (D) Additions and Exterior Remodeling. Siding on additions and remodeling shall be the same as the siding material used on the structure proposed to be added to or remodeled, or be a combination of materials appropriate to the architectural style of the building and the character of the neighborhood.
 - (E) Replacement of Existing Siding. If the existing siding is in need of replacement or the original material has been removed, replacement material shall be the same material, or have a similar appearance to the original siding on structures of the same or similar architectural style of the building and the character of the neighborhood.
 - (F) Architectural treatments utilized on the front and street side elevations shall be continued on to interior property line side elevations.

- ii. Roofing Material. Each residential development shall have a roof constructed of wood shake, shingle, asphalt composition, fiberglass shingle, crushed rock, tile or other approved materials appropriate to the architectural style of the building, provided:
 - (A) Metal roofing shall be prohibited, except that which is formed and finished to represent wood shake or tile, or architecturally integrated into the design of the building, and excepting metal patio covers, when located on the rear of the building and more than fifty feet from the street.
 - (B) New built-up composition roofs are prohibited unless screened from view of the public street by a parapet wall or other approved feature and excepting additions to existing structures with built-up composition roofs.
 - (C) The roof on accessory structures shall have the same or a complimentary roof design and materials as used on the structure to which the accessory structure is related.
- iii. Eave Overhang. The roof of each residential development shall have an eave overhang appropriate to the architectural style of the buildings, or shall have a parapet extending above roof level a minimum of one foot, provided:
 - (A) Additions to existing buildings shall maintain the same eave overhang as the existing structure; and
 - (B) Detached accessory structures shall maintain the same overhang as the principal structure.
- iv. Mechanical Equipment. All heating, ventilation and air-conditioning equipment, including but not limited to condensers, compressors, vents, ducts and conduits and water holding tanks associated with solar panels, shall comply with the following:
 - (A) All such equipment shall be completely enclosed and/or architecturally screened from view from adjacent properties and the public right-of-way.
 - (B) All such equipment shall be screened by an enclosure designed as an integral part of the building, which is consistent with the architecture of the building or by appropriate landscaping.
 - (C) Heating, ventilation and air-conditioning equipment shall not be located on the roof of a building, except in new developments wherein such equipment is recessed into the roof structure or placed behind parapet walls of adequate height to meet the requirement of subsection (G)(a)(iv)(B) of this section.
- v. Utilities. Electrical service panels, conduits, transformers, gas meters, backflow prevention valves, fire sprinkler valves, water control valves and landscape irrigation equipment shall be screened, to the greatest extent possible, from view from streets or common areas consistent with the requirements of utility companies and the fire department, for access to the facilities for service and reading of the meters, provided:
 - (A) New construction must utilize flush mounted electrical service panels, set into the wall between the studs, painted to match the adjacent surface and located on side or rear walls, unless approved on the front as part of

the overall design of the project and if the front is the only location where the meter can be located.

- (B) Replacement of existing electrical service panels which utilize surface mounted panels attached to the outer surface of the wall, must be painted, including the conduit, to match the adjacent surface.

2. R-E and R-1 Zones. In addition to the standards set forth in subsection 1, above, each residential development in the R-E and R-1 zones shall comply with the following standards:

a. Floor Area.

(1) Minimum. Each single-family dwelling and foundational mobilehome, shall have a gross floor area exclusive of garages, decks, patios and breezeways of not less than fifteen percent of the area of the lot area upon which it is or is proposed to be located or eleven hundred square feet, whichever is greater, provided that no dwelling shall be required to have a floor area in excess of three thousand square feet; and

(2) Maximum. The total floor area of all enclosed useable space, including accessory buildings other than Accessory Dwelling Units, and enclosed patios, other than the area required, designed, and used for parking of vehicles, shall not exceed forty percent of the area of the lot upon which such buildings are or are proposed to be located; and

b. Minimum Width. Each single-family dwelling and foundational mobilehome, shall have a minimum width of not less than sixty percent of the lot width, provided that no such building shall be required to have a width in excess of fifty-five feet.

c. Window Treatments. Window treatments which are architecturally compatible with the project shall be incorporated into the project design. Window treatments should include but not be limited to: architectural window trim, such as: lintels, sills, arches, molds, brackets, bay windows, recessed windows, mullions, and multi-paned windows. Exceptions may be given through the development review process, when the particular architectural style excludes the above requirements. Bare aluminum window casements are prohibited unless consistent with an identified architectural style. Aluminum window casements must be either anodized or painted to complement the trim and colors of the structure.

d. Landscaping. Not less than sixty percent of the required front yard area shall be planted and maintained with plant material and appropriately irrigated; provided, that the planning director may waive this requirement in order to comply with minimum driveway requirements set forth in Section 18.48.070(D).

3. R-2, R-3 and R-4 Zones. In addition to the standards set forth in subsection 1, above, each residential development in the R-2, R-3, R-4, and R-5 zones shall comply with the following standards:

a. Window Treatments. Window treatments which are architecturally compatible with the project shall be incorporated into the project design. Window treatments should include but not be limited to: architectural window trim, such as: lintels, sills, arches, molds, brackets, bay windows, recessed windows, mullions, and multi-paned windows. Exceptions may be given through the development review process, when the particular architectural style excludes the above requirements. Bare aluminum window casements are prohibited unless consistent with an identified architectural style. Aluminum window casements must be either anodized or painted to complement the trim and colors of the structure.

b. Entry Door Treatment. Entry doors can be simple or decorated but should balance the entryway to each unit. Doors should have paneled recesses, unless inconsistent with an identified architectural style, and decorative trim treatment around the door. The entry to

- each unit shall incorporate a cover over the door to protect residents from inclement weather. Such covers must be integrated into the design of the building and not appear as add-ons.
- c. Garage Door Treatment. Garage doors shall be decorative and designed to match and complement the principal structure. Garage doors shall be framed by the trim treatment utilized on the principal structure. If metal doors are used, they shall be painted to match, contrast or complement the exterior wall color.
 - d. Utilities. Electrical boxes, gas meters, landscape irrigation equipment, and other utilities visible from public or private streets or common areas shall be appropriately screened architecturally or with landscaping.
 - e. Pavement Treatment. Enriched or decorative pavement, including but not limited to: colored concrete, concrete brick, brick and appropriately located turf block, shall be incorporated into the overall design theme. Pavement treatment shall include, but not be limited to, driveways and walkways. Credit toward the landscaping requirements may be given for exceptional use of treated pavement.
 - f. Stairways. Stairway entrances, including the safety railing, shall be designed as an integral part of the building and designed to screen the view of the stair treads from the street.
- H. Development Review. Prior to the issuance of a building permit for a residential development, a development review application shall be submitted, reviewed, and approved in accordance with Chapter 18.56 hereof. In the review of the applications for development review, the approving authority shall consider the following:
- 1. No development review application shall be approved for a residential development unless the approving authority, based upon the evidence presented, finds that the factors set forth in subsection (G)(1) of this section have been considered in the design of the project; and the improvements proposed will be compatible as to size, location on the lot, elevations and appearances with existing structures located upon lots within the immediate vicinity of the lot which is the subject of such application; and
 - 2. The design of the residential development will be consistent with the purpose and intent of the provisions of this title, the general plan, and applicable city development guidelines.
- I. Antennas and Flagpoles. Flagpoles and antennas, as permitted pursuant to Section 18.10.020(J), shall be permitted to be constructed and maintained only in compliance with the following:
- 1. Location. Except as expressly hereinafter permitted, no flagpole or antenna may be located in a required yard area nor in an area of a lot between a front lot line of that lot and a dwelling unit located thereon; a flagpole, not in excess of twenty-five feet in height, nor a dimension of more than four inches, may be located in a required front yard area; provided, that the same shall not be placed closer than ten feet of any lot line; and
 - 2. Height. No flagpole or antenna shall have a height in excess of that permitted by the underlying zone classification for buildings and structures; and
 - 3. Bulk. No antenna shall have a horizontal dimension in excess of twelve feet; and
 - 4. Bracing. All flagpoles and antennas shall be self-supporting and shall have no external guys or braces.
 - 5. Federal Law. Notwithstanding any other provisions of this code to the contrary, the Director may allow antennas to the extent required by state or federal law. See Chapter 18.47 (Wireless Telecommunications Facilities on Public and Private Property).

J. Accessory Structures. Accessory structures shall be subject to the following:

1. Accessory structures with habitable space, as defined by the California Building Standards Codes, or which have bathing facilities, are considered accessory living area and subject to the requirements of subsection (H) of this section; and
2. Accessory structures in excess of one story in height are prohibited unless a minor conditional use permit has first been approved therefor; and
3. The second floor area of a two-story accessory building shall not exceed seventy-five percent of the ground floor area of the accessory structure; and
4. Stairway access to the second floor shall be interior.

(Ord. 2897 § 8, 2008; Ord. 2901 § 1, 2007; Ord. 2839 § 13, 2004; Ord. 2838 § 13, 2004; Ord. 2824 § 7 (part), 2003; Ord. 2792 § 2, 2001; Ord. 2765 § 2 (part), 2000; Ord. 2755 § 2 (part), 1999; Ord. 2746 § 2, 1999; Ord. 2738 § 4, 1998; Ord. 2712 § 1 (H), (I), (L)—(N), 1997; Ord. 2690 § 2, 1996; Ord. 2632 § 1(A), 1994; Ord. 2610 § 1(B—F), 1993; Ord. 2580 §§ 2, 3, 1992; Ord. 2577 § 33, 1992; Ord. 2518 § 2, 1990; Ord. 2441 § 1, 1988; Ord. 2416 § 2, 1987; Ord. 2392 § 2(a), 1986; Ord. 2345 § 2, 1985; Ord. 2337 § 1, 1984; Ord. 2318 § 1(c), 1983; prior code § 9122)

(Ord. No. 2932, § 1, 8-11-09; Ord. No. 2967, § 1, 4-12-11; Ord. No. 3054, § 2, 8-9-16)

18.10.040 Alternative development standards.

Alternative development standards, when allowed in this chapter, are intended to provide better quality of design than could be achieved through the use of the basic development standards and design guidelines indicated in Sections 18.20.020, 18.20.030, 18.22.020, 18.22.030, 18.48.070(C), 18.48.070(D), 18.48.070(M) and 18.76.030(A) and Division VI. Alternative standards allow the use of more creative design, while maintaining the quality of development and the character of the adjacent and surrounding neighborhood. This section is not to be construed as a substitute for the variance procedure detailed in Chapter 18.52. The following findings must be made to allow for the use of the alternative development standards:

A. A development review application may be approved, utilizing optional development standards, notwithstanding any provision of this title to the contrary, and to the exclusion of the zoning regulations applicable to the lot by reason of its underlying zone classification, provided:

1. That the approval is consistent with the public peace, health, safety and general welfare; and
2. That the development proposed is consistent with the city's general plan and any applicable specific plan relating to the areas included within such plan; and
3. That the development will be in substantial compliance with the purpose and intent of the zoning regulations; and
4. The approving body or zoning administrator shall make a specific finding as a condition of approval that the optional standards being approved shall increase the quality of the project by achieving greater than minimum standard requirements provided by this code.

(Ord. 2518 § 3, 1990)

18.10.050 Minimum residential density.

The provisions within the general plan pertaining to minimum density within the R-2, R-3, R-4, and R-5 residential zones may be waived or modified by the Director of Community Development when it can be demonstrated that the minimum density requirements cannot be provided because of unusual circumstances associated with the property due to one or more of the following conditions:

- A. The topography of the property cannot be altered in a practical manner to accommodate the minimum density requirement.
- B. The minimum density cannot be physically developed on the project site without the approval of a variance because the existing property does not comply with the city's minimum required lot size, depth and/or width requirements.
- C. The new construction would necessitate the removal or significant alteration of existing on-site structures and/or cannot be physically integrated onto the existing property without the approval of a variance or deviation from Health and Safety Codes.
- D. The property is eligible for or listed on a local, state or national historic register or is a contributing resource within an historic district and the minimum density requirements would adversely impact the historic setting, structure(s) or feature(s) of the property in such a manner as to adversely diminish the site's historic significance or value.
- E. The property has one or more significant easement(s) on the property that cannot be relocated, modified or abandoned and therefore reduces the functional building area on the property to develop residential dwelling units.

(Ord. 2873 § 1, 2006)

18.10.060 Minimum dwelling unit square footage.

Residential dwelling units located in any "R" (residential) referenced zoning classification or specific plan (unless identified otherwise within the development standards of an adopted specific plan) shall comply with the following standards:

- A. All detached, single-family, dwelling units shall consist of a minimum of one thousand one hundred square feet.
 - 1. The minimum required square footage shall not include porches, balconies/decks, garages, storage rooms or other such accessory structures or architectural features that are attached or detached from the dwelling unit.
- B. All attached or semi-detached residential dwelling unit(s) located in an apartment, townhome, condominium or other multi-family residential or mixed-use development shall consist of the following minimum square footage:

Minimum Square	Dwelling Footage	Unit Schedule
Unit Type	Minimum Size	
Senior Housing Unit	450 square feet	
Studio Unit	600 square feet	
1 Bedroom Unit	750 square feet	

2 Bedroom Unit	1,000 square feet
3 Bedroom Unit	1,250 square feet
4 Bedroom Unit	1,500 square feet
5 Bedroom Unit or Greater	1,500 square feet plus an additional 250 square feet for each additional bedroom with more than four bedrooms within the same dwelling unit.

1. The minimum required dwelling square footage shall not include porches, balconies/decks, garages, storage rooms, or other such accessory structures or architectural features attached or detached from an individual dwelling unit.
- C. Any accessory dwelling unit and any junior accessory dwelling unit shall be subject to the standards in Section 18.10.020 (l), Accessory Dwelling Units.
- D. No existing residential dwelling unit that was legally constructed prior to the enactment of this ordinance [Ordinance No. 2940] shall be deemed nonconforming solely because it fails to comply with the minimum dwelling unit square footage provisions contained in this chapter. If an existing residential dwelling is partially or totally destroyed by fire or other natural disaster, it may be reconstructed to its original square footage, even if it does not meet the minimum dwelling unit square footage provisions contained in this chapter.

(Ord. No. 2940, § 1, 12-8-09; Ord. No. 3068 , § 5, 6-13-17; Ord. No. 3116 , § 10, 5-26-20)

CHAPTER 18.16 – R-1 SINGLE FAMILY RESIDENTIAL ZONE

18.16.020 Permitted uses.

No person shall use, nor shall any property owner permit the use of, any property classified in the R-1 zone for any principal or accessory use other than the following:

- A. Principal Uses.
 1. One single-family dwelling;
 2. Those uses expressly permitted pursuant to Section 18.52.030;
 3. Foundational mobile homes and modular homes;
 4. Family day care homes for fourteen or fewer children;
 5. Residential care facilities, as defined in Chapter 18.06 of this code, pursuant to the California Community Care Facilities Act (Health and Safety Code Section 1500-1518 , serving six or fewer persons.
 6. Transitional and Supportive Housing as defined in Health and Safety Codes 50675.2 and 50675.14
 7. Employee Housing as defined in Health and Safety Code Section 17008.

(Ord. 2897 § 11, 2008)

(Ord. No. 3116 , § 13, 5-26-20; Ord. No. 3117 , § 6, 6-23-20)

CHAPTER 18.18 – R-2 LIGHT MULTIPLE RESIDENTIAL ZONE

18.18.020 Permitted uses.

No person shall use, nor shall any property owner permit, the use of an R-2-zoned lot for any principal or accessory use other than the following:

- A. Principal Uses.
 - 1. Dwelling units, the number of which shall be one dwelling unit for each three thousand square feet of total lot area;
 - 2. Those uses expressly permitted pursuant to Section 18.52.030, for which a conditional use permit is required;
 - 3. Those uses permitted in the R-1 zone.
- B. Accessory Uses. Those accessory uses expressly permitted pursuant to the provisions of this title.

(Ord. 2518 § 4, 1990; prior code § 9141)

CHAPTER 18.22 – R-4 HEAVY MULTIPLE RESIDENTIAL ZONE

18.22.040 Alternative development standards.

Alternative development standards are intended to provide better quality of design than could be achieved through the use of the basic development standards indicated in Section 18.22.030. Alternative standards allow the use of more creative design, while maintaining the quality of development and the character of the adjacent and surrounding neighborhood. This section is not to be construed as a substitute for the variance procedure detailed in Chapter 18.52. The following alternative development standards may be employed:

- A. Front Yards. The front yard setback may be equal to an average of fifteen feet with a minimum of ten feet. For corner lots whose side yard is located on a major or minor arterial within the city, the minimum front yard setback shall not be reduced below that which is required by Section 18.22.030B.2.a, b and c.
- B. Maximum Height Limits. The maximum height limit may be increased to forty feet, but no more than two stories, for architectural features of the proposed building(s) which are indicative of the design character of the immediate surrounding area and neighborhood.
- C. Street Garage. Two of the required parking spaces may have access taken from the street if:
 - 1. Parking spaces are located in a garage;
 - 2. Driveway pavement is enriched or decorative;
 - 3. Access is not taken from a circulation element road;
 - 4. Garage doors are required.

(Ord. 2518 § 6 (part), 1990)

Chapter 18.26 C-O COMMERCIAL-OFFICE ZONE

18.26.010 Purpose.

In order to provide for the development of light commercial professional office and appropriate associated uses within the city, zone C-O, entitled "Commercial-Office," is created.

(Prior code § 9180)

18.26.020 Permitted uses.

No person shall use, or permit the use of, any property zoned C-O, except for the following principal and accessory uses:

A. Principal Uses.

- Ambulance services, including the sale and rental of sickroom supplies and equipment
- Artist studios
- Bank, savings and loan, or similar financial institution
- Barbershops and beauty shops
- Coffee shops, cafe or restaurant facility, only if the same is located within a building housing an office-complex, which building has a gross floor area of at least ten thousand square feet. Such restaurant facility shall not occupy an area which exceeds twenty-five percent of the total ground or first floor of the building in which located
- Communication equipment buildings
- Dental offices and clinics
- Employment agencies
- Laboratories, medical and dental
- Live/Work development
- ___ Low Barrier Navigation Center/ Hospitality Houses
- Manufacturer's agent, provided no stock in trade or inventory other than samples shall be permitted
- Medical offices and clinics
- Mixed-Use (residential/commercial) development
- Offices, business and professional
- Optician, dispensing
- Parking lots and parking structures
- Prescription pharmacies, limited to the sale of medicinal and pharmaceutical supplies
- Private clubs

- Recording studios
 - Schools, business and professional
 - Senior Citizen Housing, as defined in Chapter 18.06, subject to the provisions of Chapter 18.42
 - Studios, including but not limited to art, dance, martial arts, music, photography
 - Telephone repeater stations
 - Tourist information centers
 - Any use which is found, pursuant to Section 18.50.030, to be similar to and compatible with the uses listed in this section;
- B. Accessory Uses. Those uses which are directly related, but clearly subordinate to a permitted principal use.
- C. Conditionally Permitted Principal Uses. Those uses which are allowed with a conditional use permit under Section 18.52.030 G. If a use is conditionally permitted in the R-4 zone and has fifty percent or more of the floor area located above the first floor devoted to residential purposes shall be considered a residential use and shall comply with the provisions of Chapters 18.10 and 18.22, to the exclusion of regulations contained in Chapter 18.24.

(Ord. 2740 § 2, 1998; Ord. 2553 § 6, 1991; prior code § 9181

CHAPTER 18.28 - C-1 LIGHT COMMERCIAL ZONE

18.28.020 Permitted uses.

- A. Principal Uses.
1. Any use permitted in the C-O zone except:
 - Ambulance services
 - Communications buildings
 - Commercial parking lots and structures
 - Residential care facilities
 - Schools, business and professional
 2. Those uses which are expressly permitted pursuant to Section 18.52.030, for which a conditional use permit is required;
 3. The following uses:
 - Antique shops (not including antique malls)
 - Art galleries
 - Bakery shops
 - Bicycle sales and service
 - Candy stores

- Clothing stores
 - Delicatessens
 - Dry cleaning or laundry, retail only (no on-site cleaning)
 - Florist shops
 - Food, prepared for consumption off-site (food-to-go)
 - Gift shops
 - Hobby supply shops
 - Ice cream shops
 - Interior decorating studios
 - Jewelry stores
 - Locksmith shops
 - News stands
 - Notions or novelty stores
 - Orthopedic supply and sales
 - Plant shops or nurseries
 - Photographic equipment and supply stores
 - Restaurants and cafes with less than three thousand square feet of gross floor area
- Retail uses with less than three thousand square feet of gross floor area
- Shoe repair shops
 - Shoe stores
 - Stationery stores
 - Tailor shops
 - Telecommuting center (computer/internet access)
 - Watch repair shops
 - Any use which is found, pursuant to Section 18.50.030, to be similar to and compatible with the uses listed above;

B. Accessory Uses. Those uses which are directly related, but clearly subordinate to a permitted use.
(Ord. 2740 § 3, 1998)

18.28.030 Development standards.

Buildings, structures and uses located on lots classified in zone C-1 shall be developed and maintained in accordance with regulations contained in Chapter 18.24, and the following:

- A. Height. No building or structure located on any C-1-zoned lot, which lot has a common lot line with an R-zoned property, shall exceed the height limit for buildings and structures as permitted in the R zone; and

- B. Outside Storage. All storage of materials, except temporary storage of refuse, shall be within an enclosed building, or as allowed under Section 18.24.030.

(Prior code § 9192)

Chapter 18.34 M MANUFACTURING ZONE

18.34.010 Purpose.

In order to provide for the development of manufacturing areas and to maintain the integrity of existing manufacturing areas within the city, the regulations set out in this chapter shall be applicable to all properties classified in zone M.

(Prior code § 9220)

18.34.020 Permitted uses.

No person shall use, or permit the use of any lot zoned M, except for the following principal and accessory uses:

A. Principal Uses.

1. Any use permitted in the C-3 zone, except for the following:
 - a. Educational institutions,
 - b. Hotels;
2. Those uses which are expressly permitted pursuant to Section 18.52.030, for which a conditional use permit is required;
3. The following uses:
 - Automobile assembly plants, including body and fender repair
 - Bakeries
 - Bottling plants
 - Building material sales
 - Contractors' equipment yards, storage, sales or service
 - Cleaning and dyeing establishments, wholesale and retail
 - Emergency shelters (See Section 18.34.060 for provisions)
 - Engraving, machine-metal engraving
 - Fabricating, or other process used in bending or shaping metal
 - Feed and fuel sales
 - Flour mills
 - Gases. Storage of the following gases is permitted, provided that the same is conducted in accordance with the provisions of all applicable laws, including, but not limited to, this code: acetylene, butane and oxygen

- Ice and cold-storage plants
- Knitting mills
- Laundries
- Lumberyards
- Machine shops
- Machine storage yards
- Manufacturing, compounding, assembling, processing, packaging or treatment which creates any of the following products, with associated distribution occupying no more than 49% of building area:
 - Batteries
 - Brushes
 - Candles
 - Canvas
 - Casein, the manufacture of casein products, except glue
 - Cigars
 - Cigarettes
 - Clocks
 - Coffins
 - Cosmetics
 - Cutlery
 - Drugs
 - Dry goods
 - Electric or neon signs
 - Engines, internal combustion or steam, which shall not include foundries
 - Food products, except lards, pickles, sauerkraut or vinegar
 - Furs
 - Furniture
 - Gloves
 - Hearing equipment
 - Ink
 - Mattresses and bedsprings
 - Motors, electric
 - Musical instruments
 - Phonograph records

- Prefabricated buildings
- Rugs
- Shoes
- Soap, cold-mix only
- Statuary
- Store and other commercial fixtures
- Toys
- Type, printers
- Venetian blinds
- Wearing apparel and garments
- Manufacturing, compounding, assembly, packaging or treatment of articles or merchandise from any of the following materials, with associated distribution occupying no more than 49% of building area:
 - Bone products
 - Cellophane
 - Cork
 - Corrugated cardboard
 - Feathers
 - Fiber, including fiberglass
 - Glass
 - Hair
 - Horn
 - Iron, not including foundries
 - Metal, products of precious metals: steel and brass stamp, including hand and machine engraving, metal fabricating, spinning and storage
 - Paper, not including the manufacture of paper itself
 - Plastics and synthetics
 - Pottery
 - Rope
 - Rubber, fabrication of products made from finished rubber
 - Textiles
 - Wire
 - Wood, including a planing mill
 - Yarn

- Paints, paint-mixing, providing a boiling process is not employed, no tank farm is permitted and above-surface thinner storage is limited to two hundred gallons
- Poultry and rabbit slaughter
- Public utility service yards and pumping plants
- Sheet-metal shop
- Solid-fuel operation
- Tile, wall and floor, and related small tile products
- Tinsmiths
- Tire rebuilding, recapping and retreading
- Trade schools
- Truck-washing and cleaning
- Welding shops
- Wine storage and manufacture
- Any similar enterprises or businesses which the commission finds, by clarification of ambiguity, are similar to and compatible with the uses enumerated in this section.

(Ord. 2553 § 10, 1991; Ord. 2423 § 10, 1987; Ord. 2375 § 1(c), 1986; prior code § 9221)

(Ord. No. 2948, § 1, 2-23-10)

Chapter 18.38

Sections:

18.38.010 {Reserved}

18.38.020 {Reserved}

18.38.040 {Reserved}

Chapter 18.42 PLANNED DEVELOPMENT DISTRICTS

18.42.020 Purpose.

The purpose of the provisions of this chapter is to provide, with respect to properties classified in any of the R zones, and in the C-O zone for senior citizen housing only, as defined in Chapter 18.06.

- A. A reasonably flexible vehicle which will provide for the controlled development of such properties; and/or
- B. For the preservation of natural land features, open space and other valuable desirable environmental features of a particular area; and/or
- C. A method for the development of such properties with projects utilizing unique design features, such as privately maintained recreational and/or service facilities available for the common use of residents of the area, or for specific groups of people such as the elderly, disabled, or handicapped; while insuring compliance with the general plan, any applicable specific plan and compatibility of use with respect to existing and future developments in surrounding areas.

(Ord. 2343 § 2, 1985: prior code § 9430)18.42.060 Development standards.

No plan for properties included in a planned development district shall be approved unless the same complies with the following development standards:

- A. Minimum Plan Area. No plan shall be approved unless the same includes an area of not less than the minimum lot area as set forth for the underlying zone and/or as shown on the city zoning map. Rather, the planned development procedures and standards shall not apply to legal lots which do not meet the minimum plan area standard. Legal lots which do not meet the minimum plan area may be developed to a maximum density and under development standards applicable to the next most restrictive zone category.
- B. Open Space. Every dwelling on a lot included within the boundaries of a plan shall have and maintain the following amounts of open space:
 - 1. R-E zone, nine thousand square feet per dwelling unit;
 - 2. R-1 zone, two thousand eight hundred square feet per dwelling unit;
 - 3. R-2 zone, one thousand two hundred square feet per dwelling unit;
 - 4. R-3 zone, four hundred square feet per dwelling unit;
 - 5. R-4 zone, two hundred fifty square feet per dwelling unit;
 - 6. C-O zone, one hundred fifty square feet per dwelling unit (senior citizen housing only);

Provided, that no less than four hundred square feet nor more than fifty percent of the total required open space for each unit in the R-E, R-1 and R-2 zones shall be maintained as private open space, and no less than one hundred square feet of required open space for each unit in the R-3 and R-4 zones shall be maintained as private open space.
- C. Lot Area and Width. No lot having an underlying zone classification of R-E or R-1 included in a planned development district shall be created having less than one thousand eight hundred square feet of lot area, nor be less than twenty feet in lot width. No lot having an underlying zone classification in the R-2, R-3 and R-4 zones shall be created having less than one thousand square feet of lot area, nor having a lot width of less than twenty feet.
- D. Density. The maximum dwelling-unit density in a planned development district shall not exceed the maximum density based upon the underlying zone classification and the formulas

hereinafter set forth. The maximum number of dwelling units shall be determined by dividing the total land area included in the plan, exclusive of private or public streets, by the following:

1. C-O zone, four hundred thirty-five square feet (senior citizen housing only);
 2. R-4 zone, one thousand two hundred fifty square feet;
 3. R-3 zone, one thousand seven hundred fifty square feet;
 4. R-2 zone, two thousand nine hundred square feet;
 5. R-1 zone, an amount of square footage equal to the minimum required lot area;
 6. R-E zone, an amount of square footage equal to the minimum required lot area.
- E. Off-Street Parking.
1. Required Off-Street Parking Facilities. The off-street parking requirements of this title, based upon the underlying zone classification of the lots included within a plan, shall be observed, except that senior citizen housing projects must provide a minimum of one space for each three dwelling units.
 2. Additional Guest Parking Facilities. In addition to the off-street parking requirements set forth in subdivision (1) of this subsection, one additional parking space shall be continuously provided for each three dwelling units for the purpose of providing for guest, visitor and service parking, except for senior citizen housing projects.

(Ord. 2469 § 2(b), (c), 1989; Ord. 2343 § 3 (part), 1985; prior code § 9443)

18.42.070 Application—Fees.

A filing and processing fee shall be paid contemporaneously with the filing of a plan application, in an amount as set by resolution of the city council.

(Prior code § 9435)

18.42.080 Application—Processing.

Applications shall be submitted by the Director to the public works, police, fire, parks, recreation and community services, and building and safety departments, and other agencies or individuals as determined to be necessary, for comments and recommendations. All such staff reports, including the planning department report, shall be submitted to the planning commission for its consideration.

(Prior code § 9436)

18.42.090 Hearing—Attendance by interested persons.

- A. Hearings on plans before the commission and council shall be conducted so as to allow all interested persons a reasonable opportunity to be heard in connection therewith.
- B. The action of the commission and council shall be taken by resolution.

(Prior code § 9439)

18.42.100 Hearing—Approval by commission—Notice.

At least ten days in advance of the time set for hearing on such an application by the commission, the director shall give written notice of the time and place of such hearing to the applicant, any person requesting such notice, and all persons occupying and owning property within three hundred feet of the exterior boundaries of the property or use, at the director's discretion, involved in the proposed plan. If the commission finds that the plan as submitted:

- A. Is in compliance with the provisions of this chapter; and
- B. Is consistent with the purpose and intent of the subdivision and zoning regulations, the general plan and any applicable specific plan; and
- C. Is compatible with present and future development of the property within the immediate vicinity; and
- D. Is consistent with the general peace, health, safety and general welfare; it shall recommend to the city council approval of the plan. The commission may also recommend conditions to be imposed upon such approval, if it deems the same appropriate.
- E. If the commission finds, as a result of its consideration of the plan, that the same does not comply with subsections A, B, C or D, it shall deny the plan. In cases of denial the commission's action shall be final and conclusive, unless the applicant appeals the same to the city council by filing a written letter of appeal to the city clerk, together with a filing and processing fee in an amount set by council resolution, appealing such decision to the city council. Such an appeal shall be filed in the same manner provided in Section 18.52.120.

(Prior code § 9437)

(Ord. No. 3019, § 1 , 3-25-14; Ord. No. 3112 , § 4, 2-25-20)

18.42.110 Hearing—Approval by city council.

Upon the receipt by the city clerk of an appeal in the case of a denial, or a copy of the commission's resolution recommending approval of a plan, the clerk shall set the same for hearing by the council at its next most convenient meeting. The city clerk shall give notice as required by Section 18.52.120 of the time and place set for consideration thereof by the council. At such time and place, the council shall consider the commission's files and all applicable staff reports, and any relevant evidence offered by any person, and determine whether the commission's action should be approved, modified or disapproved. The action of the council shall be based upon the same factors as are applicable to the action of the commission. The action of the council shall be final and conclusive.

(Prior code § 9438; Ord. No. 3112 , § 4, 2-25-2)

18.42.120 Development plan—Approval conditions.

Each plan shall comply with the following conditions, and any other express conditions which the planning commission and/or city council deem necessary to insure compliance with the provisions of this chapter:

- A. Compliance with Precise Plan. All improvements within a planned development district shall substantially conform to the plan as adopted, amended or modified; and
- B. Construction in Stages. A plan may provide construction in phases; and
- C. Covenants, Conditions and Restrictions. Covenants, conditions and restrictions, approved as to form by the city attorney, may be established as a part of such precise plan of development.

(Prior code § 9441)

18.42.130 Development plan—Subdivision applicability.

Any subdivision or parcel map which includes property located in a planned development district shall be denied unless such development has been approved by a plan.

(Prior code § 9442)

18.42.140 Approved plan validity.

A plan approved pursuant to the provisions of this chapter shall be valid and in effect for the same time period as applicable to a related and approved tract or parcel map, after approval thereof by the council. The director, for good cause, may extend the period of time pursuant to this section for a reasonable period of time not to exceed an additional twelve-month period.

(Ord. 2712 § 1 (K), 1997: prior code § 9440)

Chapter 18.44 ADULT ENTERTAINMENT ESTABLISHMENTS

18.44.010 Purpose and intent.

It is the purpose of this chapter to establish a balance between the rights of individuals to conduct adult businesses, as that term is defined in this chapter, and the right of residents in the city to be protected from negative secondary effects commonly associated with adult businesses and from the increased secondary effects associated with the concentration of adult businesses through reasonable and uniform regulations. It is the intent of this chapter that these regulations be utilized to prevent problems of blight, deterioration, crime, and the spread of sexually transmitted diseases, which have been demonstrated by detailed studies of numerous cities across the nation to accompany the establishment and maintenance of adult businesses.

(Ord. 2748 § 1, 1999)

18.44.020 Definitions.

The following words, terms and phrases, whenever used in this chapter, shall be construed as defined in the following subsections, unless from the context a different meaning is specifically intended and more particularly to the use of such words, terms or phrases. It is the purpose of this section to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the regulations and provisions of this chapter in order to assist in the uniform interpretation of said regulations and provisions and to insure uniformity in their application. Those definitions set forth in Chapter 18.06 of this code shall be used for purposes of uniformity of interpretation and application of the regulations and provisions of this chapter but only where they do not conflict with any definition or interpretation set forth in this chapter.

"Adult bookstore" means a business establishment that devotes more than fifteen percent of the total floor area utilized for the display and sale or rental of material which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, so long as access to such material at such establishment, including movies or video tapes, is restricted to persons over eighteen years of age and is located in a specific section of the establishment where persons under the age of eighteen are prohibited.

"Adult business," "adult business establishment" or "adult entertainment establishment" means any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult motion picture theater, adult motion picture arcade, adult drive-in theater, adult cabaret, adult motel or hotel, adult theater, adult model studio, sexual encounter establishment, body painting studio, headshop/drug paraphernalia shop, or sells or distributes adult merchandise or sexually oriented merchandise, or any other business or concern which offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical parts, but not including those uses or activities which are preempted by state law.

"Adult cabaret" means a night club, bar, restaurant or other business, establishment, whether or not serving alcoholic beverages, which features live performances, including by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, which performances are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

"Adult cabaret dancer" shall mean any person who is an employee or independent contractor of an "adult cabaret" or "adult business" and who, with or without any compensation or other form of consideration, performs as a sexually oriented dancer, exotic dancer, stripper, go-go dancer or similar dancer whose performance on a regular and substantial basis focuses on or emphasizes the adult cabaret dancer's breasts, genitals, and/or buttocks, but does not involve exposure of "specified anatomical areas" or depicting or engaging in "specified sexual activities." Adult cabaret dancer does not include a patron.

"Adult drive-in theater" means an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

"Adult hotel or motel" means a motel, hotel, or similar establishment offering public accommodations for any form of consideration which provides on a regular and substantial basis material to patrons by way of closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

"Adult live entertainment" means any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view, without opaque covering, "specified anatomical areas," or depicting, describing, or substantially relating to "specified sexual activities" whether or not the specified anatomical areas are covered.

"Adult model studio" means any business establishment where, for any form of consideration or gratuity, live human figure models display specified anatomical areas for the purpose of being observed, sketched, drawn, painted, sculptured, photographed, or otherwise similarly depicted or reproduced by persons observing the model. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Education Code of the state of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma or is otherwise in compliance with the Private Postsecondary and Vocational Education Reform Act.

"Adult motion picture theater" means a theater, with a capacity of five or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

"Adult motion picture arcade (peep shows)" means any business establishment, wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or amusement devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

"Adult theater" means a theater or other commercial establishment with or without a stage or proscenium which is used for presenting material which is, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas

"Body painting studio" means a business establishment which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude in terms of specified anatomical areas.

"Establishing an adult entertainment business," as used in this chapter, means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined in this chapter;
3. The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or
4. The relocation of any such business.

"Headshop" or "drug paraphernalia shop" means an establishment or place where more than fifteen percent of the floor area in any room is used for the sale and display of such paraphernalia and literature, including but not limited to cocaine and sniffing kits, glass mirrors for cutting cocaine, snorting spoons and tubes, strainers to sift cocaine, water pipes (bongs), everyday items with special removable tops that have been converted to conceal narcotics and drugs, including but not limited to beer cans, oil cans and plastic photograph film vials, roach clips (for holding marijuana cigarettes), books and magazines extolling the illegal use of narcotics or controlled substances. This definition does not apply to licensed pharmacies in selling and displaying paraphernalia that is medicinal equipment prescribed by licensed medical practitioners. This definition does not apply to medical marijuana dispensaries that have a conditional use permit pursuant to Chapter 18.45.

"Material" means and includes, but is not limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, and pamphlets, or any combination thereof.

"Performer" means any person who is an employee or independent contractor of an adult business, and who, with or without any compensation or other form of consideration, carries out, executes, accomplishes, or acts out adult live entertainment for patrons of an adult business. Performer does not include a patron.

"School" means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocation or professional institution or an institution of higher education, including a community college.

"Sexual encounter establishment" means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state of California engages in sexual therapy.

"Sexually oriented merchandise" means and includes books, magazines, periodicals, or other printed matter, or photographs, films, motions pictures, video cassettes, video discs, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. This term also includes

instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. Such merchandise shall also include adult video games, or coin-operated electronic game machines having visual displays and animation that depict in any manner, any activity characterized by exposure of specified anatomical areas or specified sexual activities, including sexually oriented implements or paraphernalia, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, Ben Wa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity. Such merchandise shall also include adult video games, or coin-operated electronic game machines having visual displays and animation that depict in any manner, any activity characterized by exposure of specified anatomical areas or specified sexual activities.

"Sensitive Receptors" means family day care homes, housing, senior citizens; and residential care facilities, as defined in Chapter 18.06 or any successor provisions to the noted provisions.

"Specified anatomical areas" means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; and/or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means and includes any of the following:

1. The fondling or any other touching of human genitals, pubic region, buttocks, anus or female breasts, actual or simulated; and/or
2. Sexual intercourse, actual or simulated; and/or
3. Human genitals in a state of sexual stimulation or arousal, actual or simulated; and/or
4. Acts of human masturbation, sexual stimulation or arousal, actual or simulated; and/or
5. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation, actual or simulated; and/or
6. Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain, actual or simulated; and/or
7. Human excretion, urination, menstruation, vaginal or anal irrigation, actual or simulated.

"Transfer of ownership or control," as used in this chapter, means and includes any of the following:

1. The sale, lease or sublease of an adult entertainment business;
2. The transfer of securities which constitute a controlling interest in such business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such business, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

(Ord. 2748 §§ 2—10, 1999; Ord. 2630 § 2 (part), 1994)

(Ord. No. 2919, § 1, 2-10-09; Ord. No. 3112, § 3, 2-25-20)

18.44.030 Prohibitions.

- A. No person or entity shall own, establish, operate, control or enlarge, or cause or permit the establishment, operation, enlargement or transfer of ownership or control of any adult business if such adult business is within two hundred fifty feet of another adult business or within five hundred feet of any school; library; day care facility, as defined in Sections 18.06.072 and 18.06.119; or public or private park within the city; or within two hundred fifty feet of any sensitive receptors, as defined in this chapter; or within two hundred fifty feet of any residentially or mixed-use zoned property in the city, except such properties which are used exclusively for commercial or institutional uses, such as hospitals, correctional facilities or public utility facilities, and which abut C-2, C-3, or M zoned property.
- B. An adult business establishment listed in this section shall not be established, operated, enlarged, or transferred unless the provisions of the zone in which the site or proposed site is located permits such a use. The conduct of such establishment and the use of premises shall otherwise comply with the zoning regulations of the city and all other applicable regulations.
- C. All persons wishing to establish an adult entertainment establishment within the city must apply for, on a standard application form supplied by the city's community development department and be granted an adult conditional use permit for said use, pursuant to the provisions of this chapter.

(Ord. 2748 § 11, 1999)

(Ord. No. 2919, § 2, 2-10-09)

Chapter 18.46 EQUESTRIAN USES

18.46.020 Permitted uses.

- A. In addition to any other use permitted on lots classified in the H-R, R-E or R-1 zones, equestrian uses, subject to the provisions of this chapter, shall be permitted on any such lots, if:
1. Such lot is the residence of the person conducting such equestrian use; and
 2. Such lot has not less than twenty thousand square feet of lot area, provided that an H-R, R-E, or R-1-zoned lot having over ten thousand square feet, but less than twenty thousand square feet of lot area, may be utilized for equestrian uses, if the owner or person in possession thereof:
 - a. Has a written lease, for a term of not less than two years, for vacant real property classified in zones H-R, R-E or R-1, which is contiguous to such lot, in that the rear lot line of such lot is a common lot line with the leased property and the area of which, when combined with such lot, exceeds twenty thousand square feet, and
 - b. Has agreed, in writing, on a form approved by the city attorney, to discontinue all horse keeping uses, including removal of all buildings and structures utilized for such use forthwith, upon termination of such lease;
- B. Where such conditions exist, such lot and the leased property shall be deemed and referred to in this chapter, for the purposes of this chapter, as a single "lot."

(Prior code § 9411)

18.46.030 Restrictions on use.

The following regulations shall apply to the conduct of all equestrian uses:

- A. **Number of Horses.** Not more than two horses may be maintained on a lot which contains twenty thousand square feet of area. One additional horse may be maintained on such a lot for each ten thousand square feet of area over twenty thousand square feet. Notwithstanding the provisions of this chapter, a foal, until it is one year of age, may be maintained on the same lot as its dam.
- B. **Corral—Stable.** All horses shall be confined within a corral or stable constructed in accordance with the development standards of this chapter.
- C. **Stables—Human Habitation.** No part of any stable or corral shall be used for human habitation.
- D. **Machinery—Equipment.** No storage of machinery or equipment utilized for equestrian purposes shall be permitted, except:
1. Incidental supplies and tools utilized for the care and handling of horses kept on the premises, or for the maintenance of corrals, stables and other structures on the lot, and
 2. Trailers or vehicles which are exclusively used to transport horses kept on the lot, provided that same shall not be parked or stored in a required front or side yard area.
- E. **Sanitary Conditions.** No unsanitary conditions shall be permitted to exist on property used for equestrian purposes, and each owner or person in possession of such property shall:
1. Daily clean each corral and stable of manure, offal, soiled straw or other refuse, and
 2. Place all such manure, offal, soiled straw and refuse in flytight covered receptacles, and
 3. Remove the contents of such receptacles from the lot at least once each week, and

4. Not permit the ponding of water within a corral area, and
 5. Carry out a positive program of fly control (i.e., through the use of traps, pesticides, etc.), and
 6. Store all trash, manure, offal, soiled straw and other refuse within a completely enclosed building or an area completely enclosed by a view-obscuring wall or fence, not less than six feet in height, fitted with a self-closing self-locking gate, and
 7. Control dust at all times by regular application of water, or by other suitable means, and
 8. Take all steps necessary to properly drain, so as to eliminate standing water, and
 9. There shall be displayed on or in the vicinity of any stable or corral a weatherproof notice setting forth the name of the person(s) responsible for such horses and phone number(s) to be called in the event of an emergency, and
 10. Horse waste shall not be allowed to accumulate, runoff or leach so as to create a nuisance or be offensive to other persons in the vicinity.
- F. Hiring of Horses. No person shall permit any horse quartered on any H-R, R-E-zoned or R-1-zoned property to be hired out on an hourly, daily, weekly or monthly basis, unless otherwise authorized by provisions of the WMC.
- G. Boarding of Horses. Neither boarding of horses or any other commercial equestrian use shall be permitted pursuant to this chapter.
- H. Abandonment. When an equestrian use is abandoned, all corrals and stables shall be removed by the owner of such lot within not to exceed six months after such abandonment.
- I. Screening. When any equestrian use is visible from a public street, such use shall be screened from such public street by a view-obscuring fence, not less than six feet in height.

(Prior code § 9412)

18.46.040 Permit—Required.

- A. The provisions of this chapter shall apply to all existing equestrian uses within the city as well as to all new uses commenced after the effective date of the ordinance codified in this chapter.
- B. No person shall commence any equestrian use after such effective date without first obtaining an equestrian permit in the time and manner provided in Section 18.46.050.

(Prior code § 9414)

18.46.050 Permit—Application and issuance conditions—Appeals—Modification or revocation.

No equestrian use permitted pursuant to Section 18.46.020 shall be commenced unless and until an equestrian permit therefor is obtained, in the manner set forth in this section.

- A. Applications. Persons desiring an equestrian permit shall file a written application therefor with the director, and shall pay a processing fee in an amount set by the city council. An application for an equestrian permit shall contain the following information:
1. The name and address of the applicant;
 2. The address, legal description and dimensions of the subject site;
 3. The number of horses requested;
 4. A vicinity map;
 5. A plot plan showing the area and dimensions of all buildings and structures, existing and proposed;

6. A list of the names and addresses of all owners shown as such on the latest Los Angeles County assessment roll, and persons who reside on any property which is contiguous to the subject site;
 7. Any other appropriate information as requested by the director.
- B. Notices. The director shall cause a notice of intent to issue equestrian permit to be given to all persons who reside or own real property which is contiguous, i.e., has a common lot line, to the proposed site. The notice shall generally describe the uses sought, the location thereof, and shall advise such persons of their right to protest the granting of such permit. All such protests must be written and filed with the director not later than the date set forth in such notice.
 - C. Protests. Where no protests are timely filed and the director finds that the uses proposed will comply with the provisions of this chapter, he/she shall issue such permit, subject to such conditions as he/she deems reasonably necessary to ensure compliance with this title.
 - D. Appeals. The applicant may appeal to the planning commission the action of the director in either denying such permit or conditionally approving the same. Such an appeal shall be in writing and shall be filed within not to exceed ten days after the giving of notice by the director of his/her decision. A filing and processing appeal fee, in an amount set by the city council, shall be paid with the filing of such an appeal. In the absence of a timely filed appeal, the decision of the director shall be final.
 - E. Commission Action.
 1. Where one or more written protests are timely filed, or where an appeal is timely filed, the director shall set the matter for public hearing before the planning commission. Ten days' notice shall be given to the applicant, and owners or residents of the contiguous properties, of the time and place of such hearing. The planning commission shall approve the application where it finds:
 - a. That the permit requested will not be detrimental to, or interfere with, the use, enjoyment or valuation of properties located in the vicinity; and
 - b. That the proposed site is adequate in size and shape to accommodate the uses proposed; and
 - c. That the permit, if issued, will be in compliance with the provisions of this chapter;
 2. The secretary of the commission shall give the applicant and the protestants, if any, notice of its decision. Such decision shall be final and conclusive, unless within ten days after such notice is given, an interested person appeals such decision to the city council by filing a written appeal with the city clerk. In the absence of a timely filed appeal, the commission's decision shall be final.
 - F. Appeal to Council. Where a timely appeal is filed and the filing and processing fee therefore, as set by the city council, is paid, the city clerk shall set the matter for hearing before the council, and shall give not less than ten days' written notice of the time and place thereof to the applicant and protestants, if any. The council shall approve, modify or disapprove the commission's action. The council's determination shall be based upon the same factors as are applicable to the planning commission, and such action shall be final and conclusive.
 - G. Revocation, Modification. Each permit shall be valid until abandoned or revoked. All such permits shall be subject to revocation, termination or modification as is provided in Sections 18.52.160 through 18.52.180.
 - H. Recordation. Each permit issued pursuant to this chapter shall be recorded in the office of the county recorder.

(Prior code § 9415; Ord. No. 3112 , §§ 2, 4, 2-25-20)

CHAPTER 18.48 – OFF-STREET PARKING

18.48.070 Improvement and maintenance.

- A. Size. Each off-street parking space shall have open and unobstructed dimensions as follows:
1. Non-Residential. Full-size parking spaces shall have a depth of not less than nineteen feet and a width of not less than nine feet;
 2. Residential. Full-sized parking spaces shall have a depth of not less than twenty feet and a width of not less than ten feet. The parking space dimensions should not include the thickness of exterior walls, interior separation walls, etc. when located inside a garage, carport, or similar structure.
 - a. Residential surface parking space (unenclosed) may be a minimum of 9' × 19' (with 2' overhang).
 3. Parking provided in tandem is only allowed with mixed-use and residential developments.
 - a. Tandem parking shall be a minimum of 9' x 36' (unenclosed) and 10' x 40' (enclosed).
- B. Location of Off-Site Parking Facilities. Off-street parking facilities shall be located on the same lot as the principal use served, except:
1. For any commercial or manufacturing use, if the same is located upon a lot classified in any C or M zone, or zones MU, MED, INV, and GC as otherwise noted, located within five hundred (500) feet of the outer boundaries of the lot upon which the principal use so served is located;
 2. For any joint-use parking facility allowed pursuant to Section 18.48.040.
- C. Location of On-Site Parking Facilities.
1. On-site off-street parking facilities shall be located on a lot, only as follows:
 - a. On any portion of any lot where a main building may be placed, except the same shall not be located within fifty feet of the front lot line on any R-2, R-3, R-4, or R-5-zoned lot unless:
 - i. Such facilities are located within a building which has a closable garage door for each off-street parking space located therein, or
 - ii. Each such off-street parking space is oriented and screened so that the interior thereof is not directly visible from an abutting street,
 - b. In required rear yard areas when there is no alley abutting such lot, and
 - c. In that portion of required side yard areas on interior lots within twenty-five feet of the rear lot line or abutting the rear property line or the rear one-third of the side property line of an R-zoned lot, if such parking facilities are not within a building, and
 - d. Where the turnaround or backup space for a parking space is a driveway accessing a major arterial or secondary street, such parking space shall be set back from the street right-of-way line a minimum of fifteen feet; and
 - e. Where a driveway serves only one dwelling (in addition to any "Secondary Dwelling Unit" or "Accessory Dwelling Unit" on the premises), the required, uncovered, on-site parking (including any guest parking space(s)) may be provided on the driveway serving the dwelling

unit(s) and may include up to two tandem parking spaces. Operable vehicle(s) in good repair may be parked within the front yard setback on the driveway.

2. Off-street parking facilities required on lots classified in the R-E and R-1 zones shall provide a minimum of two non-tandem parking spaces within a garage. Additional on-site parking spaces may be developed in tandem on the property.
 - a. Off-street parking facilities required on lots classified in the R-2 zone shall be located within a garage, except for required guest spaces.
 - b. Covered, partially enclosed parking spaces for commercial uses that are subject to a discretionary permit, shall be provided with security closures.
3. Not less than two-thirds of the off-street parking facilities required on lots classified in zones R-3, R-4, and R-5 shall be located in garages or carports.
 - a. The approval authority or the director of community development shall have the ability to permit an above or below ground covered parking structure instead of a garage or carport to shelter required parking spaces within a multi-family development when it is deemed necessary for the sole purpose of meeting the minimum required on-site density for the development.
4. Non-Residential Developments
 - a. Large expanses of uninterrupted parking should be avoided; well-distributed smaller lots and structured parking are preferable.
 - b. Surface parking areas should be located to the side and rear of buildings. Parking lots and structures shall not be located adjacent to parks, courtyards, or plazas, and should not be located at the intersection of two property lines that abut the intersection of two streets.

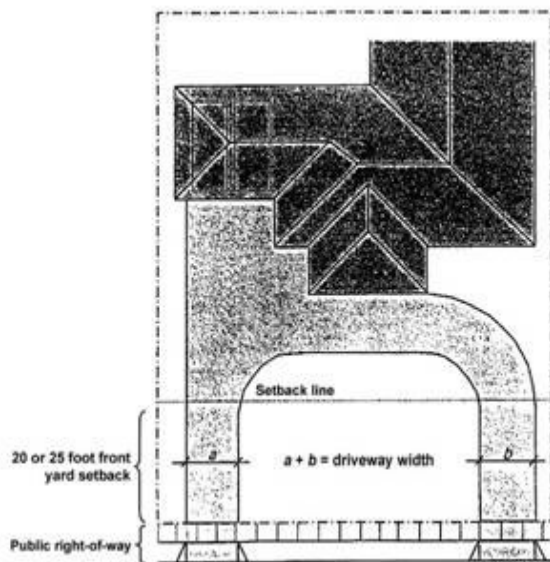
D. Access Driveways.

1. Width. Driveways serving parking areas for less than five vehicles shall be a minimum of ten feet wide. Driveways serving parking areas for five or more vehicles shall be a minimum of twelve feet wide. Where both egress and ingress are provided on a single driveway, the minimum width shall be twenty feet. Parking areas with spaces for thirty or more vehicles shall be provided with separate driveways for ingress and egress, each of which shall be not less than twelve feet in width. In no event shall driveways cover more than thirty-three and one-third of the total lot width. "Dead end" vehicular drive aisles shall be avoided to the greatest extent possible.
 - a. Throats. Curbed entrance "throats" shall be provided to prevent stacking of vehicles in public streets at all points of vehicular ingress to non-residential developments. Parking facilities with less than three hundred on-site parking spaces shall provide a thirty linear foot "throat," as measured from the property line. Parking facilities with over three hundred on-site parking spaces shall provide a sixty linear foot "throat," as measured from the property line.

The approval authority or the director of community development may, on the basis of land use, estimated traffic generation, existing traffic volumes, vehicle delay, and accident rates have the authority to require longer "throats" upon consultation with the city traffic engineer.
 - b. Residential.
 - i. Single-Family Dwellings. Driveways serving lots with one single-family dwelling, and authorized secondary and accessory units, shall be a minimum of ten feet wide. The maximum width of a driveway in the front of a lot shall not exceed one-third of the width of the lot, or twenty-four feet, whichever is the lesser, provided that no such driveway

serving a two-car garage located on the front of the lot shall be required to be less than twenty feet in width, within twenty feet of the face of the garage entrance.

- ii. Two or More Dwellings. Driveways for projects of two or more dwelling units, serving five or less parking spaces, shall be a minimum of twelve feet wide. Driveways serving six or more parking spaces shall be a minimum of eighteen feet wide and shall not be wider than one-third of the width of the lot or twenty-four feet, whichever is the lesser.
- iii. Any driveway which is over one hundred feet in length shall not be less than fifteen feet in width.
- iv. Walkways. Walkways from the street to the entry of a dwelling, shall not exceed an average of six feet in width within the required front yard area and the total combined width of the driveway and walkway shall not exceed forty percent of the width of the lot within the front yard and such walkways shall be separated from a driveway by a raised curb, or a landscaped area not less than three feet wide, to prevent use of the walkway for parking.
- v. Circular Driveways. Circular driveways shall meet the minimum requirements illustrated below and shall be reviewed and approved by the city's public works department for all new curb cuts.
 - (A) Circular driveways are only permitted for lots that are a minimum of one hundred-foot wide; and
 - (B) The combined width of the driveways shall not exceed twenty-four feet. The minimum driveway width for R-E and R-1 zones is ten feet. The driveway(s) width shall be measured at its widest point within the front yard setback.

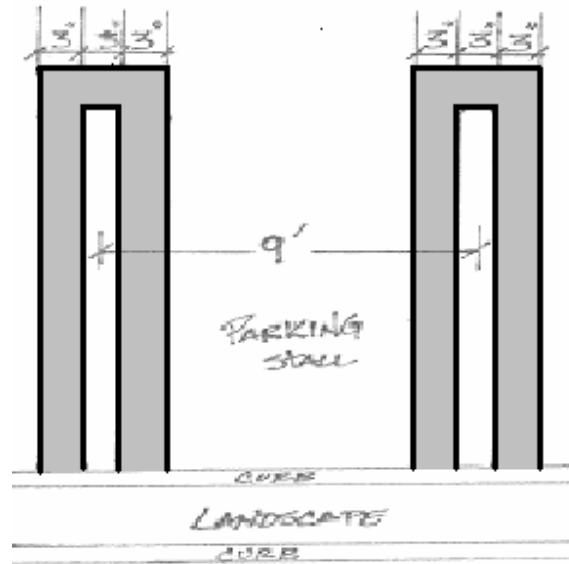


- c. Non-residential.-Two-way drive aisles that are not adjacent to on-site parking stalls shall be a minimum of twenty-six feet in width. For one-way drive aisles, the minimum width shall be fourteen feet. A minimum of a twenty-six (or twenty-five) foot drive aisle is required for two-way traffic. See Appendix "B".
 - d. Maximum Width. In no event shall driveways cover more than thirty-three and one-third percent of the total lot width, except for residential circular driveways.
2. Location. The location of access driveways shall be as follows:

- a. On properties which are served by an alley, access to parking spaces shall be from the alley, unless there are physical conditions which make it impractical to access the parking from the alley.
 - b. Where there is an existing driveway from the street and the majority of the lots on the block do not have driveways from the street and new construction results in the parking being provided from an alley, such existing driveway and drive approach shall be removed and replaced with full height curb, gutter and sidewalk. The development review authority may waive this requirement where such driveway is found to be compatible with the development of adjacent properties.
 - c. Driveways serving garages on the front fifty feet of a lot shall be separated from side property lines by a landscaped area not less than three feet wide
 - d. Driveway setbacks shall be a minimum of five feet from adjoining properties, and a minimum of three feet from adjacent buildings.
3. Joint Use. Joint use driveways are strongly encouraged at the time of development and/or redevelopment of any commercial or manufacturing site in order to reduce the conflict to a smooth flow of traffic on major arterial, secondary highway or other roadway identified in the circulation element within the city. When joint use driveways are used they shall be located and constructed in such a manner as to provide safe and convenient access to the site. Reciprocal access, parking and maintenance agreements shall be required on forms approved by the city attorney and maintained on file with the city. Driveways on properties other than commercial and manufacturing developments, used in combination with abutting properties shall be allowed when proper easements or agreements, approved as to form by the city attorney, have been executed and filed with the city;
 4. Clearance. All driveways shall be maintained with a vertical clearance of not less than twelve feet. No encroachment of any type, including but not limited to utility meters, trash receptacles, power poles, exterior plumbing or any other similar encroachment shall be permitted;
 5. Parking in Driveways.
 - a. "No Parking" signs and lettering not less than two inches in height shall be placed conspicuously at the entrance to, and at intervals of not less than fifty feet along each required driveway which serves parking facilities for five or more vehicles,
 - b. Where a driveway serves parking facilities for five or more vehicles, no person shall park, stand or leave any vehicle in any portion of the driveway, except for the purpose of, and during the process of, loading or unloading passengers or goods;
 6. Parking Access. Access driveways which serve off-street parking facilities located on any lot shall be designed and located so that a motor vehicle may leave any such space without backing into a street which is designated, for the purposes of the city's select system, as an arterial or collector street.
 7. All dedications and public service easements shall be provided under or immediately adjacent to new public rights-of-way or within other public easements areas acceptable to the Public Works Director. Utility lines under buildings will not be allowed.
- E. Surfacing. All off-street parking areas, including driveways and aisles, shall be paved with concrete or asphaltic concrete pavement in accordance with adopted city standards therefor. Such surfacing shall be designed, constructed and maintained so as to dispose of all surface water in accordance with city standards therefor.

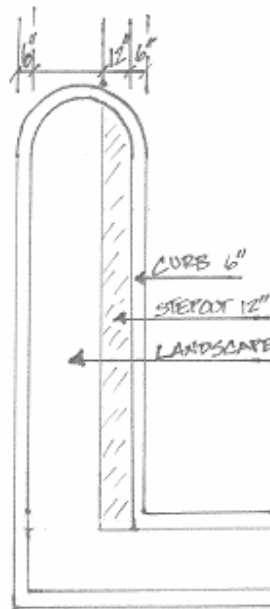
- a. Driveway entrances and main pedestrian walkways for large developments should be paved with non-slip, attractive surfaces such as interlocking unit pavers, or scored and colored concrete.
- F. Barricades. Each parking space shall be provided with a suitable concrete curb, timber barriers, or fencing designed to stop the movement of vehicles. Such curbing, barriers or fencing shall be securely installed and permanently maintained.
- G. Screening. It is the purpose of this section to provide barriers which will partially screen parking areas from adjoining streets and protect residential areas adjacent to or across the street from parking areas. Every uncovered parking or maneuvering area that is subject to a discretionary permit, which:
 - 1. Is located upon a lot which has a common lot line with any R-zoned lot shall be screened therefrom by a solid, view-obscuring wall six feet in height. Any such required wall which is adjacent to the side of a front yard area on the adjoining R-zoned property shall conform to the height regulations applicable to front yard area in such R-zoned property; and
 - 2. Is within twenty-five feet of any property line separating the area from a street; shall have and maintain an earthen berm or a decorative, view obscuring, wall or combination thereof except where approved driveways are provided, at a precise height to be determined by the director pursuant to Section 18.50.040, not to exceed a height of sixty inches or be less than twenty-four inches, measured from top of curb on the public street or parking surface, whichever is higher, subject to the review and approval of the design review board who shall act upon the request.
- H. Lights. Suitable lighting shall be provided so as to adequately illuminate any parking area having spaces for five or more vehicles or new or used-car sales areas permitted by this title. Such lighting shall be arranged so as to reflect the light away from adjacent properties and in compliance with the following:
 - a) Mounting height of light sources for area illumination (such as parking lots and yards) should be a maximum of 18 feet, measured from the finished grade.
 - b) For pole mounted lighting at pedestrian plazas, walkways, and entry areas, a pedestrian-height fixture is recommended - 12 to 15 feet in height from grade to light source. Thirteen feet is optimal.
 - c) Lighting for uncovered parking areas, vehicle access-ways and walkways shall not exceed a height of 16 feet, except that the maximum height on the rooftop of any parking structure located on a lot adjacent to any residential zone shall not exceed a height of eight feet.
 - d) Bollard mounted lighting and step-lighting is also recommended for low-level illumination of walkways and landscaped areas.
 - e) Exterior Lighting. A lighting system shall be provided in the common areas and parking areas. Such lighting shall maintain an illumination level on the ground of not less than:
 - i. 0.5 footcandles along walkways and open common areas,
 - ii. 0.5 footcandles in open parking areas and driveways;
 - iii. 1.0 footcandles on the deck and water surface of swimming pool.
- I. Entrances and Exits. The location and design of all entrances and exits to streets or alleys from off-street parking lots shall be subject to the approval of the city traffic engineer, to ensure that such will result in a minimum of interference with the traffic flow on such adjacent streets and alleys.

- J. Striping. All parking spaces shall be double striped in a manner clearly showing the layout of the intended parking stalls. Such striping, not less than three inches in width, shall be maintained in a clear, visible and orderly manner.



- K. Signs. Where required by the city engineer for safety purposes, appropriate exit, entrance and directional signs and markings shall be installed and maintained.
- L. Maintenance and Irrigation. All parking areas shall be kept clean and free of dust, mud or trash. Parking areas shall be used only for the purpose of parking vehicles. Where landscaping is provided or required within or along parking areas, an adequate irrigation system shall be provided. For all developments, the developer shall prepare binding agreements (“CC&R’s”) addressing issues of common area interest in terms of maintenance of common open space, tree planter areas, planting strips, and walks.
- M. Landscaping of Parking Areas.
1. Each parking area adjacent to a street shall be located no closer to the street than the required landscaped setback of the zone in which it is located. Said setback shall be permanently landscaped in accordance with Section 18.24.040(J);
 2. All areas within a parking lot not otherwise used as parking spaces, loading or maneuvering areas shall be permanently landscaped and maintained;
 3. Not less than ten percent of the total parking area, exclusive of required yards, shall be permanently landscaped and maintained in accordance with Section 18.24.040(J); and twenty-four-inch-box shade trees shall be planted within the parking rows at a ratio of one tree to every five parking spaces. The placement of said trees shall be in accordance with the city landscape guidelines.
 4. All required landscaped areas shall be permanently and continuously maintained by the owner or person in the possession of such areas. Landscaped areas shall be surrounded by a minimum continuous six-inch-high and six-inch wide solid concrete or decorative block curb;

5. All parking spaces located adjacent to an interior property line shall have a landscape setback of not less than five feet in width, except for conditions where reciprocal parking is provided in accordance with this chapter;
6. All parking spaces located adjacent to a building, where there are public entrances, shall be separated therefrom by a four-foot-wide sidewalk and four-foot-wide landscaped area, exclusive of allowed parking space overhang, or a combination of these with decorative planters with a drip irrigation system.
 - a. For parking spaces adjacent to building walls, which are not visible from a public street, contiguous to an R zone or do not have a public entrance, the parking space shall be separated therefrom by only a five-foot wide landscaped area;
7. In all non-residential parking facilities, a twelve-inch-wide concrete step-out with curb shall be provided within each parking lot landscape finger adjacent to a parking stall. The landscape planting area adjacent to the step-out should be a minimum of four feet wide.



8. Where adjacent to Whittier Boulevard, or a collector or arterial street, development must be separated from the street by a landscaped buffer strip. The landscaped buffer strip shall be:
 - a. A minimum of 10 feet wide that that contains trees planted at least 30 feet on-center and within five feet of the front property line.
 - b. Designed to screen vehicles while maintaining building and site visibility. This may be accomplished by a complimentary mix of berms, retaining walls, rock features, natural materials, or other similar materials. Berms shall provide a maximum 3:1 slope with varying berm heights ranging from 24-36 inches in height. Any trees included in the landscape area shall be installed and maintained to ensure visibility of buildings and their signage for location and advertising purposes and visibility into the parking area for public safety purposes.
 - c. A landscape plan shall be prepared by a licensed landscape architect and approved by the appropriate approval authority. The approval authority in its sole discretion, may require a wider landscape buffer strip depending upon the proposed project and the site's physical characteristics.

9. At non-residential properties adjacent to single or multi-family residential uses, attractive screen fencing or walls shall be provided along all side and rear property line(s) to screen buildings, service areas, and parking areas. A minimum five-foot landscape area, planted with trees at a minimum spacing of 20 feet on center, shall be established adjacent to the outside face of fences, walls, and along building walls.
 10. The perimeter of parking areas and driveways adjacent to streets and sidewalks shall be screened by a 10-foot-wide landscaped buffer that contains trees planted at least 30 feet on-center and within five feet of the front property line. The landscape buffer shall include a screening feature such as an attractive low wall or ornamental metal fence that is 36 to 42 inches in height or by a series of bollards. The perimeter of parking areas adjacent to interior block property lines shall be screened with a low wall or fence.
 11. Surface parking lot trees and other planting shall be properly maintained under the direction of a qualified arborist and utilize generally accepted pruning standards from recognized professional organizations such as the International Society of Arboriculture (ISA).
- N. **Parking Layout.** Attached to this chapter as Appendix B is that document entitled "Parking Standards Chart," which contains certain charts, diagrams and standards. Parking facilities shall be constructed and maintained in accordance with the charts, diagrams and standards as set forth in Appendix B, except that the aisle width for aisles serving only small-car parking spaces may not be less than ninety degrees—twenty feet, sixty degrees—seventeen feet and forty-five degrees—thirteen feet.
- O. **Open Space for Nonresidential Uses**
1. **General Rule.** New nonresidential development shall provide physically delineated, usable, open space ("accessible open space") along the front of a single building or within a highly visible and easily accessible area between multiple buildings on the same property.
 2. **Amount of Required Accessible Open Space.** If the gross floor area of structures on the lot is:

By Building Size (Gross Floor Area)	
a. Less than 10,000	No useable open space is required
b. 10,000 – 19,999 sq ft	1,000 square feet of open space
c. 20,000 sq ft and over	5% of total building gross floor area, up to a maximum of 3,000 sq ft
 3. **Requirements.** The following are the requirements for useable open space:
 - a. Useable open space should be accessible to all related buildings or units and remain unlocked during daylight hours.
 - b. Required parking or setback areas shall not count towards the open space requirement.
 - c. Open space shall be in the form of plazas, public greens, patios or squares, seating areas, the incorporation of an architectural landmark (e.g., a clock tower), or public art.
 - d. Useable open space should be designed to take into consideration spatial enclosure and be defined by buildings or landscape elements on a minimum of two sides. It shall include an enhanced pedestrian system that connects to adjacent public streets and sidewalks via interior walkways. It should be designed to be visible from the street, using views into the site, tree-lined walkways, or a sequence of design elements to draw people into the space.
 - e. The minimum dimensions of required open space for new development shall be 20 feet (depth and width). In instances where the proposed development has corners, angles, or other unique architectural features or the lot has an irregular configuration, the minimum depth of width dimensions of the open space area may be reduced by up to five feet,

provided that the opposite dimension is increased in the same amount for the length of the modification.

- f. Accessible open space areas should contain both landscaped areas and hardscape areas.
- g. Common landscaped green and/or garden space shall comprise between 70 percent and 80 percent of the common outdoor area. The space should be centrally located to serve all related buildings or units. The space should be rectilinear with no side less than 15 feet clear (with additional space allowance for buffer landscaping as required). Space should be 75 percent enclosed by buildings, low walls, low fences, or linear buffer landscaping (e.g. hedges or rows of trees) and not be bordered by streets or surface parking areas on more than one side.
- h. Common hardscape should comprise between 20 percent and 30 percent of common outdoor area. Common roof deck space may count towards this provision. Material selected for hardscape areas should be both functional and attractive, i.e. unit pavers or gravel. Hardscape space shall be connected directly to landscaped areas by stairs, walks, and/or ramps where necessary.

P. Pedestrian Access and Access to Transit

- 1. Pedestrian walkways shall connect major building entries and transit stops with the public sidewalk along the street. Connecting walkways shall be at least four feet wide (excluding car overhangs) and be accompanied by a five-foot minimum landscape buffer with trees planted at least every 30 feet on-center.
- 2. Transit shelters shall be provided near major concentrations of employees. For projects of at least five acres, the developer shall coordinate with the transit provider to determine a suitable location for a transit shelter on-site.
- 3. Pedestrian access must be provided between transit stops and at least one building entrance for each on-site building tenant. Transit shelters must be provided at all transit stops as specified by the Director of Public Works and/or transit provider.

(Ord. 2887 §§ 4—13, 2007; Ord. 2865 §§ 8—21, 2005; Ord. 2787, §§ 1, 3, 5 and 18, 2001; Ord. 2712 § 1(d), 1997; Ord. 2610 § 1(L—O), 1993; Ord. 2518 § 7 (part), 1990; Ord. 2515 § 3 (part), 1990; Ord. 2453 § 1, 1988; Ord. 2411 §§ 6—8, 1987; Ord. 2318 § 1(f), 1984; Ord. 2297 § 1(a—c), 1983; prior code § 9346)

(Ord. No. 2932, § 10, 8-11-09; Ord. No. 3054, §§ 7, 8, 8-9-16)

18.48.120 Parking of commercial vehicles.

- A. It shall be unlawful to park or store any commercial vehicle, of an unladen gross vehicle weight in excess of fourteen thousand pounds, tow trucks (including dismantlers' or reposessor's tow vehicles), trailers, or other related equipment within residential zones within the city. A limit of one commercial vehicle fourteen thousand pounds or less is allowed per residential lot or residence, whichever is less, within residential zones. The provisions of this subparagraph do not apply to passenger vehicles, pickup trucks, passenger or cargo vans, recreational vehicles or utility trailers. For additional definitions and restrictions, refer to Chapter 10.40 of the Whittier Municipal Code.
- B. The provisions of this section shall not apply to any vehicle owned by the city or a public utility or licensed contractor while necessary in use in the construction, installation or repair of any public utility, or to any commercial vehicle actually being used for the pickup or for the delivery of goods,

wares and merchandise, or for the delivery of materials to be used in the repair, alteration, remodeling or construction of any building.

(Ord. No. 3018, § 3 , 3-25-14)

Appendix

Non-Residential

Parking

Standards

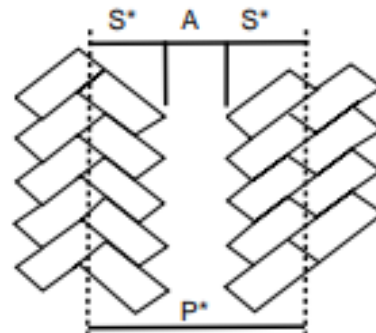
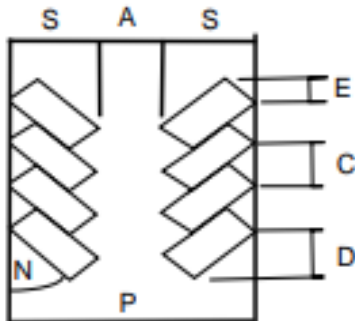
B
Chart

9' x 19' Spaces (with 2' overhang)⁽¹⁾

Angle	Depth of Stall		Aisle Width	Stall Curb Length		Width of Parking Section		
	S	S'		C	D	E	P	P'
N			A	C	D	E	P	P'
0°	9' 0"	9' 0"	12'	22'	N/A	N/A	30'	30'
30°	17' 10"	15' 1"	12'	18' 2"	17' 4"	4' 6"	49'	44' 2"
35°	18' 10"	16' 1"	14'	15' 8"			51' 8"	46' 2"
40°	19' 8"	16' 10"	14'	14' 1"			53' 4"	47' 8"
45°	20' 6"	17' 4"	16'	12' 9"	14' 2"	6' 5"	57'	50' 8"
50°	21' 1"	18' 3"	16'	11' 8"			58' 2"	52' 6"
55°	21' 7"	19'	18'	10' 11"			61' 2"	56'
60°	21' 10"	19' 7"	20" ⁽²⁾	10' 5"	10'	7' 10"	63' 8"	59' 2"
65°	22'	20'	21" ⁽²⁾	9' 11"			65'	61'
70°	21' 11"	20' 4"	22" ⁽²⁾	9' 7"			65' 10"	62' 8"
75°	21' 8"	20' 6"	23" ⁽²⁾	9' 4"	9' 1"	8' 8"	66' 4"	64'
80°	21' 4"	20' 6"	24" ⁽²⁾	9' 1"			66' 8"	65'
85°	20' 11"	20' 5"	25" ⁽³⁾	9'			66' 10"	65' 10"
90°	19'	19'	26" ⁽³⁾	9' ⁽⁴⁾	N/A	9'	66'	66'

Notes:

- (1) Aisle widths of twenty feet to twenty-four feet allow two-way traffic, when a turnaround is provided.
- (2) Aisle widths twenty-five feet and over allow two-way traffic.
- (3) A space, the side of which is against a building, wall, or fence must be twelve feet in width.
- (4) A two-foot vehicular overhang is permitted into a landscape planter area, except when there is an exclusive (required) landscape setback or open space area.



(Ord. 2887 § 16, 2007; Ord. 2865 § 22, 2005; Ord. 2787 § 10, 2001)

Chapter 18.51 REASONABLE ACCOMMODATIONS IN HOUSING TO DISABLED OR HANDICAPPED INDIVIDUALS

18.51.050 Decision on application.

- A. The director shall have the authority to consider and act on any application for a minor reasonable accommodation. The director shall issue a written determination within thirty days of the date of receipt of a completed application and may: (1) grant the accommodation request, (2) grant the accommodation request subject to specified nondiscriminatory conditions, (3) deny the request, or (4) may refer the matter to the planning commission, which shall render a decision on the application in the same manner as it considers an appeal.
- B. The zoning administrator shall have the authority to consider and act on any application for a major reasonable accommodation, or any minor reasonable accommodation request referred to it by the director. The zoning administrator shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation, after the submission of any additional information required pursuant to this section or after referral from the director and shall issue a written determination within thirty days after such public meeting. The zoning administrator may: (1) grant the accommodation request, (2) grant the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request.
- C. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of determination shall be sent to the applicant by first class mail.
- D. If necessary to reach a determination on any request for reasonable accommodation, the director may request further information from the applicant consistent with this chapter, specifying in detail what information is required. In the event a request for further information is made, the thirty-day period to issue a written determination shall be stayed until the applicant reasonably responds to the request.
- E. If, based upon all of the evidence presented to the director or the zoning administrator, the findings required in this chapter may reasonably be made, the director, the zoning administrator, the planning commission or the city council, as applicable, shall grant the requested reasonable accommodation.
- F. A reasonable accommodation that is granted pursuant to this chapter shall not require the approval of any variance as to the reasonable accommodation.
- G. The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this chapter to further fair housing. Such conditions may generally include, but are not limited to the following restrictions:
 - 1. That the reasonable accommodation shall only be applicable to particular individual(s);
 - 2. That the reasonable accommodation shall only be applicable to the specific use for which application is made; and/or
 - 3. That any change in use or circumstances which negates the basis for the granting of the approval shall render the reasonable accommodation null and void and/or revocable by the city.

- H. All reasonable accommodations granted by the city shall be subject to the requirement that they be recorded with the county recorded as to the applicable property record. The recorded notice of the reasonable accommodation shall include all of the following:
1. A termination provision requiring that the reasonable accommodation be terminated within a specified reasonable period of time after the circumstances leading to the granting of the reasonable accommodation are no longer present;
 2. A notice provision requiring the following:
 - a. That notice be given to the city when there is any material change in the disability/handicap leading to the granting of the reasonable accommodation;
 - b. That notice be given to the city when there is any sale or transfer of ownership of the property upon which the reasonable accommodation is applicable.

(Ord. 2896 § 1 (part), 2007)

Chapter 18.52 VARIANCES AND CONDITIONAL USE PERMITS

Article I. Variances

18.52.010 Purpose of variance.

When practical difficulties or results inconsistent with the general intent and purpose of this title occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner set forth in this chapter.

(Prior code 9250)

18.52.020 Standards and findings for variance

- A. When Variance is to be issued. If the body hearing an application for a zoning variance finds that every standard in subsection C of this section is met by the evidence presented at the hearing, it shall grant the variance.
- B. Burden of Proof. The applicant shall have the burden of proof to show the existence of facts which support the conclusion that the standards are met.
- C. Findings. The required findings for the granting of a variance are as follows:
 - 1. There are special circumstances applicable to the subject property (i.e. Size, shape, topography, location, surroundings) which cause the strict application of the zoning ordinance to deprive the property of privileges which are enjoyed by other property in the vicinity and under identical zoning classification.
 - 2. The variance would not be the grant of a special privilege inconsistent with the limitations on other nearby properties in the same zone.
 - 3. Issuance of the variance would not be materially detrimental to the public health, safety or welfare nor unreasonably impact nearby properties.
 - 4. Issuance of the variance would be consistent with the purposes of the general plan and the zoning regulations.

Article II. Conditional Use Permits

18.52.030 Required for designated uses.

The purpose of any conditional use permit shall be to ensure that the use for which the same is required will be rendered compatible with other existing and permitted uses located in the general area of the same. The following uses, each of which possesses characteristics of such unique and special form as to render impractical their operation without specific approval, shall be permitted in the zones as hereinafter set forth, provided that a conditional use permit is first obtained pursuant to the provisions of this chapter, unless such use is designated as a permitted use in a particular zone.

- A. Uses conditionally permitted in all zones (except R-5, C-2-(HO), INV, MU, MED, PQP, PUT – for such zones see those specific chapters:

Alcohol. If the underlying use is either permitted or conditionally permitted in the zone, the addition of the sale of alcoholic beverages for on-site or off-site consumption for such underlying use.

Any business which is a permitted (or conditionally permitted) use but which, as a course of its normal operation, includes any business-related activity open to the public between the hours of twelve midnight and six a.m.;

Cemeteries;

Dump, inert solid-fill;

Oil, gas or other hydrocarbon substances, the drilling and production thereof, including but not limited to exploratory borehole operations;

Public utility facilities and utilities operated by mutual companies, except any public facility for which a building permit is not required pursuant to the city's building regulations, and any such facility which is permitted by a city-granted franchise;

Quarries;

Solid-fill projects;

B. Uses conditionally permitted in the R-E zone:

Animals, fish, fowl (chickens, turkeys, ducks, geese, etc. as defined in Section 8.28.030 of the WMC), homing pigeons of the order Columbidae, kept and maintained for noncommercial purposes and not otherwise permitted as an accessory use (minor conditional use permit pursuant to Chapter 18.58);

Golf courses, privately owned;

Livestock, care and maintenance for commercial or noncommercial purposes (minor conditional use permit pursuant to Chapter 18.58);

C. Uses conditionally permitted in the R-1 zone:

Those uses conditionally permitted in the R-E zone;

Christmas tree farms, provided sales of trees are allowed only during the month of December;

Churches, temples and other places of worship;

Crops, field, tree, bush, berry and row, including nursery stock, the growing of;

Educational institutions, private;

Institutional freestanding signs

D. Uses conditionally permitted in the R-2 zone:

Those uses conditionally permitted in the R-1 zone;

Conversion of residential rental units to residential condominiums;

Mobilehome park;

Residential care facilities, serving seven or more persons pursuant to the California Community Care Facilities Act (Health and Safety Code Sections 1500-1518

Single Room Occupancy Developments (SRO's) , subject to the requirements in Section 18.52.190;

E. Uses conditionally permitted in the R-3 zone:

Those uses conditionally permitted in the R-2 zone;

Parking lots, commercial;

F. Uses conditionally permitted in the R-4 zone:

Those uses conditionally permitted in the R-3 zone;

Adult day care centers;

Fraternities;

(seven or more persons);

Low Barrier Navigation Center/ Hospitality houses;

Private clubs;

Sororities;

G. Uses conditionally permitted in the C-O zone:

Those uses conditionally permitted in the R-4 zone except Institutional freestanding signs;

Day care centers;

Day treatment clinics;

Hospitals, including nursing and convalescent facilities;

Mortuaries;

Radio or television towers and transmitters;

Self-service laundries (laundromats);

Single-Family and Multi-Family residences (standalone)

Substance Use Recovery Facilities;

Telephone exchanges;

H. Uses conditionally permitted in the C-1 zone:

Those uses conditionally permitted in the C-O zone, except stand-alone single-family and multi-family residences;

Any business that includes drive-through or drive-in operation;

Any use permitted in the applicable commercial zone which utilizes three or more service vehicles in conjunction therewith, where such vehicles are parked or stored overnight at the place of business;

Automobile services uses (not including auto body and fender repair or auto painting);

Health centers/fitness clubs;

Internet cafes, subject to compliance with the requirements of Section 18.24.030(F) of the Whittier Municipal Code;

Restaurants with three thousand square feet or more of gross floor area;

Retail stores with three thousand square feet or more of gross floor area;

Smoking lounges;

Tire sales and installation;

I. Uses conditionally permitted in the C-2 zone:

1. Those uses conditionally permitted in the C-1 zone, except:

a. Residential care facilities,

b. Mobilehome parks,

2. The following uses:

Adult entertainment establishments, subject to the provisions of Chapter 18.44;

Antique malls;

Auto body and fender repair;

Auto painting;

Bakery goods, wholesale distributor;

Banquet facilities;

Boat sales;

Building material sales;

Camper sales;

Car washes and auto detailing;

Circuses, carnivals, fairs with duration of more than seven days;

Cocktail lounges, bars, beer gardens and similar uses for which the primary use is the sale of alcohol

Columbariums, crematories and mausoleums;

Commercial recreation facilities open to the public which are privately owned and operated;

Convenience market (all);

Dancehalls;

Electric distribution substations;

Helistops and small heliports, FCC Class 1A;

Liquor stores;

Lodging facilities;

Machinery equipment rental service;

Motorcycle sales (new and used);

Precision engine rebuilding;

Recreational vehicle sales;

Self storage;

Service stations;

Tattoo and body piercing parlors;
Theaters and auditoriums except drive-in or open air;
Trailer sales, rental, and repair;
Used car sales (not in conjunction with new car sales);
Utility trailer and truck rental;
Veterinary (small animal) hospital
Wedding chapels;

J. Uses conditionally permitted in the C-3 zone:

1. Those uses conditionally permitted in the C-2 zone:
 - a. Pool and Billiard Halls subject to compliance with the requirements of Section 18.24.030(E)(1) of the Whittier Municipal Code;

K. Uses conditionally permitted in the M zone:

1. Uses conditionally permitted in the C-3 zone, except:
 - a. Those uses of a residential character,
2. The following uses:

Airports;

Auction houses;

Automobile dismantling yards;

Automobile impound yards;

Concrete-mixing batch plant;

Draying—freighting or trucking terminals, including moving and storage;

Dumps, rubbish and refuse;

Explosives, storage of ten pounds or more;

Heliports (all FAA classes);

Machinery equipment rental service;

Parcel service delivery depot;

Recycling, large collection facility;

Recycling, processing facility;

Rock-crushing, including the sale of rock, sand or gravel;

Storage space for transit and transportation equipment;

Swap meet (indoor or outdoor);

Truck repairing, overhauling and servicing.

(Ord. 2897 § 12, 2008; Ord. 2870 § 1, 2006; Ord. 2864 § 4, 2005; Ord. 2841 § 2, 2005; Ord. 2740 § 5, 1998)

(Ord. No. 2937, § 1, 8-25-09; Ord. No. 3099, § 4, 5-28-19; Ord. No. 3112, § 3, 2-25-20)

18.52.040 Prerequisites—Burden of proof.

- A. The following subsections of this section shall constitute the standards relating to the granting of an application for a conditional use permit. Where the body hearing such an application finds that all of the standards, as hereinafter set forth, are met by the evidence presented at the hearing, it shall grant the conditional use permit. The applicant shall have the burden of proof to show, by relevant evidence, the existence of facts which support the conclusion that the standards as set forth in this section are met.
- B. The standards for the granting of a conditional use permit are as follows:
 - 1. That the site proposed for the use is adequate in size, shape and topography; and
 - 2. That the site proposed for the use has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use; and
 - 3. That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties; and
 - 4. That the proposed use will be compatible with the permitted uses of surrounding and adjacent properties; and
 - 5. That the use will, as to location, operation and design, be consistent with the general plan, any applicable specific plan, and the Whittier zoning regulations.
- C. The standards set forth in this section relating to the granting of an application for a conditional use permit do not apply to internet cafes or adaptive re-use of a historic building or structure. Standards relating to the granting of an application for a conditional use permit specific to internet cafes are set forth in Section 18.24.030(F) of the Whittier Municipal Code for internet cafes and Section 18.84.490 (Adaptive Reuse of Historic Resources) for the adaptive reuse of a building or structure that was formerly operating as a legal commercial use within a residential zone in the city of Whittier and has been officially deemed eligible or designated as a local, state or federal historic landmark.

(Ord. No. 3074 , § 2, 9-26-17)

Editor's note(s)—Ord. No. 3074 , § 2, adopted Sep. 26, 2017, repealed the former § 18.52.040 and enacted a new section to read as set out herein. The former § 18.52.040 pertained to similar subject matter derived from prior code, § 9261; Ord. 2323, § 1, adopted in 1984; and Ord. 2841, § 3, adopted in 2005.

18.52.050 Exemptions for certain permitted or nonconforming uses.

- A. Application of Sections 18.52.030 through 18.52.050—Permitted Use. Notwithstanding the provisions of this section, if any use is designated as a permitted principal use in any zone, the conditional use permit requirement shall not apply to that use in that zone.
- B. Nonconformity. None of the uses enumerated in Section 18.52.030, for which a conditional use permit is required, shall be nonconforming if:
 - 1. The same complied with the zoning regulations in effect at the time the affected use was established; and
 - 2. The same would otherwise have acquired a nonconforming status solely by reason of the application of Section 18.52.030; and

3. There is no alteration or enlargement of the use, nor the commencement of any new use on the lot where located, except that, as to existing convenience markets and self-storage facilities such uses shall obtain, within a period of two years after the effective date of the ordinance codified in this section, a conditional use permit allowing such use and comply with the requirements of the police department regarding reducing the potential for robbery and theft.

(Ord. 2553 § 4, 1991; prior code § 9262)

Article III. Procedure

18.52.060 Applications—Who may file—Contents.

- A. Applications for a zone variance, conditional use permit, minor zone variance or minor conditional use permit shall be filed by the owner of the property affected thereby, his/her agent, or by a public utility which has filed an eminent domain action with regard to such property with the director, on forms furnished by the director, which shall set forth fully the nature of the proposed use, and the facts sufficient to justify the granting of the variance or conditional use permit in accordance to the provisions of this chapter.
- B. The applicant shall furnish to the director an accurate list of the names and addresses of all property owners to whom notice must be given as provided in this chapter.

(Prior code § 9270)

18.52.070 Applications—Filing Fees.

Each such original application, modification application or appeal shall be accompanied by a filing and processing fee in an amount as set by the council. Any applicant may withdraw his/her application by filing a written request to do so at any time prior to final action thereon. A prorated refund of processing fees may be requested if an application is withdrawn.

(Prior code § 9271)

18.52.080 Applications—Hearings.

Every application for a zone variance or conditional use permit shall be set for a public hearing before the commission by the director, except as provided in Chapter 18.58 or elsewhere in this code. Hearings may be continued from time to time by the commission or council, as it may deem necessary.

(Ord. 2887 § 17, 2007; prior code § 9272)

18.52.090 Hearings—Notice.

- A. Notice of the time and place of public hearings before the commission and council, on zone variance and conditional use permit applications, shall be given by United States mail, postage prepaid, addressed to the occupants and owners of property located within a radius of three hundred feet from the external boundaries of the property or use, at the director's discretion, to which the application relates, as shown on the latest equalized assessment roll of the county, or from other records which contain more recent and accurate addresses.
- B. Such notices shall describe the subject property and contain a brief description of the proposed use, and the date, time and place of the hearing.

(Prior code § 9274)

(Ord. No. 3019, § 2 , 3-25-14)

18.52.100 Hearings—Commission decision.

Within a reasonable time after the public hearing upon a variance or conditional use permit application, the commission shall, by resolution adopted by not less than a majority of its total membership, approve, conditionally approve or deny the same. The resolution shall contain a brief statement of facts upon which its action is based. Within seven days following the adoption of such a resolution, the commission's secretary shall forward a copy thereof to the city clerk, to the applicant, and to any other person requesting the same.

(Prior code § 9275; Ord. No. 3112 , § 4, 2-25-20)

18.52.110 Variances and permits—Additional conditions.

The granting of any zone variance or conditional use permit may be conditioned. The purpose of any such conditions shall be to insure that the activity thus permitted will be conducted in a manner consistent with the public peace, safety, general welfare and the provisions of this title.

(Prior code § 9273)

18.52.120 Variances and permits—Effective date—Appeals.

- A. The resolution of the commission granting or denying a variance or conditional use permit shall become effective and final on the thirtieth (30th) day following its adoption, unless within such period of time an appeal in writing is filed with the city clerk, by the applicant or any other interested person. Any such appeal shall be accepted for filing only upon the payment of an appeal fee as set forth by the city council. In the event no city council meeting is held within said thirty-day period, the effective date shall be extended to the date immediately following the next city council meeting at which time the city council conducts such meeting and at which time the item has been lawfully posted and agendized for city council consideration.
- B. The decision of the commission shall be final and conclusive in the absence of a timely filed appeal. The timely filing of an appeal shall stay the effective date of the commission's resolution pending action by the city council.

(Ord. 2819 § 3, 2003; Ord. 2550 § 1, 1991; prior code § 9276)

(Ord. No. 3112 , § 4, 2-25-20)

18.52.130 Appeals procedure.

Upon the filing of an appeal the secretary of the commission shall forward to the city clerk the commission's files with regard to such zone variance or conditional use permit application. Upon receipt of the same the city clerk shall promptly set the matter for a public hearing before the city council. The city council shall conduct a de novo public hearing upon the matter, and thereafter shall determine whether the application shall be approved, conditionally approved or denied. In making its determination the city council shall observe the standards set forth in Sections 18.52.020 and 18.52.040, whichever is applicable. In its discretion the city council may refer, prior to its decision, such matter to the commission for a further report, with or without additional public hearings before the commission. The determination of the council shall be by resolution, adopted by not less than a majority of the total voting membership

of the city council. The resolution shall set forth the facts as found by the city council supporting its action. The decision of the city council shall be final and conclusive in all cases.

(Prior code § 9277; Ord. No. 3112 , § 4, 2-25-20)

18.52.140 Resolution—Notice of adoption required.

Within seven days following the adoption of the resolution by the city council, a copy of the resolution shall be mailed to the applicant and any other person requesting the same.

(Prior code § 9278; Ord. No. 3112 , § 4, 2-25-20)

18.52.150 Failure to give notice not to affect proceedings.

Inadvertent failure to give notice in the manner prescribed shall have no effect upon any proceeding before the commission or the council.

(Prior code § 9279)

Article IV. Revocation, Modification and Expiration

18.52.160 Variances and permits—Revocation required—Hearing.

A. Upon recommendation by the director of community development, the commission shall conduct a noticed public hearing to determine whether such variance or conditional use permit should be revoked, unless the city council granted or modified such variance or conditional use permit upon the condition that it be subject only to city council revocation, in which case the commission may, but need not, make a recommendation concerning the revocation and the city council shall conduct the required public hearing. If the commission or city council finds any one of the following facts to be present, it shall immediately revoke or modify the variance or conditional use permit unless it concludes that some other action is appropriate to address the circumstances warranting revocation, in which case that action shall be immediately implemented or imposed:

1. The variance or permit was obtained by fraud; or
2. The use for which such approval was granted has ceased to exist by reason of a voluntary abandonment; or
3. The permit or variance granted is being or has been exercised contrary to any conditions of approval imposed upon such permit or variance, or in violation of any law; or
4. The use for which the approval was granted in being exercised so as to be detrimental to the public health or safety, or so as to constitute a public nuisance.

B. If the revocation hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Sections 18.52.120 through 18.52.150.

(Ord. 2909 § 4, 2008)

18.52.170 Variances and permits—Period of validity—Extensions.

The period of validity for any variance or conditional use permit approved by the city shall be as set forth in Section 18.04.110. Time extension(s) of the period of validity for any variance of conditional use permit approved by the city shall be granted only in accordance with Sections 18.04.120 and 18.04.130.

(Ord. 2909 § 5, 2008)

18.52.180 Variances and permits—Modification conditions.

Conditions may be modified, eliminated, or new conditions added to any variance or conditional use permit, in compliance with Section 18.04.120.

(Ord. 2909 § 6, 2008)

Article V. Additional Regulations

18.52.190 Single Room Occupancy (SRO) Developments

- A. All SRO's shall obtain approval of a conditional use permit prior to establishing such use within the city and shall pay to the city the regular fees associated with such permit. The conditional use permit application for any such use shall include a management plan for the facility, which shall provide sufficient detail regarding how the facility will be operated and managed in order that the city may determine that the facility will be compatible with surrounding uses, including the following information, at a minimum:
1. If residents and/or common areas are to be supervised or monitored, how and when such supervision or monitoring shall be provided, including whether twenty-four-hour on-site resident management will be provided, the manner in which compliance with all rules and regulations of the city or state applicable to the operations will be observed and maintained, and whether and what house rules will be applied to residents and how such rules will be enforced by the operator of the proposed facility;
 2. The total number of residents proposed to occupy the SRO and the total number of rental rooms to be occupied shall be in compliance with the maximum number permitted by this section;
 3. The number, type, and general responsibilities of staffing for the facility;
 4. How the facility will provide equal access to housing to those who are handicapped or disabled;
 5. Provisions for internal and external security, including vehicle security;
 6. Methods for tenant selection;
 7. Nature of rules that will apply to residents ("house rules"); and
 8. Any other information which the applicant feels demonstrates that the facility will be well-managed in harmony with adjacent uses.
- B. Conditional use permits granted pursuant to this section shall contain all of the following conditions, in addition to any other reasonable conditions which may be imposed by the city upon the granting of such permits:
1. All SRO operations shall comply with a city approved management plan;
 2. Revisions to the management plan shall require modification of the approved conditional use permit and the city approved management plan, except that minor changes, that do not fundamentally alter the operations or the management plan of the facility, may be approved by the director;
- C. Any conversion of an SRO to an apartment, condominium or other multi-family development must comply with the density requirements of this code and the city's general plan at the time of such conversion.

- D. All SRO facilities shall comply with the parking requirements applicable to SROs, as set forth in Chapter 18.48 of this code, prior to establishing such use within the city, unless otherwise modified through the Conditional Use Permit approval process.
- E. No parolee shall be permitted to reside in a SRO. at any time, except as may be preempted by state or federal law.
- F. No such facility shall be within five hundred feet of any other similar facility .
- G. No SRO, shall be within five hundred feet of any public or private school (pre-school through twelfth grade), including child day care facilities, as defined in Section 18.06.072 of this code and pre-schools; any residential care facilities, as defined in this title; any family day care home, as set forth in California Health and Safety Code Division 2, Chapter 3.6 (Health and Safety Code Section 1597.30 et seq.); any bar (with a license for the sale of alcoholic beverages for on-site consumption from the Department of Alcoholic Beverage Control); or any facility or retail business establishment selling alcohol (with a license for the sale of alcoholic beverages for off-site consumption from the Department of Alcoholic Beverage Control).
- H. The distance requirements herein shall be measured from the closest property line to the closest property line, along a straight line extended between the two points.
- I. All facilities shall require residents to sign an agreement that provides that a conviction for any criminal violation, not including infractions and minor traffic violations, during residency, is grounds for termination of residency whether the rental, lease, or sublease agreement is written or oral.
- J. Facilities shall be in compliance with all requirements of the city's zoning code at all times, as well as any other applicable provisions of this code, including obtaining any other permits or licenses, such as building permits or a business license, required before establishing, expanding or maintaining the use.
- K. Any violation of any local, state or federal laws by residents while on the premises shall be grounds for revocation of the conditional use permit, including but not limited to any violations of this section, where the property owner contributed to or did not take all reasonable steps to protect against or prevent the violation; and for any violation of California Penal Code Section 3003.5 or Chapter 9.66 of this code.
- L. No SRO shall be maintained in a manner which constitutes a nuisance, as defined in California Civil Code Section 3479 or other applicable law. Conduct in violation of any of the terms of this chapter or other applicable provisions of this code is hereby found and declared to be a public nuisance, and the city attorney or the district attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such SRO and restrain and enjoin any person from conducting, operating or maintaining an SRO contrary to the provisions of this chapter or code.
- M. Any owner, operator, manager, employee or independent contractor of a SRO, violating or permitting, counseling, or assisting the violation of any of the provisions of this chapter or applicable provisions of this code regulating boarding or rooming houses shall be subject to any and all civil remedies, including conditional permit revocation, criminal penalties pursuant to Chapter 1.08 of this code, and/or administrative citations pursuant to Chapter 1.09. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

(Ord. 2897 § 14, 2008)

(Ord. No. 3121 , § 14, 8-25-20)

Chapter 18.56 DEVELOPMENT REVIEW*

18.56.020 Development review required.

Development review shall be required prior to the issuance of a building permit for all single-family, duplexes, multiple family, mixed-use, office, commercial and industrial development. Additions to existing single-family, duplexes, multiple family, mixed-use, commercial and industrial development shall also require development review. Submittal of plans for development review shall follow the submittal requirements set forth in Section 18.56.030 of this chapter.

The provisions of this chapter shall not apply to any development projects which are subject to the provisions of Chapters 18.84 through 18.89 requiring application for a certificate of appropriateness, except under certain circumstances when such projects are subject to approval of a certificate of appropriateness waiver.

(Ord. 2723 § 2, 1998; Ord. 2515 § 9 (part), 1990)

(Ord. No. 3019, § 3 , 3-25-14)

18.56.040 Review by director.

Upon the receipt of an application for development review, submitted with the requirements of Section 18.56.030 and the appropriate Planning Services fee(s) in the amount set by the city council, the director shall have thirty calendar days in which to review the application for completeness and provide written notice to the applicant of the deficiencies in the application. The application shall not be processed until such time as the applicant has caused the application to be complete. Once the application has been determined to be complete, the director shall determine whether the application complies with all applicable laws, standards and guidelines. The director shall prepare or cause the preparation of a recommendation regarding the development review. Notwithstanding the approval authority outlined in Section 18.56.045 of the Whittier Municipal Code, the director may refer any development review application to the design review board and/or planning commission for action.

(Ord. 2515 § 9 (part), 1990)

(Ord. No. 3054 , § 9, 8-9-16)

18.56.045 Approval authority.

- A. Director of Community Development. The director shall have the authority to approve, conditionally approve or deny development review applications for:
1. All construction resulting in a total of not more than two dwelling units on a lot or within a subdivision project, including, but not limited to single-family dwellings, duplexes, mixed-use and live-work developments, additions, accessory structures, pools, siding, windows and re-roofing in the H-R, R-E, R-1, R-2, R-3 and R-4, R-5, C-O, MU1, MU2, MU3, and C-2 (Housing Overlay) and SP (Specific Plan) zones
 2. Multi-family projects of not more than four units designed in compliance with Optional Design Standards (ODS) in Chapter 19.
 3. Housing developments that include at least 20 percent of the units to be affordable to lower-income household, pursuant to AB1397.

4. Residential construction resulting in exterior remodels that propose an additional floor/story;
 5. Residential construction resulting in additional floor area of more than six hundred square feet of the existing floor area that is visible;
 6. Exterior remodeling and additions to existing multiple-family developments which do not exceed six hundred square feet in floor area;
 7. All nonresidential construction, additions and exterior remodeling with a floor area not in excess of five thousand square feet
 8. Signs, awnings, landscaping, parking lots, fences, walls, retaining walls and similar permits;
 9. Public notice will be required for development review applications identified in Sections 18.56.045(A)(2), 18.56.045(A)(3) and 18.56.045(A)(7). Public notice of applications for Planning Director approval shall be given to adjacent property owners and occupants, as appropriate, to include all properties within one hundred feet of the property boundary, and at a minimum, fourteen *properties surrounding the project, whichever is greater*:
 - a. For typical lots, two properties on either side of a subject parcel, five properties behind and five properties across the street from a project.
 - b. For corner lots, two properties on interior side of a subject parcel, three properties in front and behind and five properties across the opposite street from a project.
 - c. For unusual circumstances, the director of community development shall have the ability to modify the notification requirements.
 10. Public notice exceptions may be granted by the director of community development if the additions are interior to the residential structure or not visible.
 11. Accessory dwelling units and junior accessory dwelling units, notwithstanding subsection B.1 of this subsection, below.
- B. Zoning Administrator. The zoning administrator, pursuant to Section 18.58.060 of this title, shall have the authority to approve, conditionally approve or deny development review applications for:
1. Development projects resulting in a total of three to nine dwelling units on a lot or within a subdivision project not designed in compliance with Optional Development Standards (ODS) in Chapter 18.93, and additions to existing multiple-family developments which exceed six hundred square feet in floor area.
 2. Nonresidential development projects with a floor area in excess of five thousand square feet, but less than fifteen thousand square feet.
 3. Exceptions from required yards in commercial or manufacturing zones, pursuant to Sections 18.24.040(B) and 18.34.050(B) and over height walls pursuant to Section 18.24.040(F) of this title.
 4. Minor zone variances and minor conditional use permits as listed in Section 18.58.060.
 5. Public notice of applications for zoning administrator approval shall be given to adjacent property owners and occupants, as appropriate, to include all properties within one hundred feet of the property boundary, and at a minimum, fourteen properties surrounding the project, whichever is greater:

- a. For typical lots, two properties on either side of a subject parcel, five properties behind and five properties across the street from a project.
 - b. For corner lots, two properties on interior side of a subject parcel, three properties in front and behind and five properties across the opposite street from a project.
 - c. For unusual circumstances, the director of community development shall have the ability to modify the notification requirements.
- C. Planning Commission. The planning commission, pursuant to Section 18.52.090 of this title, shall have the authority to approve, conditionally approve or deny development review applications for:
- 1. Development projects resulting in a total of ten dwelling units or more on a lot or within a subdivision project, not developed in compliance with Optional Design Standards (ODS) in Chapter 18.93;
 - 2. Nonresidential development projects with a gross floor area of more than fifteen thousand square feet
 - 3. Any development project where alternative development standards are utilized, pursuant to Sections 18.10.040, 18.22.040 and 18.24.050.
- D. Design Review Board. The design review board shall be responsible for reviewing and approving project design on a citywide basis including:
- 1. Residential development projects consisting of more than four dwelling units designed in compliance with Optional Development Standards (ODS) in Chapter 18.93;
 - 2. Nonresidential development projects and additions with a floor area in excess of one thousand square feet;
 - 3. Exterior façade remodels of any buildings located in the Uptown Whittier Specific Plan area regardless if any square footage is being added and/or removed;
 - 4. Freestanding signs not designed in compliance with the design standards of Section 18.76.060
 - 5. Awnings for non-residential uses;
 - 6. Murals on private property;
 - 7. Master sign program;
 - 8. Covered, partially enclosed parking structures for commercial uses that are subject to a discretionary permit;
 - 9. Screening for every uncovered parking or maneuvering area that is subject to a discretionary permit, which has a common lot line with any R-zoned lot and/or located within twenty-five feet of any property line separating a project area from the street;
 - 10. Any project which is referred to the board by an approval authority including front yard and street side, side yard fence design exceptions.
 - 11. Front yard and street side, side yard fence designs that do not conform to the approved fence and wall palette, except properties subject to the provisions of Chapter 18,84.

(Ord. 2839 § 15, 16, 2004: Ord. 2838 § 15, 16, 2004: Ord 2798 §§ 2—5, 2002; Ord. 2765 § 2 (part), 2000; Ord. 2620 § 2 (part), 1994: Ord. 2610 § 1 (R), 1993: Ord. 2580 § 5 (part), 1992: Ord. 2528 § 1, 1991; Ord. 2518 § 8, 1990: Ord. 2515 § 9 (part), 1990)

(Ord. No. 2932, § 11, 8-11-09; Ord. No. 3019, § 4 , 3-25-14; Ord. No. 3054 , § 10, 8-9-16; Ord. No. 3116 , § 16, 5-26-20)

18.56.050 Notification of decision.

Within ten calendar days of final action on a development review application, the director shall mail to the applicant, a written notice of the decision of the approving authority and any accompanying conditions of approval. The director shall also give similar notice to the planning commission and/or city council. The action of the director, design review board, zoning administrator or planning commission is final unless appealed in accordance with Section 18.56.055.

(Ord. 2541 § 1 (part), 1991: Ord. 2515 § 9 (part), 1990)

18.56.055 Appeal of action of approving authority.

- A. Within twenty calendar days from the date of the planning director's action on a development review application, or within ten calendar days from the date of the zoning administrator's action, pursuant to Section 18.58.050, the applicant or any aggrieved person, may file with the secretary of the planning commission, a written letter of appeal accompanied by appropriate appeal fee. Upon receipt of such a letter of appeal fee, the secretary shall give the appellant ten calendar days written notice of the time and place of such hearing. Also, within said appeal period as provided in Section 18.52.120(A), any member of the planning commission may appeal the decision.
- B. Within the appeal period provided for in Section 18.52.120(A), for appeal of an action by the Planning Commission, the applicant or any aggrieved person may file with the secretary of the planning commission or with the city clerk, a written letter of appeal together with an appeal fee as set by the city council.
- C. Notice of the time and place of the public hearing on the appeal pursuant to subsection B of this section, shall be given in the manner provided in Section 18.52.090 of this chapter.

(Ord. 2819 § 4, 2003; Ord. 2620 § 2 (part), 1994; Ord. 2550 § 2, 1991; Ord. 2541 § 1 (part), 1991: Ord. 2533 § 1, 1991: Ord. 2515 § 9 (part), 1990)

Chapter 18.58 ZONING ADMINISTRATOR

18.58.060 Jurisdiction.

The zoning administrator of the city shall have the jurisdiction to hear only the following enumerated matters, which for the purposes of Chapters 18.52 through 18.58 shall be described as "minor zone variance" or "minor conditional use permit," as the case may be:

- A. Conditional use permits which would have the effect of allowing the keeping and maintenance, for noncommercial purposes, of any animal, fish, or fowl (chickens, turkeys, ducks, geese, etc., as defined in Section 8.28.030 of the WMC) not otherwise permitted pursuant to the provisions of this code, on any R-zoned lot within the city; and
- B. Conditional use permits which would allow the keeping and maintenance of livestock on any R-zoned property within the city; and

- C. Minor variances as follows which would not allow deviation from the standards set forth in this code greater than the percentage listed:
 - 1. Yard encroachments, twenty percent;
 - 2. Wall, fence and retaining wall height limitations are in the front yard setback and on the street side, side yard of property adjacent to a public street, ten percent;
 - a. Wall, fence and retaining wall height limitations in the rear and interior side yard setback, twenty-five percent. This provision shall not apply to residential property lines that are immediately contiguous to the Greenway Trail, which may have a fence or wall constructed up to ten feet in height, as per Section 18.10.030(D) of the Whittier Municipal Code.
 - 3. Building height variations, five percent;
 - 4. Driveway widths, twenty percent;
 - 5. Distance between buildings and/or structures, ten percent;
 - 6. Allowed height and background sign area of signs, ten percent; and,
 - 7. Installation of heating, ventilation and air-conditioning equipment located on the roof of an existing building, where other permitted locations are not possible or practical; and
 - 8. Minor deviations to zoning development standards not noted above, five percent.
- D. Modification and/or revocation proceedings relating to permits granted pursuant to this section.
- E. Development projects as provided for in Section 18.56.045(B).
- F. Determination of eligibility, upon application, of minor variance exception to amortization provisions for commercial signs, pursuant to Section 18.78.020.
- G. Approval of major reasonable accommodations, pursuant to Chapter 18.51.
- H. Determination of eligibility, upon application, of minor variance exception to amortization provisions for commercial signs, pursuant to Section 18.78.020.

(Ord. 2901 § 2, 2007; Ord. 2900 § 8, 2007; Ord. 2864 § 5, 2005; Ord. 2839 §§ 17, 18, 2004; Ord. 2838 §§ 17, 18, 2004; Ord. 2787 § 16, 2001; Ord. 2746 § 4, 1999; Ord. 2573 § 6, 1992; Ord. 2457 § 2, 1989; Ord. 2345 § 3, 1985; prior code § 9309)

(Ord. No. 2932, § 12, 8-11-09; Ord. No. 2998, § 7, 4-23-13; Ord. No. 3054 , § 11, 8-9-16)

CHAPTER 18.64 – YARDS AND LOTS

18.64.020 Intrusions permitted in required yards.

The following intrusions and no others may project into any required yard area, but in no case shall such intrusion extend more than forty percent of the width of the required yard or four feet whichever is the lesser and except as provided in this title:

- A. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
- B. Fireplace structures;
- C. Stairways, balconies, and fire escapes;
- D. Uncovered porches and platforms;
- E. Planter boxes or masonry planters;
- F. Guard railings for safety protection around ramps;
- G. Bay windows;
- H. Mechanical equipment including air conditioning units when adjacent to solid, view obscuring wall
- I. Water heater enclosures.
- J. Pool equipment when placed within a fully enclosed structure

(Ord. 2746 § 3, 1999; Ord. 2610 § 1(Q), 1993; prior code § 9363)

Chapter 18.72 ON-PREMISES SIGNS

18.72.020 Definitions.

In addition to the definitions contained in Chapters 18.06 and 18.76, the following words and phrases have the meanings set out in this section, unless it is apparent from the context that another meaning is intended:

1. "Abandoned sign" means a sign remaining in place or not maintained for a period of not less than ninety days, whose use has ceased, or which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the sign is located.
2. "A-frame sign" means a sign typically hinged at the top, or attached in a similar manner, and widened at the bottom to form a shape similar to the letter "A."
3. Reserved
4. Alteration. See "Modification."
5. Amortization Period. See definition in Section 18.78.010(B).
6. "Animated sign" means a sign, or a portion of a sign, an integral part of which is in action or motion, or which flashes or changes color electronically. "Animated sign" does not include revolving signs or readerboard signs.
7. "Awning" means an appendage extending from the exterior wall of a building, typically used for shading, and composed of nonrigid materials (except for the structural framework).
8. "Awning sign" means a sign painted on, or attached to, the surface of an awning.
9. "Background sign area" means the area included within the outer dimensions of the sign face containing lettering, writing, representation, or logo, together with any frame, structural, or decorative trim forming an integral part of the display and measured in square feet. Support structures for freestanding signs are not included in the sign area except when designed in a manner to further display logos, text, or lettering pertaining to the subject business. For wall or projecting signs that do not contain a clear and/or rectangular border, the background sign area is calculated by enclosing the entire sign within two sets of parallel lines.
10. "Balloon string" means an arrangement of one or more balloons, with or without any text, which are inflated with air or helium and tethered to a fixed location intended to draw attention to a specific location.
11. "Banner" means a sign fabricated of plastic, cloth, or similar material attached to a building.
12. "Can sign" means a sign constructed of a solid cabinet that is not sculpted to the shape of its contents.
13. "Canopy" means a structural or ornamental roof-like appendage attached to a building, including roof overhangs, marquees, and awnings.
14. "Canopy sign" means a sign attached beneath or placed upon the structural projection or canopy of a building.
15. "Changeable-copy sign" means a sign which is characterized by changeable copy.
16. "Channel letter" means an individual sign can for each letter of sign copy.

17. "Copy" means any written words, letters, symbols, emblems, designs, figures, and logos used to attract attention to, or identify, a land use.
18. "Design review board" means the design review board of the city of Whittier, as provided for in Chapter 2.12 of the Whittier Municipal Code.
19. "Directional sign" means on-premises, freestanding, ground, wall, projecting, or awning signs designed and used to guide or direct pedestrian or vehicular traffic to a particular location or business.
20. "Director" means the director of community development for the city of Whittier. "Director" shall also include his/her designee.
21. Facade, Primary. "Primary facade" means a building facade that faces a public street.
22. Facade, Secondary. "Secondary facade" means a building facade that contains a public entrance, but which does not face a public street.
23. Fair and Just Compensation—Commercial Signs. See definition in Section 18.78.010(G).
24. "Festoon" means decorative material or bunting typically attached to a freestanding light standard, used as a means to draw attention to a business.
25. "Flag (commercial)" means any fabric, banner, or bunting used as a means of advertising, which is attached to a building or pole.
26. "Freestanding sign" means a sign installed on the ground and detached from any building or wall. Freestanding signs include, but are not limited to, monument, pylon, and pole signs.
27. "Height" means the greatest vertical distance measured from the finished grade of the sidewalk or top of a curb, whichever is less, to the top of a sign, a sign structure, or advertising display.
28. "Human advertisement" means any person who is located anywhere within the city, and whose intent is to advertise a business or service, by way of his/her actions, including but not limited to, by holding a temporary sign, wearing a costume, or wearing body paint.
29. Illegal Sign. See definition in Section 18.78.010(H).
30. "Illuminated sign" means a sign which uses an internal or external source of light in order to make readable its copy.
31. "Inflatable character" means an inflatable, balloon-like character, character representation, logo, or other design, generally tethered to the ground or to the roof of a structure.
32. "Institutional use" means a facility supporting a public service such as a church or other place of worship; an educational institution (public or private); a hospital; and/or a center for public gathering, including any facility used for sporting events.
33. "Logo" means a visual symbol, representation, or character identifying the business or service provided, which may be all or a portion of the sign.
34. Reserved
35. "Maintenance" means replacement of copy, change of color, maintenance, or repair made to a sign. Any change in location or structure is beyond the scope of maintenance for the purpose of these provisions (see Modification).

36. "Master sign program" means a comprehensive signage plan specifying the overall sign design, location, placement, and sizes of all signs proposed for a commercial center, as specified under Section 18.75.020 of the Whittier Municipal Code.
37. "Modification" means any change in location or structure of a sign.
38. "Monument sign" means a freestanding sign designed with its horizontal dimension greater than its vertical dimension and supported by a pedestal base.
39. "Mural (commercial)" means a commercial mural is defined as artwork applied to and made an integral part of an exterior wall of a building, public or private, and which directs attention to a business, commodity, industry, or other commercial activity sold, offered, or conducted on the premises upon which such sign is located.
40. "Neon lighting and sign" means any electric gas tube lighting and any sign containing argon, neon, krypton, helium, or xenon.
41. Nonconforming Signs. See definition in Section 18.78.010(I).
42. "On-premises signs" means signs that direct attention to a business, commodity, industry, or other commercial activity sold, offered, or conducted on the premises upon which such sign is located.

For the purposes of Chapters 18.73 through 18.78 and this chapter, all signs on private property that display noncommercial messages or designs are considered on-premises signs, irrespective of where they are placed.
43. "Off-premises signs" means signs that direct attention to a business, commodity, industry, or other commercial activity sold, offered, or conducted elsewhere than on the premises upon which such sign is located.
44. "Pennant" means a flag, string of flags, or similar objects used as a means to draw attention to a business, commodity, industry, or other commercial activity.
45. "Permanent sign" means and includes all signs referred to in Chapters 18.73 through 18.78 and this chapter, except temporary signs.
46. "Pole sign" means a freestanding sign supported by one or more structural columns devoid of architectural detail and lacking integration into the sign background and face.
47. "Planning division" means the planning division of the city of Whittier's community development department.
48. "Portable sign" means any sign not permanently attached to the ground or to a building. Such signs shall include, but not be limited to, A-frame or sandwich signs, a sign on wheels, a sign that leans against a structure or vehicle, and any other sign that can be moved readily.
49. "Projecting sign" means a sign affixed to a building facade, placed at an angle perpendicular to the building's exterior wall, or bisecting the corner of a building.
50. "Promotional sign" means a sign, in addition to a permanent sign, installed on a temporary basis and used to promote a special event or product available at the site on which the sign is located.
51. "Pylon sign" means a freestanding sign designed with its vertical dimension greater than its horizontal dimension and supported by a single pedestal base or architecturally integrated support posts.

52. "Readerboard" means a sign containing, in whole or in part, electrical devices allowing for changing copy, text, or content. Electric time and temperature signs are not considered a readerboard.
53. "Roof sign" means any sign that is placed upon or above a roof of a building, and which is attached to the same, not to include signs mounted on the face of a parapet.
54. "Sculpted cabinet sign" means a single channel sign cabinet that follows the contours of the sign copy.
55. "Sign/sign structure/display" means any writing (including letter, word, or numeral), pictorial presentation (including illustration or decoration), emblem (including device, symbol or trademark), flag (including banner or pennant) or any other device, figure, or similar character which:
 - A. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, other structure or device; and
 - B. Is used to announce, direct attention to, or advertise; and
 - C. Is visible from the outside of a building.
56. "Sign placement area" means the largest flat and uninterrupted wall plane of either a primary or secondary facade, not including windows.
57. "Sign plan" means a completed application for sign development review containing those items listed under Section 18.75.010 of the Whittier Municipal Code.
58. Street Frontage, Primary. "Primary street frontage" means the linear dimension of the property line or lot line adjacent to a public street. For lots with more than one street frontage, the primary street frontage is the property line adjacent to the widest public street.
59. Street Frontage, Secondary. "Secondary street frontage" means the linear dimension of a street frontage other than the primary street frontage.
60. "Temporary sign" means any sign subject to a time limitation or used for a limited time period or purpose; provided, that temporary signs need not be attached to, painted on, or in any other manner represented on a building, other structure or device. "Temporary signs" include promotional signs.
61. "Time and temperature sign" means a sign which presents time and temperature information.
62. "Vehicle-mounted sign" means a sign attached to, placed within, or placed atop a stationary vehicle for the purpose of providing signage for a fixed use.

For the purposes of these provisions, a vehicle-mounted sign does not include a sign painted, affixed, etched, or magnetically attached to the door or side of the vehicle, and the vehicle is used in conjunction with the business to which the advertising, e.g., regular use for delivery of business products or obtaining supplies; provided, such a sign must not be attached in a manner that renders the vehicle, or a door, window, hood, trunk, or tailgate of the vehicle unmovable or unusable, or so as to violate any provision of the California Vehicle Code; and provided, the sign is not attached in a manner that renders it unsafe or in danger of detaching.

63. "Wall sign" means a sign affixed to or painted on the facade of a building with the sign face parallel to the facade, and which does not project more than twelve inches from the building wall.

64. "Window" means a glassed area enclosed within a wooden or metal frame set or affixed in the wall or door of a building.
65. "Window sign" means any sign placed upon window glazing or within three feet inside a window, which is visible from the building's exterior.

(Ord. 2900 § 3 (part), 2007)

(Ord. No. 2932, § 13, 8-11-09; Ord. No. 3054 , § 12, 8-9-16)

18.72.030 Applicability.

- A. The provisions of Chapters 18.73 through 18.78 and this chapter apply to any on-premises sign, sign structure, or display erected, constructed, attached, affixed, or altered on any private property after the effective date of the ordinance codified in this chapter, except within the Uptown Whittier Specific Plan (UWSP). Only the signs permitted in the Uptown Whittier Specific Plan (UWSP) adopted by Resolution No. 5910, as amended from time to time, are allowed on lots within the boundaries of the Uptown Whittier Specific Plan (UWSP) unless provisions of the Uptown Whittier Specific Plan (UWSP) require compliance with provisions of the WMC.
- B. The provisions of Chapters 18.73 through 18.78 and this chapter do not apply to outdoor advertising structures (billboards), as defined and regulated by Chapter 18.68 of the Whittier Municipal Code.

(Ord. 2900 § 3 (part), 2007)

18.72.040 Exempt signs.

Any sign located entirely within a building and not within three feet of a window, and which is not readily visible from the exterior of the building, is exempt from the requirements of Chapters 18.73 through 18.78 and this chapter.

(Ord. 2900 § 3 (part), 2007)

18.72.060 Prohibited signs.

Construction, installation, or placement of the following types of signs is prohibited:

- A. Pole signs;
- B. Balloon strings;
- C. Roof signs;
- D. Vehicle-mounted signs;
- E. Animated signs;
- F. Signs that produce smoke, sound, or other emissions;
- G. Any sign containing fluorescent colors;
- H. Can signs.

(Ord. 2900 § 3 (part), 2007)

Chapter 18.76 SIGN CONSTRUCTION AND PLACEMENT REQUIREMENTS

18.76.020 Wall signs.



Figure 2—Calculating Background Sign Area

Table 2 — Wall Signs (except Institutional Wall Signs)

	R3, R4, & R5	C-0, C-1, C-2 (HO), & MU-1	C-2, C-3, M, M-2, M-3, MED, & INV
A. Number	1. 1 sign per business per primary facade; and 2. 1 sign per business on 1 secondary facade ≤ 50% size primary facade sign. For multi-story buildings, 1 sign per primary façade is permitted, with sign on secondary façade permitted only at an entrance to an individual business.		
B. Location	1. Attached parallel to and in front of exterior wall. 2. May not protrude more than 12" from wall. 3. May not project above parapet or eave line, nor below sign placement area. 4. Not allowed on freestanding exterior walls or fences. 5. May not cover significant architectural details.		
C. Background Sign Area (Fig. 2)	≤ ½ square foot per lineal foot of facade.	≤ 1 square foot per lineal foot of facade.	≤ 2 square feet per lineal foot of facade.
D. Sign Length	≤ 75% of horizontal length of facade where sign is placed.		
E. Letter Height	≤ 75% of height of sign placement area, and not less than 12".		
F. Fabrication	1. Individual letters and sculpted panels must be recessed, framed, or otherwise add relief to design. 2. No painted wall signs. 3. Other fabrication methods will be reviewed for consistency with	1. Individual channel letters (including reverse channel letters), sculpted cabinet signs only, no can signs. 2. Individual letters and sculpted panels must be recessed, framed, or otherwise add relief to design. 3. No painted wall signs. 4. Other fabrication methods will be reviewed for consistency with design guidelines of this chapter.	

	design guidelines of this chapter.	
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(Ord. 2900 § 6 (part), 2007)

Chapter 18.78 NONCONFORMING AND ILLEGAL SIGNS

18.78.001 Purpose.

The purpose of this section is to provide procedures for the eventual removal of existing signs: (1) not in conformity with the regulations of Chapters 18.72 through 18.76, and (2) rendered nonconforming by prior versions and amendments to provisions regulating the placement of commercial signs within the city. Removal of nonconforming signs is equally important to the goal of improving the aesthetic value of the community areas as is the regulation of new signs.

(Ord. 2900 § 7 (part), 2007)

18.78.010 Definitions.

The following shall have the meanings set forth in this section:

- A. "Abandoned sign" means a sign remaining in place or not maintained for a period of ninety days, whose use has ceased, or which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the sign is located.
- B. "Amortization period" means twenty-five (25) years from the effective date of Ordinance 2900 codified in this chapter that resulted in a sign first becoming nonconforming.
- C. "Appellant" means the person who files any appeal pursuant to the provisions of this chapter.
- D. "Commission" means the planning commission.
- E. "Council" means the city council.
- F. "Director" means the director of community development for the city of Whittier. "Director" shall also include his/her designee.
- G. "Fair and just compensation" means:
 - 1. Fair and just compensation consists of the fair market value of an on-premises sign that has been designed, constructed, created, intended, or engineered to have a useful life of fifteen years or more, at the time that the city requires its removal. The fair market value of a sign is determined according to Section 5492 or 5493 of the California Business & Professions Code.
 - 2. Compensation is calculated as of the date the sign is removed.
- H. "Illegal sign" means any sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.
- I. "Nonconforming" means a sign that was lawfully established prior to the effective date of the ordinance codified in this chapter, and which conforms with a building permit, conditional use permit, or sign plan review approval issued prior to the effective date of the ordinance codified in this chapter but does not conform to all the applicable regulations in Chapters 18.72 through 18.76 and this chapter.
- J. "Notice" means where notice is required under this chapter, other than notice of a hearing decision, the date of the giving of such notice shall be the date of personal service thereof, or the date of its deposit in the course of transmission in the United States Postal Service.
- K. "Order" means an order of abatement, issued by the director.

- L. "Owner" means: (i) the person who is the record owner of the fee interest in the property to which an order relates, as shown on the latest assessor's roll, or as shown in a title report issued by a qualified title company; (ii) any person who is entitled to possession of such property; (iii) any person who is legally responsible for the business to which an order relates; or (iv) any person who is legally responsible for the sign to which an order relates.

(Ord. 2900 § 7 (part), 2007)

18.78.020 Applicability—Exception—Purpose.

- A. The provisions of this chapter apply exclusively to the abatement of all signs rendered nonconforming by reason of the application of Chapters 18.72 through 18.76 and this chapter.
- B. Exception. Exemption from the amortization provisions in this chapter exists if application of these provisions would unconstitutionally interfere with the investment backed expectations of the business to which the sign relates.
- C. Burden of Proof. Sign owners must show, by clear and convincing evidence, that the exception applies. "Clear and convincing evidence" means evidence of such convincing force that it demonstrates, in contrast to the opposing evidence, a high probability of the truth of the fact(s) for which it is offered as proof. The sign owner seeking the exception must also show, by clear and convincing evidence, the actual useful life of the sign at the end of which period the sign will be removed or brought into compliance with all the applicable provisions of this code.
- D. Procedure. Sign owners seeking an exception under this section must file for a minor variance at least ninety days prior to the termination of the amortization period of twenty-five years from the effective date of the Ordinance 2900 initially codified in this chapter, according to the procedures articulated in Chapter 18.58 (Zoning Administrator) of this code.
- E. Purpose. The purpose of this section is to provide sign owners with a procedure to seek an exception only where unique circumstances exist, which make the application of this chapter unreasonable. An application should only be submitted when a sign owner has sufficient evidence to demonstrate that the exception applies.
- F. Effect of Exception. Any exception will apply to a particular sign until the expiration of the period shown, by clear and convincing evidence, to be the useful life of the sign beyond the amortization period set forth in this chapter. When that additional period expires, the sign must be removed or brought into compliance with all applicable codes. No further exception as to that sign shall be granted.

(Ord. 2900 § 7 (part), 2007)

18.78.030 New signs on lots with existing nonconforming signs.

Where any sign located upon any lot in the city rendered nonconforming by reason of the application of Chapters 18.72 through 18.76 and this chapter, the following regulations apply to the construction and installation of any new sign upon such lot.

- A. Signs in Residential Zones. No new freestanding sign shall be installed on any lot classified in zones R-E, R-1, R-2, R-3, R-4, or R-5 if any nonconforming sign is located upon such lot.
- B. New Signs in MU, C, INV, MED or M Zones. Notwithstanding the existence of a nonconforming sign on any lot classified in the MU, C, INV, MED or M zones, new signs may be located upon

any such lot, provided that such signs comply, in all respects, with the provisions of Chapters 18.72 through 18.76 and this chapter including the following:

- C.
 - 1. Existing nonconforming signs, including freestanding signs, shall be removed when a new development project or major renovation of the property is proposed.
 - 2. New freestanding signs proposed in conjunction with minor renovation of a property where a nonconforming sign is located, shall comply with the provisions of Chapters 18.72 through 18.76 and this chapter, including but not limited to, Section 18.76.060.
- D.
 - 1. **Wall Signs.** New wall signs on a property with an existing nonconforming prohibited sign may be installed on any lot subject to compliance with the provisions of Chapters 18.72 through 18.76.
 - 2. **Projecting Signs.** New projecting signs may be erected on a property with an existing nonconforming prohibited sign subject to the provisions of Chapters 18.72 through 18.76.
- E. **Window Signs.** Window signs are permitted on any building within an MU, C, or r M-zoned lot pursuant to the provisions of Section 18.76.020.
- F. No person may erect or install any sign on any lot after the use to which it relates has been removed, discontinued, or abandoned.

(Ord. 2900 § 7 (part), 2007)

18.78.040 Amortization period and procedures.

- A. All permanent on-premises signs that have been designed, constructed, created, intended, or engineered to have a useful life of fifteen years or more, and which are rendered nonconforming by the enactment of these provisions, must be rendered conforming or be removed entirely within twenty-five years of the effective date of these provisions.
- B. In the event that the director, upon notice, requires abatement of a nonconforming sign designed, constructed, created, intended, or engineered to have a useful life of fifteen years or more prior to the expiration of the amortization period, not in association with a development project, the director must provide the owner with fair and just compensation for the value of the sign.
- C. Upon the effective date of the ordinance codified in this chapter, the amortization period for all signs rendered nonconforming by the enactment of this chapter begins to run. Publication of this chapter constitutes notice of the start of the amortization period. The director may, at his/her sole discretion, provide additional written notice of the above to individual owners of on-premises signs. Under no circumstances does the failure by the director to provide written notice to individual advertising display owners extend the amortization period in any way whatsoever.
- D. Any on-premises sign approval and/or conditional use permit issued by the director, or by any other official or department, at any time prior, or subsequent, to the effective date of the ordinance codified in this chapter does not extend the amortization period in any way whatsoever.
- E. Owners of existing on-premises signs may request a determination of nonconforming status from the planning division. Each request must contain the same information required for a permit

application, as outlined in Sections 18.75.010 and 18.75.020. The planning division must make its determination within thirty days of receipt of the completed request.

- F. A determination of nonconforming status may be appealed following the procedures outlined in Sections 18.78.120 through 18.78.160, below. Such an appeal must be filed within sixty days of the planning division's notice of determination. Failure to timely request a determination of nonconforming status or to timely appeal such a determination conclusively waives these rights.
- G. Neither the request for determination of nonconforming status, nor the appellate process that may result therefrom, extends or tolls the amortization period in any way whatsoever.
- H. Owners of on-premises signs are responsible to ensure that all nonconforming signs are entirely removed or rendered conforming by the date the amortization period expires. Every day thereafter that a nonconforming sign continues to be displayed may make the owner of the sign subject to administrative citation, the amount of which shall be determined by the director, based upon the size of the sign, but in no event to exceed five hundred dollars per day. Administrative citation fees may be applied retroactively to the first day following the expiration of the amortization period.
- I. In the event the nonconforming sign is not removed or rendered conforming by the expiration of the amortization period, upon notice the director has the authority to remove, or to require the removal of, the sign within seven days of such notice. The owner of the sign is responsible for the cost of removal, as well as for any administrative citations incurred after the effective date of the ordinance codified in this chapter.

(Ord. 2900 § 7 (part), 2007)

18.78.050 Removal without compensation.

- A. The Director of Community Development, at his/her sole discretion and upon notice, may require the removal, without compensation, of any sign, as follows:
 - 1. An illegal sign, as defined in Section 18.78.010(G).
 - 2. All permanent on-premises signs that the director finds have not been designed, constructed, created, intended, or engineered to have a useful life of fifteen years or more must be rendered conforming or be removed entirely upon notice by the city or within one year of the effective date of the ordinance codified in this chapter, whichever comes first.
 - 3. A sign which was lawfully erected anywhere within the territorial boundaries of the city but whose use has ceased, or the structure upon which the sign stands has been abandoned by its owner, for a period of not less than ninety days.
 - 4. Any sign which has been more than fifty percent destroyed, and the destruction is other than facial copy replacement, and the sign cannot be repaired within thirty days of the date of its destruction.
 - 5. Any sign whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expands or enlarges the building or land use upon which the advertising display is located, and the display is affected by the construction, enlargement, or remodeling, or the cost of construction, enlargement, or remodeling of the advertising display exceeds fifty percent of the cost of reconstruction of the building.
 - 6. Any sign whose owner seeks relocation thereof and relocates the sign.

7. Any sign for which there has been an agreement between the sign's owner and the Director of Community Development, for its removal as of any given date.
 8. Any sign that is or may become a danger to the public or is unsafe.
 9. Any sign that constitutes a traffic hazard not created by relocation of streets or highways or by acts of the city or the county.
- B. The director, at his/her sole discretion and upon notice, may require the removal, without compensation, of any nonconforming sign which meets all of the following criteria:
1. The sign is located within an area shown as residential on a local general plan as of the date the display was lawfully erected.
 2. The sign is located within an area zoned for residential use on the date the display was lawfully erected.
 3. The sign is not required to be removed because of an overlay zone, combining zone, or any special zoning district whose primary purpose is the removal or control of signs.
- C. Costs incurred in removing a sign pursuant to this section may be charged to the owner of the sign.
(Ord. 2900 § 7 (part), 2007)

18.78.060 Compliance with sign code as condition of permit approval.

- A. Any existing legal nonconforming sign may be required to be brought into compliance with current applicable code requirements, or removed as a condition of approval of any redevelopment, conditional use, or other approval required under any provision of the Whittier Municipal Code for the same property where the nonconforming sign is located, so long as a nexus exists between the permit or approval and the sign that must be removed or brought into compliance.
- B.
1. No city department or division shall deny, refuse to issue, or condition the issuance of a business license or a permit to construct a new legal on-premises advertising display upon the removal, conformance, repair, modification, or abatement of any other on-premises advertising display on the same real property where the business is to be or has been maintained if both of the following apply:
 - a. The other display is located within the same commercial complex which is zoned for commercial occupancy or use, but at a different business location from that for which the permit or license is sought.
 - b. The other display is not owned or controlled by the permit applicant, and the permit applicant is not the agent of the person who owns or controls the other display.
 2. The permit applicant shall receive fair and just compensation for any nonconforming sign that was designed, constructed, created, intended, or engineered to have a useful life of fifteen years or more if the city requires such sign to be removed or upgraded as a condition of permit approval for any new sign on the property, when the initial amortization period of fifteen years for the legal nonconforming sign has not yet expired.

(Ord. 2900 § 7 (part), 2007)

18.78.070 Existing nonconforming signs—Compliance.

Any nonconforming sign which is removed, destroyed, or relocated at any time after the effective date of this ordinance, may not be replaced, reconstructed, or relocated except in compliance with the provisions of Chapters 18.72 through 18.76 and this chapter. ;(Ord. 2900 §; 7 (part), 2007)

(Ord. No. 2932, § 22, 8-11-09)

18.78.080 Repair and maintenance—Conditions.

- A. Ordinary Repair and Maintenance. The ordinary repair and maintenance of a nonconforming sign or sign structure is permitted; provided, that the cost thereof shall not exceed, in any consecutive twelve-month period, an aggregate total equal to twenty-five percent of the replacement value of the sign structure, as estimated by the manager.
- B. Eminent Domain. The repair, reconstruction, or remodeling of any sign or sign structure is not permitted where a part of such structure is taken for any public use by condemnation, dedication, or purchase by any agency having the power of eminent domain, unless such repair, reconstruction, or remodeling will result in such sign and/or sign structure complying with the provisions of Chapters 18.72 through 18.76 and this chapter.
- C. Partial Destruction. Where any nonconforming sign is damaged or partially destroyed by any casualty, the same may be restored to the condition in which it existed immediately prior to the occurrence of such casualty. A nonconforming sign may not be replaced or restored to its nonconforming status if it has been more than fifty percent destroyed.
- D. Portable and Temporary Signs. Repair, maintenance, and/or reconstruction of portable or temporary signs or sign structures are not permitted.

(Ord. 2900 § 7 (part), 2007)

Chapter 18.82 RESIDENTIAL CONDOMINIUM PROJECTS

18.82.010 [Reserved]

18.82.020 [Reserved]

18.82.040 [Reserved]

18.82.050 [Reserved]

18.82.060 [Reserved]

18.82.070 [Reserved]

18.82.080 [Reserved]

18.82.100 [Reserved]

18.82.110 [Reserved]

18.82.120 [Reserved]

18.82.130 [Reserved]

18.82.140 [Reserved]

18.82.150 [Reserved]

18.82.160 [Reserved]

18.82.170 [Reserved]

18.82.175 [Reserved]

18.82.180 [Reserved]

18.82.190 [Reserved]

18.82.200 [Reserved]

18.82.210 [Reserved]

Chapter 18.92 SINGLE-FAMILY RESIDENTIAL DESIGN GUIDELINES

18.92.010 Design goals.

Single-family residential development dominates the urban form of the city. The design and configuration of lots and uses reflect various planning styles used at the time of development, such as the early town grid lots, later large subdivisions, curvilinear hillside development and planned unit developments. This diversity of housing types designed in different periods is characteristic of this community. The guidelines apply to smaller infill as well as larger master planned projects and encourage the highest level of design quality while allowing maximum flexibility in the design of single-family residential development that will:

- A. Create livable neighborhoods and residential areas as well as safe and attractive streets by encouraging high-quality architecture, landscape and design; and
- B. Emphasize design compatibility within existing neighborhoods, both in site planning and architectural design.

(Ord. 2786 Exh. A (part), 2001)

18.92.030 Site design guidelines.

- A. Grading. Grading should be minimized where possible to preserve the natural character of the land. When grading is unavoidable, incorporate the following guidelines:
 - 1. Follow the natural contours as much as possible.
 - 2. Slopes should be rounded and contoured to blend with the existing terrain.
 - 3. Emphasize and accentuate scenic vistas.
 - 4. Avoid large, manufactured slopes in favor of several smaller slopes.
 - 5. Retain and incorporate significant natural vegetation into the project.
 - 6. Implement slope-stabilizing landscaping and irrigation on manufactured slopes.
- B. Compatibility. New homes should be built in scale with the existing neighborhood. Therefore, in addition to the minimum code requirements for yards, height, lot coverage and floor area; the predominant setback, yards, size, and height of the existing neighborhood should be considered in determining the overall size and situation of the house.
 - 1. The arrangement of structures, circulation, and open spaces should recognize the particular characteristics of the site.
 - 2. Project design should relate to the surrounding built environment in pattern, function, scale, character and materials.
 - 3. Infill structures and new projects should meet or exceed the standards of quality which have been set by surrounding development.
 - 4. Structures that are distinctive due to their age, cultural significance, or unique architectural style should be considered for preservation and incorporated in the project proposal.
 - 5. Residential units should be buffered from incompatible development through increased setbacks, intensified landscaping, and appropriate building orientation.

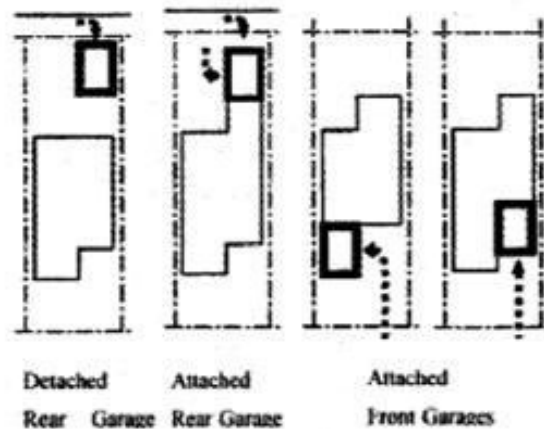
C. Building siting.

1. Primary building:

- a. Front primary buildings to the street;
- b. Front infill buildings in the same direction as the surrounding development;
- c. Vary setbacks of homes and garages.

2. Garage. The garage and driveway location is the most significant factor in determining the overall site layout for small- to medium-size lots. The configuration that best reflects the existing neighborhood pattern should be selected.

- a. Detached Garage. The garage is a separate structure from the house, usually located at the rear of the property, with alley or street access.
- b. Attached Garage—Rear. The garage is attached to the rear of the house, with side or rear access from the street or alley.
- c. Attached Garage—Side or Front. The garage is attached to the side or front of the house, with street access. Angled or side-entry garages should be used to break up the monotony of garage doors facing the street.



d. Interior Lots:

- i. If the garage is attached to the front of the house, the garage door should be perpendicular to the front property line.
- ii. If the garage door faces the street, it should be set back at least two feet from the front wall of the house.
- iii. In no case should a front-facing garage constitute greater than sixty percent of the front façade.

e. Corner Lots:

- i. If the garage is attached to the front of the house, the garage door should be perpendicular to the front of the house.
- ii. If the garage is attached to the side of the house with the garage door parallel to the front wall of the house, the garage door should be set back at least two feet from the front wall of the house.
- iii. In no case should a front-facing garage constitute greater than sixty percent of the front façade.

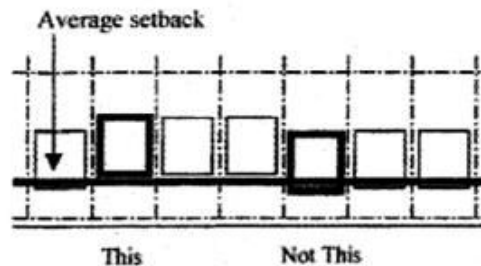
f. Design guidelines for attached and detached garages, as well as accessory structures, are found later in this document.

3. Other Accessory Structures

- a. Newly constructed Accessory Dwelling Units (ADUs) should be sited to the rear of a primary structure unless there is no feasible location on the site that can accommodate the minimum size unit authorized by Chapter 18.10.
- b. Accessory living areas (i.e., guest house, rumpus room, cabana, or pool house) and non-habitable buildings (i.e., garages) should be placed at the side and rear of the primary structure and should be proportionately scaled.

D. Setback.

The structure should be set back from the front property line either the distance required by the zoning code or the average of existing setbacks on the street, whichever is greater. Exceptions can be made at the discretion of the Director of Community Development where inconsistencies in lot patterns exist and create inequities.



E. Walls and Fences.

1. Fences and walls should be built with attractive, durable materials, including, but not limited to, wood, vinyl, wrought iron, textured concrete block, or formed concrete with reveals.
2. Chain-link fencing, corrugated metal fencing, and/or fiberglass fencing and "tennis windscreens" are not permitted within the front yard or street side, and interior side yard areas.
3. Fences or walls may not exceed a height of six feet within required yard areas and shall not exceed sixty-six inches within the required front, street side, and interior side yard areas, except as provided in this Title based on the linear feet of a subject property.
4. At the street, avoid long expanses of uninterrupted fences and walls, including those fences between the side of the house and the interior property line, which are visible from the street. Use an opening, planter box, material change, pilasters, posts, or a 3-foot stagger at least every twenty feet. When adjacent to the front corner of the house, the fence or wall shall be set back at least one foot behind the house so that the wall or fence is not in line with the front plane of the house.
5. Provide an opening to fences and walls to connect walkways to the street—for pedestrians. These pedestrian "gateways" should be announced by pilasters, special landscaping, or other special features.
6. A protective coating should be applied to all wood and iron fences.

F. Drainage.

Residential development should integrate water runoff best management practices into the site design consistent with National Pollution Discharge Elimination System (Clean Water Act) guidelines.

(Ord. 2839 § 19, 2004; Ord. 2838 § 19, 2004; Ord. 2786 Exh. A (part), 2001)

Chapter 18.94 MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES

18.94.010 Design goals.

Multi-family residential development appears in a variety of forms throughout the city. Although many of the design guidelines for single-family residential apply, multi-family projects offer a wide range of issues and opportunities unique to themselves. Multi-family developments, if not properly designed, can dominate their surroundings, increase neighborhood parking and circulation problems, and decrease common and private open space. The guidelines distinguish between small projects (two to four units), and large developments (five or more units), but present common goals that encourage the highest level of design quality while allowing maximum flexibility in the design of multi-family residential development that will:

- A. Create livable neighborhoods and residential areas as well as safe and attractive streets by encouraging high-quality architecture, landscape, design and open space; and
- B. Emphasize design compatibility within existing neighborhoods, both in site planning and architectural design.

(Ord. 2786 Exh. A (part), 2001)

18.94.030 Site design guidelines.

- A. Grading. Grading should be minimized where possible to preserve the natural character of the land. When grading is unavoidable, incorporate the following guidelines:
 - 1. Follow the natural contours as much as possible.
 - 2. Slopes should be rounded and contoured to blend with the existing terrain.
 - 3. Emphasize and accentuate scenic vistas.
 - 4. Avoid large, manufactured slopes in favor of several smaller slopes.
 - 5. Retain and incorporate significant natural vegetation into the project.
 - 6. When grading is unavoidable, minimize raising the grade significantly above the grade of adjacent properties, especially near interior property lines. When such grading is unavoidable, compensate by planning for reduced building heights within the raised grades.
 - 7. Implement slope-stabilizing landscaping and irrigation on manufactured slopes.
- B. Compatibility. New units should be built in scale with the existing neighborhood. Therefore, in addition to the minimum code requirements for yards, height, lot coverage and floor area; the predominant setback, yards, size and height of the existing neighborhood should be considered in determining the overall size and situation of the buildings.
 - 1. The arrangement of structures, circulation and open spaces should recognize the particular characteristics of the site.
 - 2. Project design should relate to the surrounding built environment in pattern, function, scale, character and materials.
 - 3. Infill structures and new projects should meet or exceed the standards of quality which have been set by surrounding development.

4. Structures that are distinctive due to their age, cultural significance, or unique architectural style should be preserved and incorporated in the project proposal.
 5. Residential units should be buffered from incompatible development through increased setbacks, intensified landscaping, and appropriate building orientation.
- C. Building Siting.
1. Primary Building.
 - a. Two to Four Units. Multi-family development projects consisting of two to four units should be designed to appear single-family in character. Ways to achieve this at the site plan level include:
 - i. The front-most units should be oriented to face the street and incorporate single-family home features, including a prominent entry, a front porch of proportionate size and a second-floor setback of at least ten feet.
 - ii. The units should incorporate architectural features that help individually distinguish them, such as wall breaks, projections, distinct color schemes and individual roof treatments.
 - iii. Attached side-by-side units are permitted if a single-family architectural appearance is maintained.
 - iv. For corner lots, units should front onto street side and front property lines.
 - v. Units should be staggered to avoid a driveway corridor effect.
 - vi. Side-facing units should face the most distant side property line from the unit.
 - vii. Building elevations abutting side yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break.
 - b. Five or More Units. Multi-family development projects consisting of five or more units should be designed to address the street and to create pedestrian connections to adjacent, complementary uses as well as public sidewalks and facilities. The site plan should address the following guidelines:
 - i. Units should front onto, in order of consideration: public streets and sidewalks, common open spaces, and interior pedestrian paths.
 - ii. Buildings constructed on corner lots should incorporate a well-defined architectural focal element addressing the corner. The corner element should complement existing corner elements on other buildings adjacent to the intersection, in size, scale and composition, and should be proportionate in size to the street intersection it addresses.

Acceptable treatments include: a) a rounded or angled facet on the corner, maximum eight feet wide on the diagonal. b) a pilaster on the corner. c) location of the building entrance at the corner. and d) an “embedded” corner tower (formed with architectural trim and ornament, not with volume protrusion).
 - iii. Special Sites. For sites at a major or “gateway” intersection, important community spaces or at unique corners where sites create acute or obtuse angles, a prominent architectural corner treatment of the building mass is encouraged. Such treatments may include: a) creation of a prominent entry at the corner b) a special architectural

“turning” of the corner with a major facade change. c) creation of a corner tower with a landmark roof form, d) use of symmetrical designs at the two flanking facades e) special attention at building facades, including fenestration over at least 25 percent of the facade’s surface.

- iv. Units facing interior property lines should face the most distant interior property line from the unit. If this is not practical, the front wall of each unit should be set back at least ten feet from the interior property line and screened from the view of adjacent properties by tall screening landscaping.
- v. If possible, the buildings should be situated to avoid a driveway corridor effect to prevent the entire length of a driveway from direct view of the public.
- vi. Building elevations abutting side yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break.

2. Garage.

Spaces within a garage or carport may be provided in tandem, subject to the provisions of Chapter 18.48.

a. Two to Four Units

- i. Alley access is required where available. To maximize open space, garages should face onto the alley and be located no further from the alley than is required for adequate vehicle access.
- ii. The front unit garage should be located behind the unit.
- iii. If the garage door is located within the front or side wall of any unit, the garage door should be recessed at least two feet into the wall of the unit in which it is located.
- iv. Detached garages should be located at the rear of the property or along the interior side lot lines behind the front unit.
- v. The garage should not constitute greater than seventy percent of the front or side wall of any unit.

b. Five or More Units.

- i. Alley access is required where available and where feasible to accommodate the number of vehicle trips expected. Garages and carports should face onto the alley and be located no further from the alley than is required for adequate vehicle access.
- ii. The garage door should be recessed at least two feet into the wall of the unit in which it is located.
- iii. The combined width of garage doors should not constitute greater than seventy percent of the front or side wall of any unit in which they are located.
- iv. Garages and carports should not be located along street property lines.

D. Driveways and Guest Parking Areas.

1. Five or More Units.

- a. Main driveways should incorporate no more than one lane in each direction, separated by a four-foot-wide net, curbed, planted divider within the required street setback area.

- b. Guest parking facilities may be located directly off the main driveway, outside the required street setback area, provided they are screened from view from the street by a forty-two-inch-high wall. Guest parking facilities should be shaded by a wood or wire trellis structure planted with appropriate landscaping.
 - d. All driveways should incorporate an enhanced paving strip consisting of unit pavers or textured/scored concrete at the entrance and at one hundred foot-intervals thereafter, of at least ten feet in width.
 - 2. Design guidelines for attached and detached garages, as well as accessory structures, are found later in this document.
- E. Setback. The structures should be set back from the front property line either the distance required by the zoning code or the average of existing setbacks on the street, whichever is greater.
- F. Open Space.
 - 1. Two to Four Units.
 - a. All open space should be fenced for the private use of the occupants of the unit it is intended to serve.
 - b. Ground-level open space should be bounded only by garden walls, garage walls, and/or the walls of the unit the open space is intended to serve.
 - c. Ground-level open space should be located adjacent to required side and rear yards to maximize their useable area.
 - d. Above-ground open space (i.e. decks and balconies) should be set back at least ten feet from interior property lines.
 - e. Required common and private open space shall not include required setback areas
 - f. Private open space shall not be less than eight feet in any dimension and shall have a minimum area of not less than one hundred square feet except for balconies, which shall have a minimum dimension of six feet by ten feet.
 - 2. Five or More Units.
 - a. Common open spaces should be connected and coordinated with public landscape and hardscape improvements, where existing. Common open space should be enhanced with paths, plazas, gardens, benches, shade structure, or water elements. These improvements should be consistent with the architectural style of the building. Open space amenities may include a barbecue, tot lot, dog play area, dog bathing station or other resident serving features.
 - b. All private open space should be fenced for the private use of the occupants of the unit it is intended to serve.
 - c. Ground-level private open space should be bounded only by garden walls, garage walls and/or the walls of the unit the open space is intended to serve.
 - d. Ground-level private open space should be located adjacent to required side and rear yards to maximize their useable area.
 - e. Above-ground private open space (i.e. decks and balconies) should be set back at least ten feet from interior property lines.

- f. An interconnected path system should be provided and should be integrated with the public sidewalk, where available. The path system should serve the guest parking areas.
 - g. Mechanical equipment should not be placed within the private open space.
 - h. Required common and private open space shall not include required setback areas
 - i. Private open space shall not be less than eight feet in any dimension and shall have a minimum area of not less than one hundred square feet except for balconies, which shall have a minimum dimension of six feet by ten feet.
- G. Landscaping.
- 1. Two to Four Units.
 - a. Three, twenty-four-inch box size trees should be provided for each unit. The trees should be planted where they will provide significant shade for open space areas, including ground level open areas, porches and second-floor balconies; where they will shade units to reduce air conditioning demand in summer months; and where they will enhance privacy between units as well as protect the privacy of abutting lots.
 - b. Planting areas throughout the property should be enhanced with shrubs and flower beds.
 - 2. Five or More Units.
 - a. One and a half, thirty-six-inch box size trees should be provided for each unit. The trees should be planted where they will provide significant shade for open space areas, including ground level open areas, porches and second-floor balconies; where they will shade units to reduce air conditioning demand in summer months; and where they will enhance privacy between units as well as protect the privacy of abutting lots.
 - b. Planting areas throughout the property should be enhanced with shrubs and flower beds.
 - c. Adjacent to non-residential projects, an eight-foot tall attractive screen fence or wall should be provided (outside the required front and street side yard) to screen buildings, service areas, and parking areas. A minimum five-foot landscape area, planted with trees at a minimum spacing of 20 feet on center, shall be established adjacent to the outside face of fences, walls, and along building walls. The final design shall be approved by the Director of Community Development.
- H. Utilities. Transformers, post-indicator valves, backflow-preventers and similar apparatus shall either be undergrounded or located in inconspicuous areas and screened with landscaping.
- I. Walls and Fences.
- 1. The following guidelines are common to all multi-family residential development:
 - a. Fences and walls should be built with attractive, durable materials, including, but not limited to, wood, wrought iron, textured concrete block, or formed concrete with reveals. A protective coating should be applied to all wood and iron fences.
 - b. Chain-link fencing, corrugated metal fencing, fiberglass fencing, and "tennis windscreens" are not permitted within the front yard or street side, side yard areas.
 - c. Fences or walls should be compatible with materials and designs used on the dwelling and accessory buildings.

- d. Walls may not exceed a height of six feet within required yard areas, except as provided in this Title, and should not exceed forty-two inches within the required front and street yard areas.
 - e. At the street, avoid long expanses of uninterrupted fences and walls, including those fences between the side of the front unit and the interior property line, which are visible from the street. Use an opening, planter box, material change, pilasters or posts, or a three-foot stagger at least every forty feet. When adjacent to the front corner of the front unit, set back fence or wall at least one foot behind the unit so that the wall or fence is not in line with front plane of the unit.
 - f. Walls, including columns, shall be finished with a trim cap.
 - g. Walls along interior property lines, within the front yard, should be stepped down at least two times and each step should be marked by a column, that is wider than the wall.
2. Provide an opening to fences and walls to connect walkways to the street. These pedestrian "gateways" should be announced by pilasters, special landscaping, or other special features.
- J. Drainage. Residential development should integrate water runoff best management practices consistent with the National Pollution Discharge Elimination System (NPDES) into the site design.
- (Ord. 2839 § 20, 2004; Ord. 2838 § 20, 2004; Ord. 2786 Exh. A (part), 2001)

18.94.040 Architectural design guidelines.

- A. Two to Four Units.
- 1. The architectural style chosen should reflect a design that characterizes or complements the predominant neighborhood pattern and which is characteristic of single-family homes.
 - 2. In neighborhoods defined by a single architectural style, new units should be built to reflect that style.
 - 3. The architectural style should be consistent across all units, however, each unit should have a distinct color scheme, as well as a unique exterior design based on a consistent style.
- B. Five or More Units
- 1. The architectural style chosen should reflect a design that characterizes or complements the predominant neighborhood pattern.
 - 2. The architectural style should be consistent or compatible across all unit, however, variation in color schemes and design details should be evident.
 - 3. Some commonly found styles in the city are described below, along with their defining elements.
 - a. Craftsman. Heavy exposed beams and porch columns; full-width front porches; use of natural materials such as river stone and brick for base treatments; low-pitched roofs with wide eave overhangs; wood or stucco siding; darker earthtone exterior colors; double- or single-hung windows;
 - b. Mediterranean. Low-pitch, tile or flat roofs with parapet; arched windows and entries, sometimes recessed; trowelled stucco finish; cream or light earthtone color; front porches

accented with decorative columns or pilasters; if two-story, upper windows smaller and less ornate than lower windows;

- c. Queen Anne Victorian. Asymmetrical design with off-set cutaway bay windows; front entry and wrap-around porches; irregularly-shaped roofs with dominant front-facing gable; double- or single-hung windows; steeply-pitched roofs; patterned shingle-siding within gables and between stories; lap-siding; decorative spindlework and brackets; bright colors;
- d. Tudor. Steeply-pitched, usually side-gabled roof with prominent, front-facing cross-gable; decorative half-timbering; arched entry; tall, narrow windows; large chimneys with decorative chimney pots; variety of siding, including stucco, brick, wood or stone cladding;
- e. Ranch. Low-pitched, hipped roof with wood or wood-look shingles and wide eaves; wide windows; variety of siding with base treatment, including stucco, lap, board-and-baton, brick or stone cladding.

C. Scale and Massing.

- 1. Two to Four Units. The scale and massing of the house should reflect the existing neighborhood pattern. At a minimum, the following guidelines should be implemented (note that exceptions to these requirements are permissible, if the style of the house dictates otherwise):
 - a. The front wall mass of each unit should be broken up into two or three planes, with one deep break of at least three feet. No required plane should be less than twenty-five percent of the length of the front wall.
 - b. All front, rear, and interior facing wall planes should be proportionately fenestrated, including garage side walls and dormers.
 - c. The roof design should follow the wall planes.
 - d. The steepness of the roof pitch should follow the existing neighborhood pattern.
 - e. Second stories should be set back at least five feet from the front wall of the first story and should comprise no more than eighty percent of the combined width of all front walls.
 - f. Attached Garages:
 - i. Street-facing, single garage doors should be no wider than nine feet and should be separated from adjacent garage doors by a structural column no less than one foot wide.
 - ii. Garage doors should be located singularly or in pairs.
 - iii. Front or side-facing pairs of garage doors should not be located closer than ten feet to each other.
- 2. Five or More Units. At a minimum, the following guidelines should be implemented. Exceptions to these requirements are permissible, if the architectural style dictates otherwise.
 - a. Attached units should incorporate plan elements which provide distinction to individual units or small groups of units, such as wall breaks, projections, individual roof treatments, porches and decks.

- b. The front wall mass of each unit should be broken up into two or three planes, with a break depth of at least three feet. No required plane should be less than twenty-five percent of the length of the front wall.
 - c. Street-facing buildings should incorporate one architectural focal element for every one hundred feet of individual building length, such as a tall projecting gable element. Avoid spacing focal points at regular intervals. Instead, create a distinct appearance by locating elements asymmetrically, side by side, at varying heights, or near a corner element for added corner emphasis.
 - d. Street-facing units should incorporate a deep wall break or setback for each one hundred feet of combined building length. The overall length of the breaks/setbacks should be at least forty percent of the total combined length of the street-facing buildings. The depth of the breaks or setbacks should be at least ten percent for each one hundred feet of the combined building lengths.
 - e. Units adjacent to property lines should incorporate a third-floor setback of at least ten feet from lower-story walls facing the property line. Units adjacent to pedestrian paths and common open spaces should incorporate a third-floor setback of at least five feet from the wall facing the path or common open space.
 - f. All front, rear and interior facing wall planes should be proportionately fenestrated, including garage side walls and dormers.
 - g. The roof design should follow the wall planes.
 - h. The steepness of the roof pitch should be consistent with the architectural style.
3. Garages.
- a. For multiple-car garages, no single garage door should exceed nine feet in width and intervening posts should be at least one foot in width.
 - b. Garage and carport structures should be limited to accommodating eight to twelve cars, in order to maintain proportion with the dwelling unit buildings.
 - c. Integrate substantial design elements (i.e. columns, beams, roof design) into carport structures to convey a more permanent concept. Prefabricated metal carports are not permitted.
- D. Entries and Windows.
- 1. Two to Four Units. Main entries should be given prominent treatment and should be oriented to address the street or the side property line furthest from the front of the unit. Main entries should incorporate the following elements:
 - a. A proportionately sized front porch, but in no case with dimensions less than eight feet by ten feet. At least fifty percent of the front porch should be covered and integrated with the roof design. The porch should be defined by a low wall or railing with balustrades no higher than four feet. The porch size may be modified based on the architectural style.
 - b. Front door surround treatment, such as decorative trim appropriate to the style, a recess, or sidelights.
 - c. A decoratively-paved walkway leading to the sidewalk.
 - d. A decorative, shaded porch light appropriate to the architectural style.

- e. Windows should be arranged to avoid direct views into the windows of neighboring units.
 - f. Windows should not be placed in the path of vehicle headlights.
2. Five or More Units. Main entries should be given prominent treatment, by incorporating the following elements:
- a. A proportionately sized front porch, with dimensions less than eight feet by ten feet. At least fifty percent of the front porch should be covered, integrated with the roof design. The porch should be defined by a low wall or railing with balustrades no higher than four feet. The porch size may be modified based on the architectural style.
 - b. For higher-density projects, an enclosed landing or stoop is acceptable in lieu of a porch, with minimum dimensions of six feet by eight feet, and with a path or stairs leading down to the sidewalk.
 - c. Front door surround treatment, including a cover for weather protection, utilizing decorative trim appropriate to the style, a recess, or sidelights.
 - d. A decoratively-paved walkway leading to the sidewalk.
 - e. A decorative, shaded porch light appropriate to the architectural style.
 - f. Windows should be arranged to avoid direct views into the windows of neighboring units.
 - g. Windows should not be placed in the path of vehicle headlights.
3. General Comments. A change in grade from street level to the entrance is recommended to protect the privacy of residential units. The privacy threshold may be further increased by using landscaped slopes or changes in grade, low walls, or gates to separate private front yards from the public sidewalk.
- a. Stoops, Open Porches, and Entrance Vestibules should face the street at varied intervals which correspond to the vertical modules of attached building units. These should be wide enough for people to sit on and make entries inviting.
 - b. At least two of the following three items shall be incorporated at each entry point: address sign, doorbell, and mailbox.
 - i. Open porches should have attractive bulkheads or balustrade railings and a roof that complements the pitch and materials of the main roof.
 - ii. Low Hedges, Fences and/or Entry Gates may be used to define the edge between the public street and private property. Chain link fences are prohibited.
 - c. Units with a landscaped front yard shall provide at minimum, a 24-inch box tree.

E. Architectural Trim and Finish Materials.

The following elements are common to all multi-family development and should be incorporated into the design of the house/unit, unless the style dictates otherwise:

- 1. All windows, doors and garage doors should be trimmed or otherwise distinctly emphasized. Ways to accomplish this include a wood surround or stucco "pop-out," a recess, or a bay window design. Awnings may also be used, if appropriate to the style. The window trim color should be compatible with the colors used on the main dwelling.

2. A base treatment of at least four feet in height and the incorporation of at least a one-inch projection from the wall surface above. The base treatment should be of a darker color and/or material than the wall surface above, as appropriate to the style, and should incorporate a cap course or capping element.
3. Gable/attic vents should incorporate an integrated, decorative design appropriate to the style.
4. Chimneys should be sided with natural stone, masonry, or stucco, as is visually appropriate to their function.
5. Pitched roofs should be shingled or tiled as appropriate to the architectural style of the house. Shingles should have a dimensional quality.
6. Rain gutters and downspouts should be inconspicuously located and painted to match the building color.
7. Architectural details and trim, including siding, should be carried onto all sides of the dwelling. Rear units should not be afforded significantly less architectural detail than front units.
8. The wall and trim colors should be appropriate to the architectural style of the units, as described above.
9. All finish materials should be of high quality. Faux materials are not encouraged but are permissible if a high-quality imitation is selected, especially if using faux river stone or brick.
10. In all cases, outside corner material changes are not permitted. Additionally, foam may not be used for trim or details except on upper stories.

F. Additions and Accessory Buildings.

Additions should be constructed as an integral part of the structure to which they are attached. Detached garages for all multi-family development should reflect the architectural style of the primary building to which they relate by incorporating the following guidelines:

1. The existing siding should be carried onto the addition or building.
2. The windows should be of the same style as the main house, including opening mechanisms and trim.
3. The existing roof line should be carried onto the addition. Shed-roof additions are not permitted, unless integral to the style of the house. For detached structures, the roof style should be the same as that of the main building.
4. Overall proportion should be maintained.
5. Integrate substantial design elements (i.e. columns, beams, roof design) into carport structures to convey a more permanent concept.

6. Prefabricated metal carports are not permitted.

G. Exterior Lighting.

1. Two to Four Units.
 - a. Lighting should be provided by a combination of porch lights, bollards, and/or a ground-level decorative landscape and path lighting system.
 - b. Where flood lighting is deemed essential, lighting should be provided by shaded fixtures which are complementary to the architectural style of the units. "Wall pack" style, high

intensity security lights produce unnecessary "light pollution" in the form of glare and are not permitted.

- c. Targeted uplighting for Building Facades, Roofs, and Landscape Areas is recommended, particularly for areas visible from the main street.
2. Five or More Units.
- a. Lighting should be provided by a combination of porch lights, bollards, and/or a ground-level decorative landscape and path lighting system. Proportionately sized light standards are acceptable for large area lighting in larger projects.
 - b. Where flood lighting is deemed essential, lighting should be provided by shaded fixtures which are complementary to the architectural style of the units. "Wall pack" style, high intensity security lights produce unnecessary light pollution in the form of glare and are not acceptable.
 - C. Targeted uplighting or downlighting for building facades, roofs, and landscape areas is recommended, particularly for areas visible from the main street.

(Ord. 2786 Exh. A (part), 2001)

H. Live Work

1. Subject to Director's approval, each live/work unit shall maintain a commercial services "work" component adjacent or readily accessible to the street of sufficient depth on the ground floor to accommodate the work component. The "work" component shall be clearly identified as separate from the residential living unit and is subject to the applicable building and fire code requirements.